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PLANNING COMMITTEE

DATE: THURSDAY 12 NOVEMBER, 2009
TIME: 2.30 P.M.
PLACE: COUNCIL HOUSE, ARMADA WAY, PLYMOUTH

Members –

Councillor Lock, Chair.
Councillor Mrs. Stephens, Vice-Chair.
Councillors Mrs. Bowyer, Delbridge, Fox, Martin Leaves, Nicholson, Roberts, Stevens, Tuohy, Vincent and Wheeler.

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

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

BARRY KEEL
CHIEF EXECUTIVE

PLANNING COMMITTEE

PART I (PUBLIC COMMITTEE)

AGENDA

1. APOLOGIES

To receive apologies for non-attendance submitted by Committee Members.

2. DECLARATIONS OF INTEREST

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

3. MINUTES (Pages 1 - 10)

The Committee will be asked to confirm the minutes of the meeting held on 15 October, 2009.

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. QUESTIONS FROM MEMBERS OF THE PUBLIC

The Chair will receive and respond to questions from members of the public 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 public 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 FOR CONSIDERATION (Pages 11 - 12)

The Assistant Director of Development (Planning Services) 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. Members of the Committee are requested to refer to the attached planning application guidance.

6.1 184 HEMERDON HEIGHTS, PLYMPTON, PLYMOUTH (Pages 13 - 16)
09/01224/FUL

Applicant:	Mrs. J. Pomeroy
Ward:	Plympton St. Mary
Recommendation:	Grant Conditionally

- 6.2** 29 AYCLIFFE GARDENS, PLYMOUTH 09/00921/FUL **(Pages 17 - 22)**
- Applicant: Mr. & Mrs. G.P. & S.A. Johns
Ward: Plympton Erle
Recommendation: Refuse
- 6.3** TWIN OAKS, RIDGE ROAD, PLYMPTON, PLYMOUTH 09/00562/FUL **(Pages 23 - 34)**
- Applicant: Mr. J. Keating
Ward: Plympton Erle
Recommendation: Grant Conditionally
- 6.4** LAND AT RIDGE ROAD, HARDWICK, PLYMOUTH 09/00983/FUL **(Pages 35 - 46)**
- Applicant: Mr. Alfred and Peter Reilly
Ward: Plympton Erle
Recommendation: Grant Conditionally
- 6.5** PLYMPTON CATTLE MARKET, MARKET ROAD, PLYMOUTH 09/01432/FUL **(Pages 47 - 68)**
- Applicant: BDW Trading LTD
Ward: Plympton Erle
Recommendation: Grant Conditionally subject to S106 Obligation, Delegated Authority to Refuse by 23/12/09
- 6.6** PHASE 6 SITE, TAMAR SCIENCE PARK, SOUTH OF RESEARCH WAY, PLYMOUTH 09/01379/REM **(Pages 69 - 88)**
- Applicant: Resound Health Ltd.
Ward: Moor View
Recommendation: Grant Conditionally
- 6.7** LAND BOUNDED BY PLYMBRIDGE LANE, DERRIFORD ROAD AND HOWESON LANE, DERRIFORD, PLYMOUTH 09/01400/FUL **(Pages 89 - 110)**
- Applicant: Pillar Land Securities
Ward: Moor View
Recommendation: Grant Conditionally subject to S106 Obligation, Delegated Authority to Refuse by 23/12/09
- 6.8** FORMER CARDINAL SERVICE STATION, WOLSELEY ROAD, SEGRAVE ROAD, PLYMOUTH 09/01375/FUL **(Pages 111 - 130)**
- Applicant: Brook St. Properties Ltd.
Ward: Ham
Recommendation: Grant Conditionally subject to S106 Obligation, Delegated Authority to Refuse by 23/12/09

6.9 EMBANKMENT LANE, PLYMOUTH 09/01223/FUL (Pages 131 - 156)

Applicant: Plymouth City Council
Ward: Sutton & Mount Gould
Recommendation: Grant Conditionally

6.10 LEAVES YARD, WINDSOR ROAD, HIGHER COMPTON, PLYMOUTH 08/01700/OUT (Pages 157 - 164)

Applicant: Messrs K.A. and M. Leaves
Ward: Compton
Recommendation: Refuse

6.11 CHRISTIAN MILL, TAMERTON FOLIOT ROAD, PLYMOUTH 09/01227/FUL (Pages 165 - 176)

Applicant: Hydon Developments
Ward: Budshead
Recommendation: Grant Conditionally subject to S106 Obligation, Delegated Authority to Refuse by 23/12/09

6.12 FORMER BAYLYS YARD, BAYLYS ROAD, ORESTON, PLYMOUTH 09/01060/OUT (Pages 177 - 192)

Applicant: Geosa Ltd.
Ward: Plymstock Radford
Recommendation: Refuse

6.13 29-30 REGENT STREET, GREENBANK, PLYMOUTH 09/01070/FUL (Pages 193 - 200)

Applicant: Mr. and Mrs. Ian Crabb
Ward: Drake
Recommendation: Refuse

7. PLANNING APPLICATION DECISIONS ISSUED (Pages 201 - 240)

The Assistant Director of Development (Planning Services) acting under powers delegated to him by the Council will submit a schedule outlining all decisions issued from 5 October to 2 November, 2009, including –

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

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

8. APPEAL DECISIONS

(Pages 241 - 246)

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. EXEMPT BUSINESS

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) ... of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PART II (PRIVATE COMMITTEE)

AGENDA

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.

NIL

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Planning Committee

Thursday 15 October 2009

PRESENT:

Councillor Lock, in the Chair.
Councillor Mrs Stephens, Vice Chair.
Councillors Mrs Bowyer, Delbridge, Fox, Martin Leaves, Mrs Nicholson (substitute for Councillor Nicholson), Roberts, Stevens, Tuohy, Vincent and Wheeler.

Apologies for absence: Councillors Nicholson

The meeting started at 2.30 pm and finished at 6.40 pm.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

43. DECLARATIONS OF INTEREST

	Minute	Reason	Interest
Councillor Wheeler	47.1 19 Greenbank Avenue, Plymouth 09/01226/FUL	knows the agent	Personal
Councillor Stevens	47.1 19 Greenbank Avenue, Plymouth 09/01226/FUL	knows the agent	Personal
Councillor Wheeler	47.2 19 Greenbank Avenue, Plymouth 09/00852/FUL	knows the agent	Personal
Councillor Stevens	47.2 19 Greenbank Avenue, Plymouth 09/00852/FUL	knows the agent	Personal
Councillor Lock	47.6 Land at Ridge Road, Hardwick, Plymouth 09/00983/FUL	engaged with members of the public and spoken to the press	Prejudicial
Councillor Lock	47.7 Twin Oaks, Ridge Road, Plymouth 09/00562/FUL	engaged with members of the public and spoken to the press	Prejudicial
Councillor Wheeler	47.8 Tamarside Community College, Trevithick Road, St Budeaux, Plymouth 09/01075/FUL	Governor of Tamarside Community College	Prejudicial
Councillor Stevens	6.9 Woodland terrace Plymouth 09/00832/FUL	employed by the Devon and Cornwall Constabulary	Personal
Councillor Wheeler	47.11 Boundary Service Station, 443 Tavistock Road, Plymouth 09/00941/FUL	member of the Plymouth Local Access Forum	Personal

44. MINUTES

Resolved that the minutes of the meeting held on 17 September 2009, be confirmed as a correct record.

CHAIR'S URGENT BUSINESS

45. **Councillors Lock and Tuohy**

The Committee welcomed -

- Councillor Tuohy to her first meeting as a member the Planning Committee;
- Councillor Lock back after his recent operation.

46. **QUESTIONS FROM MEMBERS OF THE PUBLIC**

There were no question's from members of the public.

47. **PLANNING APPLICATIONS FOR CONSIDERATION**

The Committee considered the following applications, development proposals by local authorities and statutory consultations submitted under the Town and Country Planning Act, 1990, and the Planning (Listed Buildings and Conservations Areas) Act, 1990.

Addendum reports were submitted in respect of minute numbers 47.1, 47.2, 47.6, 47.7, 47.9 and 47.13.

47.1 19 GREENBANK AVENUE, PLYMOUTH 09/01226/FUL

(Piety)

Decision:

Application **granted** conditionally.

Resolved to add an additional condition: No "call to prayer" by loudspeaker or without any amplification. Any proposed call to prayer be the subject of a fresh planning application.

(At the invitation of the Chair, the Committee heard from the Agent).

(Councillors Stevens and Wheeler declared a personal interest in respect of the above item).

47.2 19 GREENBANK AVENUE, PLYMOUTH 09/00852/FUL

(Piety)

Decision:

Application **granted** conditionally.

(At the invitation of the Chair, the Committee heard from the agent).

(Councillors Stevens and Wheeler declared a personal interest in respect of the above item).

47.3 9 FRASER SQUARE, PLYMOUTH 09/01222/FUL

(Mr M Swan)

Decision:

Application **granted** conditionally.

47.4 75 BUDSHEAD ROAD, PLYMOUTH 09/01206/FUL

(Mr C Mitchell)

Decision:

Application **granted** conditionally.

47.5 29 AYCLIFFE GARDENS, PLYMOUTH 09/00921/FUL

(Mr and Mrs GP and SA Johns)

Decision:

Application **refused**.

(At the invitation of the Chair, the Committee heard from an objector).

47.6 LAND AT RIDGE ROAD, HARDWICK, PLYMOUTH 09/00983/FUL

(Mr Alfred and Peter Reilly)

Decision:

Application minded to refuse but given the complicated nature of wording of CS18 Green Space Policy **deferred** for officers to report back to the next meeting regarding the wording of committee generated refusal reasons.

Resolved that the legality of enforcement action be investigated as a matter of urgency and in the absence of any legal barrier, enforcement action be taken at the earliest opportunity.

(The vice-chair took the chair for this item).

(Councillor Fox, having been nominated by Councillor Mrs. Stephens and seconded by Councillor Roberts, was appointed Vice-Chair for this item).

(At the invitation of the Chair, the Committee heard from the agent).

(At the invitation of the Chair, the Committee heard from an objector).

(At the invitation of the Chair, the Committee heard from Councillor Lock, ward councillor, who having declared a prejudicial interest in respect of the above item then withdrew from the meeting).

47.7 TWIN OAKS RIDGE ROAD PLYMPTON, PLYMOUTH 09/00562/FUL

(Mr J Keating)

Decision:

Application minded to refuse but given the complicated nature of wording of CS18 Green Space Policy **deferred** for officers to report back to the next meeting regarding the wording of committee generated refusal reasons.

The Officer advised that the report should read two touring caravans not one as per the description.

Resolved that the legality of enforcement action be investigated as a matter of urgency and in the absence of any legal barrier, enforcement action be taken at the earliest opportunity.

(The vice-chair took the chair for this item).

(Councillor Fox, having been nominated by Councillor Mrs. Stephens and seconded by Councillor Roberts, was appointed Vice-Chair for this item).

(At the invitation of the Chair, the Committee heard from the agent).

(At the invitation of the Chair, the Committee heard from an objector).

(Councillor Lock, having declared a prejudicial interest in respect of the above item, withdrew from the meeting).

47.8 TAMARSIDE COMMUNITY COLLEGE, TREVITHICK ROAD, ST BUDEAUX, PLYMOUTH 09/01075/FUL

(Tamarside Community College)

Decision:

Application **refused** for the following reasons

contrary to –

- CS18 – Green Space
- CS30 – Sport Recreation and Children’s play
- CS32 – Designing out Crime
- CS34 – Planning Application Considerations

(At the invitation of the Chair, the Committee heard from Councillor Bowie, the ward councillor).

(At the invitation of the Chair, the Committee heard from an objector).

(Councillor Wheeler, having declared a prejudicial interest in respect of the above item, withdrew from the meeting).

47.9 WOODLAND TERRACE, PLYMOUTH 09/00832

(Brook Street Properties Ltd)

Decision:

Application **granted** conditionally.

(Councillor Stevens declared a personal interest in respect of the above item).

47.10 29-30 REGENT STREET, GREENBANK, PLYMOUTH 09/01070/FUL

(Mr & Mrs Crabb)

Decision:

Application **deferred** for further consultation. Application to come back to the earliest Committee conducive to allowing a new report including details of consultation on revised plans.

The case officer informed the committee that the officers recommendation had been amended to “minded to refuse, for refusal reasons 2,3 and 4 only, defer for neighbor consultation on revised drawings, and delegate authority to Assistant Director to determine, having regard to any reps from neighbours.

(At the invitation of the Chair, the Committee heard from the applicant).

(At the invitation of the Chair, the Committee heard from an objector).

47.11 BOUNDARY SERVICE STATION 443 TAVISTOCK ROAD, PLYMOUTH 09/00941/FUL

(Mr D Matthews)

Decision:

Application **granted** conditionally subject to S106 obligation, delegated authority to refuse in the event of S106 not being signed.

Resolved to add an informative stating that permission was awarded without prejudice to any potential public right of way claim.

(Councillor Wheeler declared a personal interest in respect of the above item).

**47.12 LAND TO THE SIDE OF BELLIVER INDUSTRIAL ESTATE, PLYMOUTH
08/02161/OUT**

(Trustees of the Cann estates)

Decision:

Application **granted** conditionally subject to S106 obligation, delegated authority to refuse in event of S106 not signed within 4 months of the date of this committee meeting.

47.13 LAND PARCEL 1A, OFF CLITTAFFORD ROAD, SOUTHWAY, PLYMOUTH 09/01081

(Taylor Wimpey (George Wimpey) Ltd)

Decision:

Application **granted** conditionally.

48. PLANNING COMMITTEE CODE OF GOOD PRACTICE

Resolved to recommend to the Portfolio Holder that the amended version of the Code for Members and Officers is approved.

49. PLANNING APPLICATION DECISIONS ISSUED

The Committee received a report from the Assistant Director of Development (Planning Services) on decisions issued for the period 8 September to 5 October, 2009, including –

- Committee decisions
- Delegated decisions, subject to conditions where so indicated
- Applications withdrawn
- Applications returned as invalid

Resolved that the report be noted.

50. EXEMPT BUSINESS

There were no items of exempt business.

51. VOTING SCHEDULE (Pages 1 - 4)

PLEASE NOTE

A SCHEDULE OF VOTING RELATING TO THE MEETING IS ATTACHED AS A SUPPLEMENT TO THESE MINUTES.

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PLANNING COMMITTEE

DATE OF MEETING – 15 October 2009

SCHEDULE OF VOTING

Minute No.	Voting For	Voting Against	Abstained	Excluded from voting due to Interests Declared	Absent
6.1.19 Greenbank Ave, Plymouth 09/01226/FUL Officer recommendation	Unanimous.				
6.2.19 Greenbank Ave. Plymouth 09/00852/FUL Officer recommendation	Unanimous.				
6.3.9 Fraser Square, Plymouth 09/01222/FUL Officer recommendation	Unanimous.				
6.4.75 Budshead Road, Plymouth 09/01206/FUL Officer recommendation	Unanimous.				
6.5.29 Aycliffe Gardens, Plymouth 09/00921/FUL Officer recommendation	Unanimous.				
6.6 Land at Ridge Road, Hardwicke, Plymouth 09/00983/FUL Refusal Enforcement action	Councillors Fox, Martin Leaves, Mrs Nicholson, Mrs Stephens, Stevens, Tuohy, Vincent and Wheeler. Councillors Fox, Mrs Bowyer, Delbridge, Martin Leaves, Mrs Nicholson, Roberts, Mrs Stephens, Stevens, Vincent and Wheeler.	Councillors Mrs Bowyer, Delbridge and Roberts. Councillor Tuohy.		Councillor Lock. Councillor Lock.	

Minute No.	Voting For	Voting Against	Abstained	Excluded from voting due to Interests Declared	Absent
6.7 Twin Oaks Ridge Road, Hardwick, Plymouth 09/00562/FUL Refusal Enforcement	Councillors Fox, Martin Leaves, Mrs Nicholson, Mrs Stephens, Stevens, Tuohy, Vincent and Wheeler. Councillors Fox, Mrs Bowyer, Delbridge, Martin Leaves, Mrs Nicholson, Roberts, Mrs Stephens, Stevens, Vincent and Wheeler.	Councillors Mrs Bowyer, Delbridge and Roberts. Councillor Tuohy.		Councillor Lock. Councillor Lock.	
6.8 Tamarside Community College, Trevithick Road, St Budeaux, Plymouth 09/01075/FUL Officer recommendation		Councillors Fox, Mrs Bowyer, Delbridge, Martin Leaves, Lock, Mrs Nicholson, Roberts, Mrs Stephens, Stevens, Tuohy and Vincent.		Councillor Wheeler.	
6.9 Woodland Terrace, Plymouth 09/00832/FUL Officer recommendation	Councillors Fox, Mrs Bowyer, Delbridge, Lock, Roberts, Mrs Stephens, Stevens, Tuohy, Vincent and Wheeler.		Councillor Mrs Nicholson.		Councillor Martin Leaves.
6.10 29-30 Regent Street, Greenbank, Plymouth 09/01070/FUL Officer recommendation	Councillors Fox, Mrs Bowyer, Delbridge, Lock, Mrs Nicholson, Roberts, Mrs Stephens, Stevens, Tuohy, Vincent and Wheeler				Councillor Martin Leaves.
6.11 Boundary Service Station 443 Tavistock Road, Plymouth 09/00941/FUL Officer recommendation	Councillors Fox, Mrs Bowyer, Delbridge, Lock, Mrs Nicholson, Mrs Stephens, Stevens, Tuohy, Vincent and Wheeler.	Councillor Roberts.			Councillor Martin Leaves.

Minute No.	Voting For	Voting Against	Abstained	Excluded from voting due to Interests Declared	Absent
6.12 Land to side of Belliver Industrial Estate, Plymouth 08/02161/OUT Officer recommendation	Councillors Fox, Mrs Bowyer, Delbridge, Lock, Mrs Nicholson, Roberts, Mrs Stephens, Stevens, Tuohy, Vincent and Wheeler				Councillor Martin Leaves
6.13 Land Parcel 1A off Clittaford Road, Southway, Plymouth 09/01081 Officer recommendation	Councillors Fox, Mrs Bowyer, Delbridge, Lock, Mrs Nicholson, Roberts, Mrs Stephens, Stevens, Tuohy, Vincent and Wheeler				Councillor Martin Leaves
7. Planning Committee Code of Good Practice for Members and Officers Defer for advice	Councillors Fox, Mrs Bowyer, Delbridge, Lock, Mrs Nicholson, Roberts, Mrs Stephens, Stevens, Tuohy, Vincent and Wheeler				Councillor Martin Leaves

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PLANNING APPLICATIONS FOR CONSIDERATION

All of the applications included on this agenda have been considered subject to the provisions of the Human Rights Act 1998. This Act gives further effect to the rights included in the European Convention on Human Rights.

Addendums

Any supplementary/additional information or amendments to a planning report will be circulated at the beginning of the Planning Committee meeting as an addendum.

Public speaking at Committee

The Chair will inform the Committee of those Ward Members and/or members of the public who have registered to speak in accordance with the procedure set out in the Council's website.

Participants will be invited to speak at the appropriate time by the Chair of Planning Committee after the introduction of the case by the Planning Officer and in the following order:

- Ward Member
- Supporter
- Objector

After the completion of the public speaking, the Planning Committee will make their deliberations and make a decision on the application.

Committee Request for a Site Visit

If a Member of Planning Committee wishes to move that an agenda item be deferred for a site visit the Member has to refer to one of the following criteria to justify the request:

1. Development where the impact of a proposed development is difficult to visualise from the plans and any supporting material.

The Planning Committee will treat each request for a site visit on its merits.

2. Development in accordance with the development plan that is recommended for approval.

The Planning Committee will exercise a presumption against site visits in this category unless in moving a request for a site visit the member clearly identifies what material planning consideration(s) have not already been taken into account **and** why a site visit rather than a debate at the Planning Committee is needed to inform the Committee before it determines the proposal.

3. Development not in accordance with the development plan that is recommended for refusal.

The Planning Committee will exercise a presumption against site visits in this category unless in moving a request for a site visit the Member clearly identifies what material planning consideration(s) have not already been taken into account **and** why a site visit rather than a debate at the Planning Committee is needed to inform the Committee before it determines the proposal.

4. Development where compliance with the development plan is a matter of judgment.

The Planning Committee will treat each case on its merits, but any member moving a request for a site visit must clearly identify why a site visit rather than a debate at the Planning Committee is needed to inform the Committee before it determines the proposal.

5. Development within Strategic Opportunity Areas or development on Strategic Opportunity Sites as identified in the Local Plan/Local Development Framework.

The Chair of Planning Committee alone will exercise his/her discretion in moving a site visit where, in his/her opinion, it would benefit the Planning Committee to visit a site of strategic importance before a decision is made.

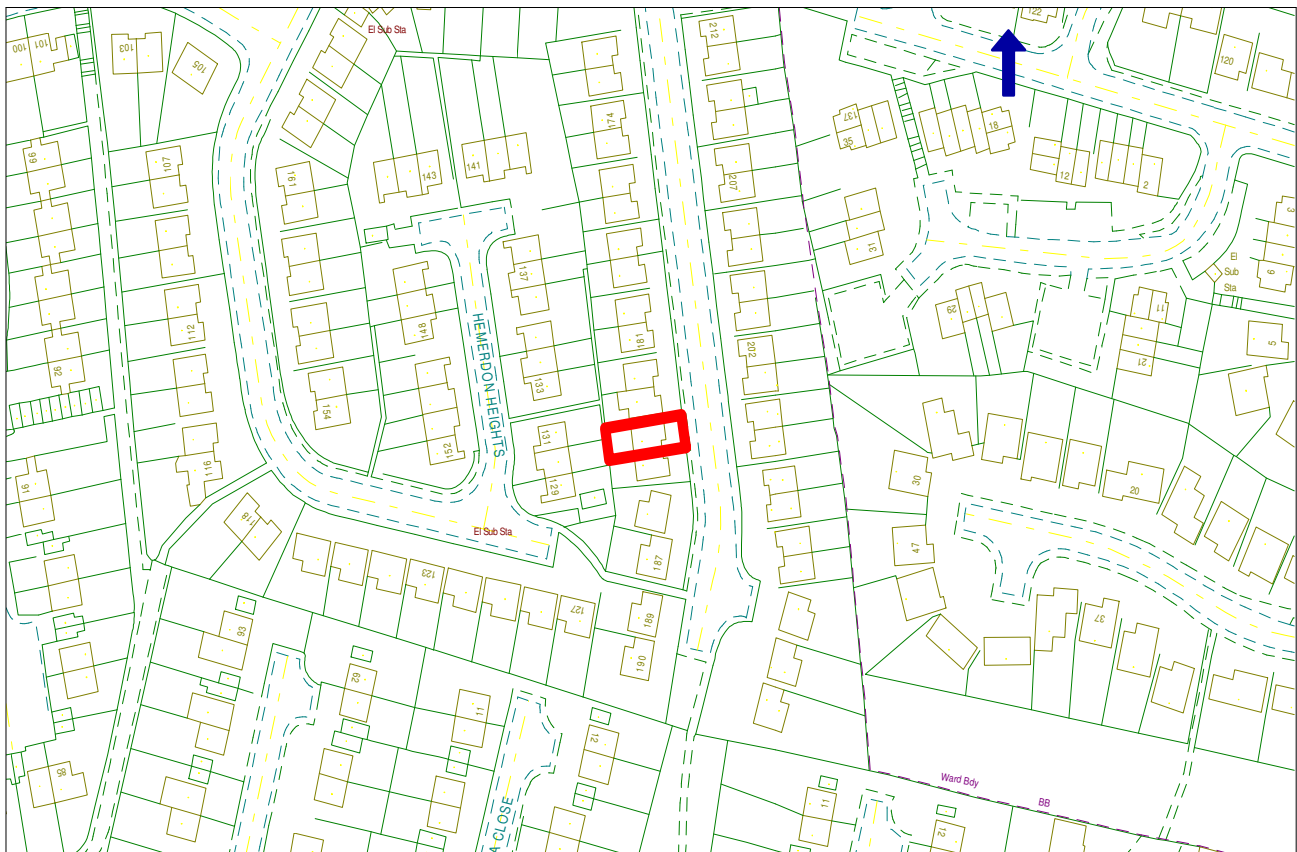
Decisions contrary to Officer recommendation

1. If a decision is to be made contrary to the Head of Planning and Regeneration recommendation, then the Committee will give full reasons for the decision, which will be minuted.
2. In the event that the Committee are minded to grant an application contrary to Officers recommendation then they must provide:
 - (i) full conditions and relevant informatives;
 - (ii) full statement of reasons for approval (as defined in Town & Country Planning (General Development Procedure) (England) (Amendment) Order 2003);
3. In the event that the Committee are minded to refuse an application contrary to Officers recommendation then they must provide:
 - (i) full reasons for refusal which must include a statement as to demonstrable harm caused and a list of the relevant plan and policies which the application is in conflict with;
 - (ii) statement of other policies relevant to the decision.

Where necessary Officers will advise Members of any other relevant planning issues to assist them with their decision.

ITEM: 01

Application Number:	09/01224/FUL
Applicant:	Mrs J Pomeroy
Description of Application:	Single storey rear extension
Type of Application:	Full Application
Site Address:	184 HEMERDON HEIGHTS PLYMPTON PLYMOUTH
Ward:	Plympton St Mary
Valid Date of Application:	27/08/2009
8/13 Week Date:	22/10/2009
Decision Category:	Member/PCC Employee
Case Officer :	Kate Saunders
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



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OFFICERS REPORT

Site Description

184 Hemerdon Heights is a semi-detached property located in the Plympton area of the city. The property is situated on a sloping site that runs downwards from south to north. The property is bounded on all sides by similar residential dwellings. The rear garden of the property is approximately 8 metres long and 9 metres wide.

Proposal Description

A single-storey rear extension to provide a conservatory and a ground-floor toilet for disabled persons. The extension is proposed to be 4.4 metres long and 3.2 metres wide with a maximum height of 2.9 metres.

Relevant Planning History

09/00504/FUL – Single-storey rear extension – Refused

Consultation Responses

No external consultations requested or received

Representations

No letters or representation received

Analysis

This application is brought to committee because the applicant/agent is employed by the Council.

The main issue to consider with this application is the effect on the amenities of neighbouring properties.

The proposal would extend along the boundary with the adjoining property, No. 185 Hemerdon Heights. This adjoining property is set at a slightly higher level (by around 0.75 metre), reducing the effect of the height of the extension, and there is some screening at the boundary. The extension has been reduced in projection by nearly 2 metres from the previously refused scheme. Although the proposal would still break the 45-degree "rule" guidance by approximately 2 metres, taking in to account the site details and the absence of objection from the neighbouring property, this is considered acceptable in this case.

The proposal would have no adverse impact on any other surrounding properties.

The mono-pitched design is considered acceptable and matching materials would be utilised.

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equalities and diversities issues

The proposal would provide a useful downstairs WC facility for the disabled occupier.

Conclusions

The proposal is not considered to cause significant harm to neighbours' amenities and is therefore recommended for approval.

Recommendation

In respect of the application dated **27/08/2009** and the submitted drawings, **184/HH/01, 184/HH/02, 184/HH/03, 184/HH/04A, 184/HH/05, 184/HH/06A, 184/HH/07A**, it is recommended to: **Grant Conditionally**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(1) The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

Statement of Reasons for Approval and Relevant Policies

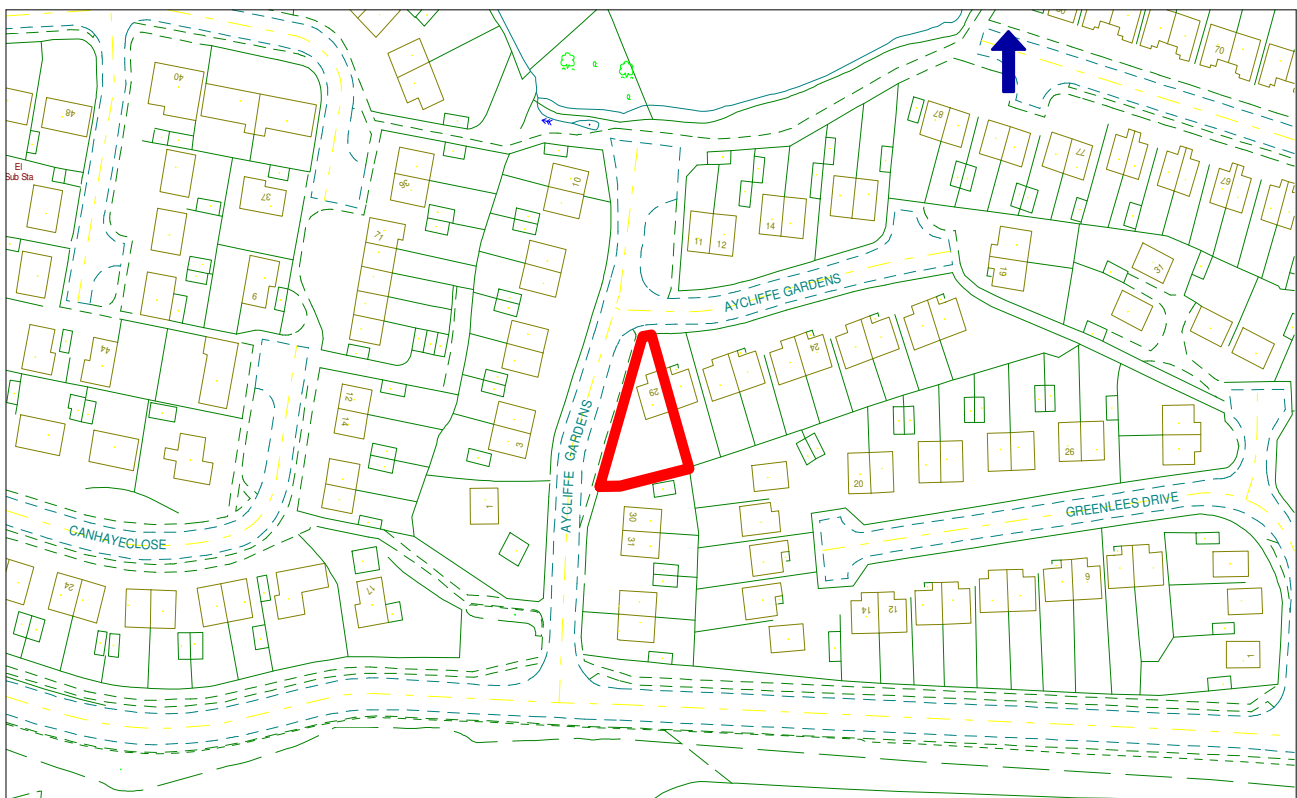
Having regard to the main planning considerations, which in this case are considered to be: effect on neighbours' amenities, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified condition, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating

to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Planning Guidance (SPG) Notes, Government Policy Statements and Government Circulars, as follows:

CS34 - Planning Application Consideration
SPD1 - Development Guidelines

ITEM: 02

Application Number:	09/00921/FUL
Applicant:	Mr & Mrs G P & S A Johns
Description of Application:	Develop part of garden by erection of detached dwellinghouse (removal of existing garage)
Type of Application:	Full Application
Site Address:	29 AYCLIFFE GARDENS PLYMOUTH
Ward:	Plympton Erle
Valid Date of Application:	20/07/2009
8/13 Week Date:	14/09/2009
Decision Category:	Member/PCC Employee
Case Officer :	Jon Fox
Recommendation:	Refuse
Click for Application Documents:	www.plymouth.gov.uk



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OFFICERS REPORT

Site Description

The site comprises the rear part of the curtilage of 29 Aycliffe Gardens, which is situated on the eastern side of the road at the point where it branches off to the east. The existing house, which faces north, is brick-built and semi-detached. The rear part of the site comprises a garden area, garage, dog kennels, shed and an area in front of the garage that is used for the parking of mini-buses (see below) that enter the site from the access near the north western corner of the existing dwelling. The rear part of the site faces the side gable wall of 30 Aycliffe Gardens. The site is bounded to the east by the garden of 28 Aycliffe Gardens and to the south east by the corner of the plot at 19 Greenlees Drive. The semi-detached houses to the north, west and south of the site have front, flat-roofed dormer windows, whereas No.29 itself, and those on that side of the street do not. All the houses in the street have sloping, pitched roofs that face the road. Due to its corner location, No.29 also has a side gable wall facing the road.

Proposal Description

To develop part of the garden by the erection of a detached, two-bedroom dwellinghouse, with removal of the existing garage. The proposed building is three storeys high including rooms in the roof space and associated front and rear dormer windows. The basement would contain a store and surface water attenuation storage tank. Parking space for two vehicles is proposed at the front of the building, facing Aycliffe Gardens.

A contamination report has been submitted with the application.

Relevant Planning History

09/00158 - Develop part of garden by erection of detached dwellinghouse with integral private motor garage (removal of existing garage). It is understood that the proposed dwelling was intended for a relative of the applicant's and consequently the dwelling had no independent amenity space of its own and instead would have shared the garden of No.29. This appeared to explain the position of the integral garage, which could only have been accessed from the existing drive serving No.29.

This application was refused because the plot was considered to be too small and would have resulted in a cramped form of development. The scale, form and design of the building was considered harmful to the street scene and out of character in the area and the dwelling would also have been overbearing and dominant when viewed from, as well as resulting in a loss of privacy for, neighbouring properties. Surface water would be disposed of to the mains sewer in an area where there are problems of flooding downstream. It was also considered that there would be potential for inappropriate use of the proposed integral garage.

89/00440/FUL - Erection of private motor garage – Permitted.

The site of 29 Aycliffe Gardens also has planning permission for the operation of a mini-bus hire business, which was granted following an appeal against a planning enforcement notice against this use.

Consultation Responses

Highway Authority

Have no objections subject to a condition regarding car parking provision and an informative note regarding the provision of dropped kerbs.

Public Protection Service

No response received.

Representations

Four letters were received that make the following objections/observations:

1. The drawings are inaccurate.
2. The new vehicle and pedestrian access will take up more of the grassed open area adjacent to the road (should the existing access across the grassed area be reinstated?).
3. Concern regarding the 'brown water tank' in the basement – is this for sewerage? Why is it required? Will sewerage leak into the ground/area if flooding occurs?
4. A tree was removed prior to the previous application (that would have blocked the proposed entrance). Was a full tree survey provided? Should another tree be reinstated?
5. The alterations carried out to other houses in the area do not make this particular limited space suitable for another dwelling.
6. Loss of light to No.28.
7. Property could be used to house dog kennels. Any rebuilt dog kennels could be closer to the boundary.
8. Any underground spring that may exist may have its course diverted and cause problems.
9. The proposed building is a prominent structure that is not in keeping with the estate.
10. Overlooking of 4 Aycliffe Gardens.
11. The development would overload and cramp the site.
12. Concern regarding the use of the rest of the basement area.
13. Discrepancies with the application form.
14. The form and drawings do not adequately show how sewage would be disposed of.
15. How is surface water to be disposed of?
16. Planning permission for the mini-bus operation relates to the whole site. If the current occupants moved then the planning permission for the mini-bus operation would cease. (The objector appears to be

saying that sub-division of the site would potentially render the planning permission invalid.)

17. The building would be overbearing.

18. The development would lead to additional on-street car parking causing congestion and inconvenience.

Analysis

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

This application turns on policies CS02 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007 and the main issue in this case is whether the proposals overcome previous reasons for refusal without creating additional reasons for resisting the development.

With regard to reason 1 of the previous refusal (plot too small/cramped form of development), the proposed building is now angled away from No.30 and there is a definite garden area proposed for the new dwelling with the remaining area devoted to the existing property at No.29. However, the dwelling is now angled towards the road and will appear more prominent and out of character given its detached design and relatively small scale compared to its neighbours. Therefore, despite its smaller size, the scale of the building on this small plot is still considered to lead to a cramped form of development that has resulted in an unwelcome proposed movement of the building beyond the front wall of No.30. It is noted that the width of the building on the site plan is 4.4 metres, whereas the width of the building on the floor plans is 5.5 metres. Assuming the floor plans are correct, there would be an extra 1.1 metres of front elevation that would potentially result in more of the building projecting beyond the face of No.30. It is therefore considered that reason 1 is partly overcome (more amenity space is now available) but that other problems occur as a result, i.e. forward projection of the dwelling.

With regard to reason 2 (harmful to street scene), the design has been altered and now includes a pitched roof and dormer windows that are in keeping with the neighbouring property at No.30. Despite being detached, and of a smaller scale, the proposed design is considered to be acceptable visually in the street scene. It is considered that reason 2 is overcome.

With regard to reason 3 (overbearing and dominant) the proposed dwelling is now angled in such a way that the side of the building would be less dominant when viewed from No. 28 Aycliffe Gardens and the existing property at 29. However, despite changes to the design of the building, which now includes

gable ends and a front-to-back pitched roof, and its relatively small scale, compared to the high gable end at No.30, the proposed building would still appear overbearing and dominant when viewed from the proposed garden of No.29. Added to this is the discrepancy with the width of the building on the site plan, referred to above, and consequently the north wall of the building could be 1.1 metres nearer to the existing property at No.29, which would make it even more overbearing and dominant. For these reasons it is considered that reason 3 is not overcome.

With regard to reason 4 (loss of privacy), the proposed rear first-floor windows serve a bathroom and landing. As such they could be obscure glazed. There are no first-floor side windows. The proposed front dormer windows are considered to be sufficiently distant from properties across the road such that they will not unreasonably reduce privacy. In these circumstances it is considered that this reason is overcome.

With regard to reason 5 (flooding), the proposals now include soakaways for the disposal of surface water and a 'brown water' tank, which is for the retention of surface water (not sewerage). The tank is intended to provide water for household use, including watering. Despite the lack of technical detail about how it would work, the provision of such facilities could be made subject to a condition and, on balance, it is considered that the potential for adding to downstream flooding could be averted. It is therefore considered that this reason is overcome.

With regard to reason 6 (use of garage), the proposals no longer include a side garage and therefore this reason is overcome.

Equalities & Diversities issues

There are no equality and diversity issues in respect of this application.

Section 106 Obligations

There is no Section 106 requirement in respect of this application.

Conclusions

The revised proposals overcome some of the previous objections, but the size of the plot and the proximity of the building to the existing property at No.29 still render the proposals contrary to policies CS02 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007. It is therefore recommended that planning permission be refused.

Recommendation

In respect of the application dated **20/07/2009** and the submitted drawings, **AG28 001 (1:2500 Site Location Plan), AG28 001 (1:200 Block Plan), AG29 002/A, AG29 003/A, AG29 003a, AG29 004/A, AG29 005/A, AG29**

006/A, AG29 007/A, phase 1 environmental desktop study report (contamination), and accompanying design and access statement, it is recommended to: Refuse

Reasons

PLOT TOO SMALL/DEVELOPMENT OUT OF CHARACTER

(1) The size of the plot for the house would be constrained by the mini-bus parking area and existing garden to No.29 and consequently the dwelling is angled towards the road and would appear more prominent and out of character given its detached design and relatively small scale compared to its neighbours. The Local Planning Authority therefore considers that the scale of the building on this small site would appear out of character in the area. The proposals are therefore contrary to policies CS02 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

OVERBEARING AND DOMINANT

(2) By virtue of its height and proximity to the existing property at 29 Aycliffe Gardens, the Local Planning Authority considers that the proposed dwellinghouse would appear overbearing and dominant when viewed from the rear of that property. The proposals are therefore contrary to policy CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

INFORMATIVE - WIDTH OF PROPOSED BUILDING

(1) The applicant is advised that the width of the building on the site plan is 4.4 metres, whereas the width of the building on the floor plans is 5.5 metres.

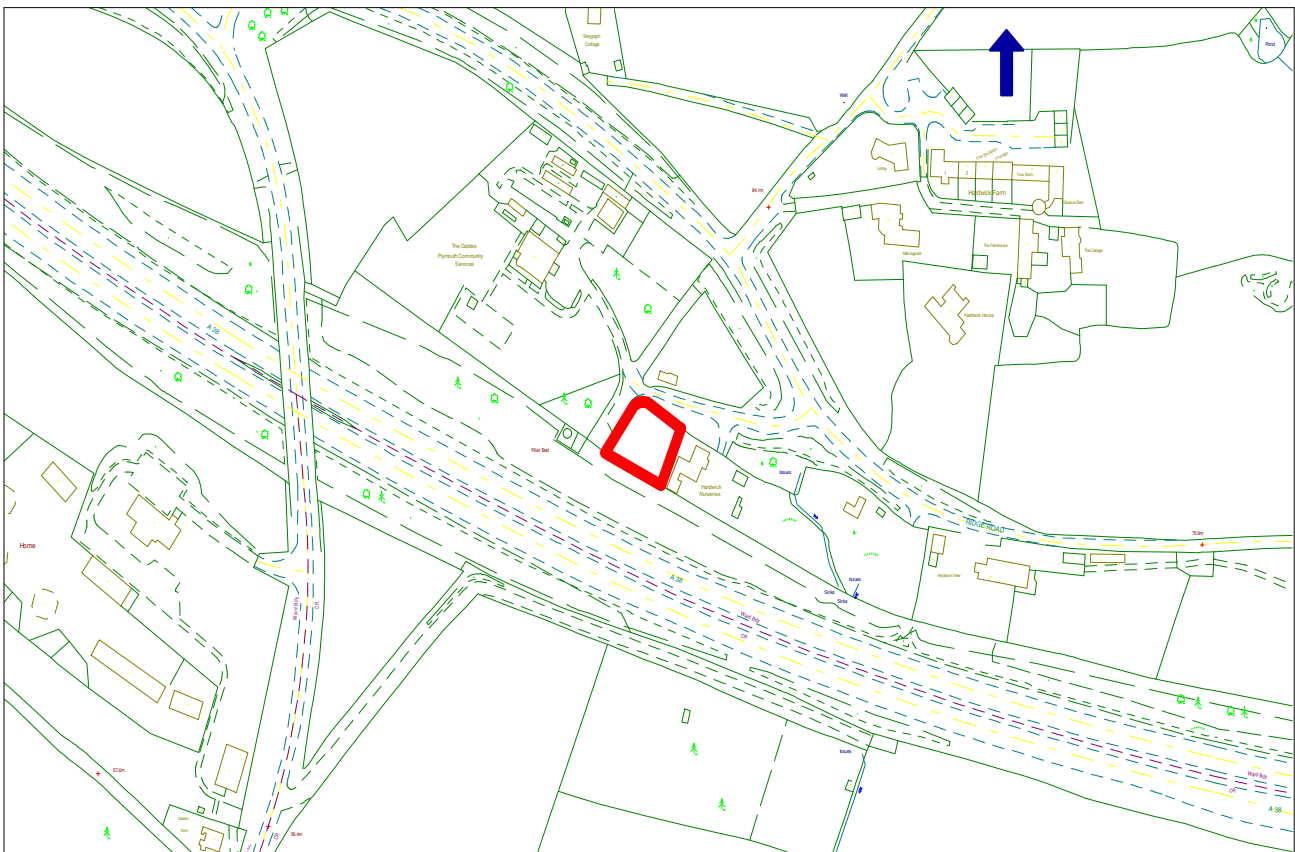
Relevant Policies

The following (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Planning Guidance (SPG) Notes, Government Policy Statements and Government Circulars, were taken into account in determining this application:

- CS28 - Local Transport Consideration
- CS34 - Planning Application Consideration
- CS02 - Design
- CS15 - Housing Provision

ITEM: 03

Application Number:	09/00562/FUL
Applicant:	Mr J Keating
Description of Application:	Use of land for siting of mobile home and touring caravan
Type of Application:	Full Application
Site Address:	TWIN OAKS RIDGE ROAD PLYMPTON PLYMOUTH
Ward:	Plympton Erle
Valid Date of Application:	23/07/2009
8/13 Week Date:	17/09/2009
Decision Category:	Assistant Director of Development Referral
Case Officer :	Jon Fox
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



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This case is brought back to the Committee following a resolution by members at the previous Committee meeting to refuse permission in respect of this application. Members instructed officers to compile planning refusal reasons based on agreed grounds of refusal and the following reasons are therefore recommended:

(1) The site is in a relatively isolated location and the Local Planning Authority considers that the proposal would not accord with sustainable development principles as it is remote from adequate services, employment, education, public transport, etc, and the gypsy sites would therefore increase the need for journeys to be made by private vehicles, which is not sustainable. It is therefore considered to be contrary to the aims of policies, CS16 and CS28 of the Core Strategy of Plymouth's Local Development Framework 2007 and to Planning Policy Guidance Note 13 (Transport).

(2) The Local Planning Authority considers that the site is not well located on the highway network and the proposals fail to provide safe and convenient vehicular and pedestrian access to the site as well as safe and convenient access to schools and local facilities. For these reasons the Local Planning Authority considers that the proposed gypsy site is not adequately integrated into the local community and is therefore contrary to policy CS17 of the Core Strategy of Plymouth's Local Development Framework 2007.

(3) The Local Planning Authority considers that the proposal would result in isolated development on a strategically important greenspace area beyond the limits of any existing urban/suburban area. It would be detrimental to the character and appearance of this part of the greenspace and set an unwelcome precedent for further sporadic development. The proposal is therefore considered to be contrary to policy CS18 of the Core Strategy of Plymouth's Local Development Framework 2007.

(4) The site falls within the area identified for designation as a countryside park in the Area Action Plan for North Plymstock. The Local Planning Authority considers that the proposal would be detrimental to the character and function of this area of greenspace and therefore be contrary to the aims of proposal NP11 of the Area Action Plan for North Plymstock and policy CS18 of the Core Strategy of Plymouth's Local Development Framework 2007.

(5) There is a potential for contamination to be present at the site as a preliminary risk assessment including an adequate desk study, conceptual model and initial assessment of risk has not been submitted with the application. The Local Planning Authority considers that this risk is unacceptable because there is no evidence to indicate otherwise. The proposals are therefore contrary to policy CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

What follows is the text of the original planning report and officer recommendation.

OFFICERS REPORT

Site Description

The site consists of a roughly square piece of land some 0.078 ha in size, which is accessed from the main road via a road shared with Hardwick Nurseries and The Gables Hospital. The access road and Ridge Road do not have footways. The site is designated as Greenscape land and is of city-wide importance for its visual amenity quality, as a separation/buffer zone and as an area for countryside/food growing. The site is also within the countryside park as outlined in the NPAAP (North Plymstock Area Action Plan).

The site is surrounded to the west by a short length of the old Ridge Road, beyond which lies land within the Gables Hospital; to the south by the bank leading down to the A38; to the east by Hardwick Nurseries, which is a single residence with attached land, and to the north by the other proposed gypsy site, which is on a triangular shaped piece of land approximately 0.166 ha in size.

The development has been carried out and a mobile home and touring caravan are on the site. There are a number of associated outbuildings on the site, which has been enclosed with a close-boarded timber fence. Approximately half the site, adjacent to Hardwick Nurseries, is laid out as an allotment.

Proposal Description

Use of land for a single-pitch gypsy site, consisting of a mobile home and touring caravan.

This application is referred by the Assistant Director of Planning to the Committee, for determination, under the following criterion:- "That there are finely balanced policy issues".

Relevant Planning History

09/00983 - Use of land for a two-pitch gypsy site, consisting of two mobile homes and two touring caravans and parking. The site also contains a double stable block. This application is pending determination.

The following applications relate to the above, adjacent site and are included here because the two proposals are similar.

09/00175 - Demolition of existing stables, erection of replacement stables and tack room and formation of hard surfaced access track and turning/off-loading

area. The proposals also include a new soakaway and septic tank. This application was approved subject to conditions including:-

(4) The building hereby permitted shall be used as a stables and tack room only and for no other purpose.

Reason:

The proposed use is considered to be in accordance with the greenscape qualities of the area, but an alternative use would need to be made the subject of a separate application to be considered on its merits, in accordance with policy CS18 of the Core Strategy of Plymouth's Local Development Framework 2007.

08/01240/OUT - Outline application to develop land by erection of two detached houses. This application has been refused for reasons similar to 00/00431, below. An additional reason is as follows:-

(4) The site falls within the area identified for designation as a countryside park in the Area Action Plan for North Plymstock. The Local Planning Authority considers that the proposal would be detrimental to the character and function of this area of greenscape and therefore be contrary to the aims of proposal NP11 of the Area Action Plan for North Plymstock.

02/00882/OUT - Outline application for one detached dwelling, including means of access. This application was refused for reasons similar to 00/00431, below.

00/00431/OUT - Outline application to erect a single dwellinghouse. This application was refused for the following reasons:-

The proposed development would involve the erection of an isolated dwelling in open countryside, beyond the limits of the existing urban/suburban area. As a result, the development would be detrimental to the character and appearance of this part of open countryside and set an unwelcome precedent for further similar sporadic development. In the absence of any agricultural justification, the proposal is therefore contrary to policies AEV2 and AHR2 of the City of Plymouth Local Plan First Alteration and to the advice of the Secretary of State for the Environment, Transport and Regions as contained in Planning Policy Guidance Notes Nos. 1, 3 and 7.

Access to the site can only be obtained by way of roads which are neither intended nor fit to carry the traffic, and in particular the pedestrian traffic, which the proposed development would be likely to generate.

The development of an isolated site such as this would be contrary to Central Government Policy (PPG13) and Plymouth City Council Policy (ARH2) insofar as the site is isolated, is distant from public facilities and is not on a public transport route. The site is therefore not sustainable in that occupants would be dependent on the private car as a means of getting to and from the site for all journeys.

90/00056/OUT - Outline application to develop land by the erection of two detached dwellings with integral garages. This application was refused planning permission.

Consultation Responses

Highway Authority

Object on the grounds that the proposed development would be located where it is remote from adequate services, employment, education, public transport etc, and will therefore increase the need for journeys to be made by private vehicles, which is non-sustainable and is in conflict with advice given in PPG13, and Policies CS16 and CS28 of the City of Plymouth Local Development Framework.

Highways Agency

Have no objections to this proposal.

Housing

Response awaited.

Public Protection Service

Public Protection Service recommends refusal to the proposed development because there is insufficient information to demonstrate that the risk of contaminated land or that the risk of pollution to controlled waters is acceptable.

Representations

Nine letters were received. All but one raises objections and concerns with the proposal. The site is considered to be inaccessible by foot or public transport and is therefore would lead to unsustainable reliance on the car. The roads serving the site are also sub-standard, without footways. The site is considered to be too enclosed and tree and hedge cutting means that the site will be visible in winter. Business use is already causing noise nuisance and the site is a contracting base, with crane lorries, vans, equipment and materials. The old, adjacent section of Ridge Road is being used for trade vehicles and plant whereas it has already been designated for a recreational link via a footbridge to the south side of the A38. The development is also within green belt land and conflicts with the proposed countryside park (North Plymstock Area action Plan refers) and Plymouth Green Space Action Plan. There is also discrepancy about the proposals; the form states that a mobile home and 2 caravans are proposed, whereas the Council has described the development as being for 1 caravan. There is also a shed with toilet that has not been mentioned. A large section of historic Devon hedge has been removed and biodiversity has been adversely affected by the development with the loss of birds and mammals. There is also more lighting than mentioned in the application form as well as trees and hedges and the site was not fly-tipped as stated. The site leads to more intensive use of the road

servicing the Gables Hospital, which increases the risk to highway safety. The development would adversely impact the nearby cemetery. If the Council is providing new sites for gypsies and travellers then unsuitable sites like this should not be used. The site is also part of a green link in respect of plans for the North Plymstock and Sherford developments. This application should be considered alongside the proposed use of the adjacent land as a gypsy site, because collectively they will impact on the vicinity and increase the number of people and vehicle movements. The proposals are considered to have a detrimental impact on the built and natural environment and are in a green buffer zone between Plymouth and the proposed Sherford conurbation.

A letter of support states that a dwelling on this site would fit in between the Gables Hospital building and Hardwick Nursery. There is good access and the site does not overlook anybody.

Analysis

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

As a proposal for a single-pitch gypsy site, the application turns on policies CS17 (Gypsy and Traveller sites), CS18 (Plymouth's Green Space) and CS34 (Planning Application Considerations). Government Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites) is an important material consideration in the determination of this application. Policy CS17 states that sites will be identified to meet the demand for approximately 50 gypsy and traveller pitches in the plan period and that the following considerations will be taken into account in the determination of locations for gypsy and traveller sites:

1. Safe and convenient vehicular and pedestrian access to the site should be provided.
2. The site must be large enough to provide for adequate on site facilities for parking, storage, play and residential amenity.
3. The site should be well located on the highway network.
4. Safe and convenient access to schools and local facilities.
5. The site should not be detrimental to amenities of adjacent occupiers.
6. Adequate levels of privacy and residential amenity for occupiers should be provided.

Previous applications on adjacent land relate in the main to proposals for conventional housing development. The policy context for Gypsy and Traveller applications raises other considerations. The Government has

introduced a number of measures to address the national shortage of authorised sites. These include:

- Housing Act 2004 - new obligation on local housing authorities to develop a strategy to address Gypsy and Traveller needs in their area
- Circular 01/2006: regional planning bodies to determine how many pitches are needed; local planning authorities must identify sites in Development Plan Documents
- Gypsy and Traveller Site Grant now available for provision of new sites and refurbishment of existing.
- Planning Policy Statement 3: Housing (PPS3), paragraphs 20-24 identify the key characteristics of a mixed community and make it clear that this can only be secured by achieving a good mix of housing including accommodation for Gypsies and Travellers

Plymouth City Council has a clear adopted planning policy in respect of Gypsy and Travellers: Policy CS17 of the Local Development Framework Core Strategy, adopted 2007, states that sites will be identified to meet the demand for approximately 50 Gypsy and Traveller pitches in the plan period and sets criteria against which to assess applications.

These considerations were material to the Council's decision to grant planning permission in respect of application 09/00603, for the use of land at Military Road, Efford as a permanent Gypsy and Traveller site (10 pitches) to include amenity blocks, hardstandings, a new access road and provision of a new footpath along Military Road.

The Regional Spatial Strategy target for Gypsy and Traveller sites requires the city to make provision for 40 residential pitches, and 15 transit sites by 2011, and 3% growth thereafter. To date the Council has recently granted permission for 10 additional residential pitches at Efford. Consultations have taken place on two additional sites. However, even if these two sites are eventually allocated the delivery of Gypsy and Traveller sites is still likely to constitute a shortfall in overall provision. Core Strategy Policy CS17 sets out the matters that should be taken into account when considering sites (It does not require all of the stated criteria to be satisfied).

Government advice on Gypsy and Traveller sites is contained in Circular 1/2006. The circular also acknowledges that identifying specific plots is a more difficult process than using a solely criteria based approach. The first matter to be addressed in this respect is the status of the applicant as a gypsy or traveller in terms of paragraph 15 of Circular 01/2006. Where there is unmet need, but an expectation that new sites are likely to become available, as in the case of Plymouth, the circular (paragraph 45 and 46) says that consideration should be given to granting a temporary consent.

Guidance suggests that Gypsy or Traveller sites should not be located in areas where conventional residential dwellings would not be permitted unless exceptional circumstances apply. A poorly located site can result in a detrimental impact on local residents and their ability to seek or retain local employment, attend school, further education or training and obtain access to health services and shopping facilities. Whilst not an obvious site for residential development due to considerations such as how development would impact on the Greenscape area and how remote the site is from services in the built up area, the fact that the site is in an urban fringe location is also addressed by the circular; paragraphs 53 to 55 state that local landscape and nature conservation designations are not in themselves reasons to refuse a planning application. Paragraphs 58 to 63 cover planning applications: there may be some conflict within the Circular in that it accepts that sites on the outskirts, or in semi-rural locations may be acceptable, but then paragraphs 60 and 64 refer back to criteria based considerations and the availability of services etc, which is poor in such an outlying location. For example the nearest bus stop is at Cot Hill, approximately 1440 metres from the site. This is the basis of the Transport objection that the site is remote from services such as employment, education, public transport etc.

In terms of its layout, the site is relatively spacious and provides adequate play space and parking and turning areas for the occupier's vehicles. Outside the site there are no footways to connect the site to other services for pedestrians. However, the remoteness of the site is such that walking to services, including bus stops, is not considered viable.

With regard to the specific impact of the development on the character of the area, the site is within a small pocket of built development comprising Hardwick Nurseries, the Gables Hospital and Ridge Road and Hardwick farm to the north. The site is below, and screened from, Ridge Road and to a degree is a form of in-fill development as opposed to being visibly remote from other buildings and activity. In these respects the mobile home is also smaller scale development than conventional housing and tends to sit within the landscape, particularly in this setting, more comfortably.

With regard to the North Plymstock Area Action Plan, the proposals for a countryside park set out in proposal NP11 aim to improve recreational activity in the area as well as providing better transport links. Overall these aims are likely to improve access to and from the area, which would to a degree lessen the remoteness of the site from services.

With regard to the objection from the Council's Public Protection Unit, a contamination assessment has been submitted and if necessary planning conditions could be imposed that require the developer to investigate the potential for contamination and any remedial works that might be necessary.

With regard to the removal of a Devon hedge, referred to in a letter of representation, there are no trees on site that are/were protected by a tree preservation order. There may have been a section of hedge removed to improve or gain access to the site and this may have been the subject of

separate hedgerow protection legislation that might have required a hedgerow removal notice to be served on the Council. However, this is a matter that can be separately progressed and is not central to this application.

Equalities and diversities issues

Finding suitable Gypsy and Traveller sites is essential to provide equality for all. Everyone is entitled to a decent home; decent homes are a key element of any thriving, sustainable community. This is true for the settled and Gypsy Traveller communities alike. Gypsies and Travellers are defined in Circular 01/2006 as being; *Persons of a nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organized group of travelling show people or circus people travelling together as such.* Gypsies and Travellers can be broadly broken down into the following groups:

Romani/Roma Gypsies: English, Welsh, Scottish and European. Traditionally Romani Gypsies speak Roma (a combination of the Indian Sanskrit language and English)

Irish Travellers: The first Irish Travellers were recorded in the 15th century. Originally forced to lead a travelling lifestyle through poverty evictions and famine, eventually leading to metalworking becoming one of the first trades.

New Travellers: The youngest group, with roots in 20th century. Many of the adults have grown up in mainstream society and are aware of their entitlements to education, health and other services.

Romani and Irish Travellers are both ethnic minorities protected under the Race Relations (Amendment) Act 2000.

Section 106 Obligations

There are no Section 106 obligations in respect of this application.

Conclusions

There is a lack of available Gypsy or Traveller sites in Plymouth. The proposals do not meet criteria 1 (safe and convenient pedestrian access), 3 (site should be well located on the highway network) and 4 (Safe and convenient access to schools and local facilities) of policy CS17. However, it is extremely unlikely that any gypsy/traveller sites will be found that will meet all of the policy CS17 criteria within an urban context, and the policy does not require all of the criteria to be met. The search area may have to be widened in the future to encompass sites in locations such as this where brick and mortar housing would not be acceptable. Whilst there is a history of refusal on the adjacent site for permanent dwellings, particularly with regard to impact on the greenscape (policy CS18) and sustainability, taking into account government advice in Circular 01/2006 and similar cases elsewhere it is considered that the weight afforded to the unmet need for gypsy sites in Plymouth is significant and given that the Circular offers the option of a

temporary consent pending identification of adequate sites by the Council it is recommended that in this case a temporary consent would be acceptable. The Circular goes on to advise that granting temporary permission should not be regarded as setting a precedent for the determination of any future applications for full permission for use of the land as a caravan site. It is recommended that a three year permission be granted during which time further sites should receive planning permission/be implemented giving the Council the option to consider whether sites such as this should be retained or, alternatively, removed in favour of new sites in more sustainable locations.

Recommendation

In respect of the application dated **23/07/2009** and the submitted drawings, **OS location plan, 0947/01, 0947/02, 08239/04, 0914/03 and accompanying design and access statement**, it is recommended to: **Grant Conditionally**

Conditions

TEMPORARY BUILDING:REINSTATEMENT

(1) The mobile home, touring caravan and outbuildings hereby permitted shall be removed and the land restored to its former condition on or before 31 October 2012 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:

In the opinion of the Local Planning Authority the temporary building to which this permission relates will by the said date have fulfilled its required purpose, in accordance with policies CS17, CS18, CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

TREE AND HEDGEROW PROTECTION

(2) No tree or hedgerow on the boundary or within the site shall be cut down, uprooted or destroyed , nor shall any tree be topped or lopped 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)

Reason:

To ensure that trees and hedgerows are retained in order to adequately screen the site, in accordance with policies CS18 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

NO BUSINESS USE ON SITE

(3) No on-site business activities shall take place other than with the prior consent in writing of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to regulate and control the use of the land in the interest of local and visual amenity in accordance with policies

CS17 and Cs34 of the Core Strategy of Plymouth's Local Development Framework 2007.

NUMBER OF CARAVANS AND MOBILE HOMES

(4) The site shall be used to accommodate one mobile home and one touring caravan and no additional mobile homes or caravans of any type shall be stationed or accommodated on the site at any time.

Reason:

To enable the Local Planning Authority to regulate and control the use of the land in the interest of local and visual amenity and highway safety, in accordance with policies CS17 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

RESTRICTIONS ON PERMITTED DEVELOPMENT

(5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), and excepting the outbuildings already installed on the site, no development falling within Classes A (enlargement, improvement or other alteration of a dwellinghouse), B (enlargement of a dwellinghouse consisting of an addition or alteration to its roof), C (any other alteration to the roof of a dwellinghouse), D (erection or construction of a porch outside any external door of a dwellinghouse), E (provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such), and F (provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such) of Part 1 of Schedule 2 to that order shall at any time be carried out unless, upon application, planning permission is granted for the development concerned.

Reason:

In order to preserve residential amenity and the character and appearance of the area, in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE - RESIDENTIAL USE ONLY

(1) With regard to condition 3, this permission is for residential use and incidental use only and not for any business use. The keeping of commercial vehicles at the site may need to be the subject of a separate planning application to be considered on its merits.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the need for gypsy and traveller sites and the impact on residential amenity, highway safety, traffic generation and sustainability and the greenscape qualities of the area, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local

Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Planning Guidance (SPG) Notes, Government Policy Statements and Government Circulars, as follows:

PPG13 - Transport

PPS3 - Housing

PPS1 - Delivering Sustainable Development

CS28 - Local Transport Consideration

CS34 - Planning Application Consideration

CS18 - Plymouth's Green Space

CS02 - Design

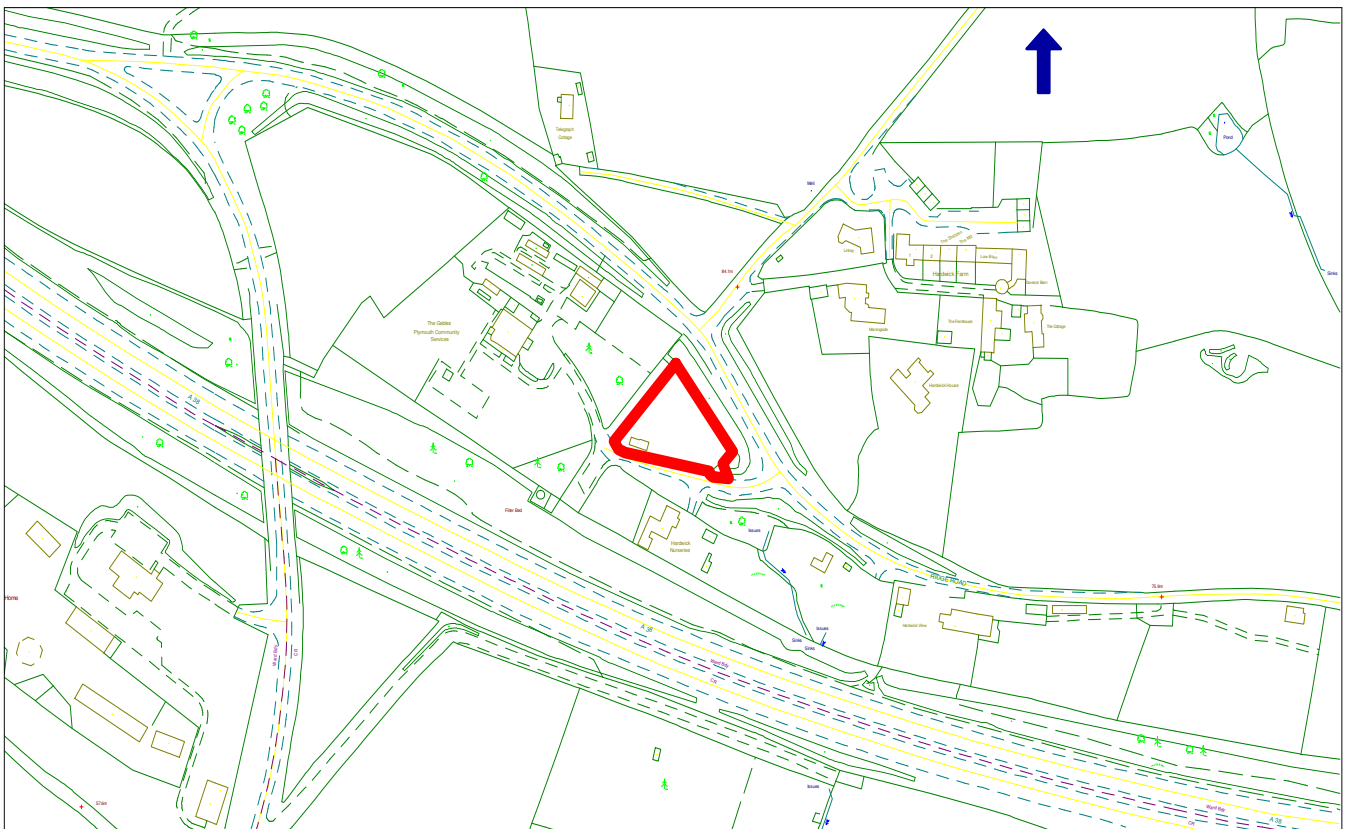
CS30 - Sport, Recreation and Children's Play Facilities

NP11 - Countryside Park

CS17 - Gypsy and Traveller Sites

ITEM: 04

Application Number:	09/00983/FUL
Applicant:	Mr Alfred and Peter Reilly
Description of Application:	Use of land for a two-pitch gypsy site, consisting of two mobile homes and two touring caravans and parking
Type of Application:	Full Application
Site Address:	LAND AT RIDGE ROAD HARDWICK PLYMOUTH
Ward:	Plympton Erle
Valid Date of Application:	15/07/2009
8/13 Week Date:	09/09/2009
Decision Category:	Assistant Director of Development Referral
Case Officer :	Jon Fox
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



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This case is brought back to the Committee following a resolution by members at the previous Committee meeting to refuse permission in respect of this application. Members instructed officers to compile planning refusal reasons based on agreed grounds of refusal and the following reasons are therefore recommended:

(1) The site is in a relatively isolated location and the Local Planning Authority considers that the proposal would not accord with sustainable development principles as it is remote from adequate services, employment, education, public transport, etc, and the gypsy sites would therefore increase the need for journeys to be made by private vehicles, which is not sustainable. It is therefore considered to be contrary to the aims of policies, CS16 and CS28 of the Core Strategy of Plymouth's Local Development Framework 2007 and to Planning Policy Guidance Note 13 (Transport).

(2) The Local Planning Authority considers that the site is not well located on the highway network and the proposals fail to provide safe and convenient vehicular and pedestrian access to the site as well as safe and convenient access to schools and local facilities. For these reasons the Local Planning Authority considers that the proposed gypsy site is not adequately integrated into the local community and is therefore contrary to policy CS17 of the Core Strategy of Plymouth's Local Development Framework 2007.

(3) The Local Planning Authority considers that the proposal would result in isolated development on a strategically important greenspace area beyond the limits of any existing urban/suburban area. It would be detrimental to the character and appearance of this part of the greenspace and set an unwelcome precedent for further sporadic development. The proposal is therefore considered to be contrary to policy CS18 of the Core Strategy of Plymouth's Local Development Framework 2007.

(4) The site falls within the area identified for designation as a countryside park in the Area Action Plan for North Plymstock. The Local Planning Authority considers that the proposal would be detrimental to the character and function of this area of greenspace and therefore be contrary to the aims of proposal NP11 of the Area Action Plan for North Plymstock and policy CS18 of the Core Strategy of Plymouth's Local Development Framework 2007.

(5) There is a potential for contamination to be present at the site as a preliminary risk assessment including an adequate desk study, conceptual model and initial assessment of risk has not been submitted with the application. The Local Planning Authority considers that this risk is unacceptable because there is no evidence to indicate otherwise. The proposals are therefore contrary to policy CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

What follows is the text of the original planning report and officer recommendation.

OFFICERS REPORT

Site Description

The site consists of a triangular piece of land some 0.166 ha in size, which is set below Ridge Road. Access from the main road is via a road shared with Hardwick Nurseries and The Gables Hospital. The access road and Ridge Road do not have footways. The site is surrounded to all sides by a tree screen, although large sections of hedge have been extensively cut back. The site is designated as Greenscape land and is of city-wide importance for its visual amenity quality, as a separation/buffer zone and as an area for countryside/food growing. The site is also within the countryside park as outlined in the NPAAP (North Plymstock Area Action Plan).

The site is surrounded to the west by the hospital; to the south by a plot of land proposed under application 09/00562 as a gypsy site; to the south and east by Hardwick Nurseries, which is a single residence with attached land, and to the north by Hardwick House and Hardwick Farm (on the opposite side of Ridge Road), which some time ago was converted to a number of residential properties.

The development has been carried out and two mobile homes are on the site, which has been surfaced with chippings. The proposed touring caravans have yet to be installed. A section of the land has been left as grass and fenced off.

Proposal Description

Use of land for a two-pitch gypsy site, consisting of two mobile homes and two touring caravans and parking. The site also contains a double stable block.

This application is referred by the Assistant Director of Planning to the Committee, for determination, under the following criterion:- "The history of the site is complex and as a result has a bearing on the case".

Relevant Planning History

09/00562 - Use of land at Twin Oaks, Ridge Road for siting of mobile home and touring caravan. This application is pending determination.

09/00175 – This application relates to the same site as the current application and was for demolition of existing stables, erection of replacement stables and tack room and formation of hard surfaced access track and turning/off-loading area. The proposals also include a new soakaway and septic tank. This application was approved subject to conditions including:-

(4) The building hereby permitted shall be used as a stables and tack room only and for no other purpose.

Reason:

The proposed use is considered to be in accordance with the greenscape qualities of the area, but an alternative use would need to be made the subject of a separate application to be considered on its merits, in accordance with policy CS18 of the Core Strategy of Plymouth's Local Development Framework 2007.

08/01240/OUT - Outline application to develop land by erection of two detached houses. This application has been refused for reasons similar to 00/00431, below. An additional reason is as follows:-

(4) The site falls within the area identified for designation as a countryside park in the Area Action Plan for North Plymstock. The Local Planning Authority considers that the proposal would be detrimental to the character and function of this area of greenscape and therefore be contrary to the aims of proposal NP11 of the Area Action Plan for North Plymstock.

02/00882/OUT - Outline application for one detached dwelling, including means of access. This application was refused for reasons similar to 00/00431, below.

00/00431/OUT - Outline application to erect a single dwellinghouse. This application was refused for the following reasons:-

The proposed development would involve the erection of an isolated dwelling in open countryside, beyond the limits of the existing urban/suburban area. As a result, the development would be detrimental to the character and appearance of this part of open countryside and set an unwelcome precedent for further similar sporadic development. In the absence of any agricultural justification, the proposal is therefore contrary to policies AEV2 and AHR2 of the City of Plymouth Local Plan First Alteration and to the advice of the Secretary of State for the Environment, Transport and Regions as contained in Planning Policy Guidance Notes Nos. 1, 3 and 7.

Access to the site can only be obtained by way of roads which are neither intended nor fit to carry the traffic, and in particular the pedestrian traffic, which the proposed development would be likely to generate.

The development of an isolated site such as this would be contrary to Central Government Policy (PPG13) and Plymouth City Council Policy (ARH2) insofar as the site is isolated, is distant from public facilities and is not on a public transport route. The site is therefore not sustainable in that occupants would be dependent on the private car as a means of getting to and from the site for all journeys.

90/00056/OUT - Outline application to develop land by the erection of two detached dwellings with integral garages. This application was refused planning permission.

Consultation Responses

Highway Authority

Object on the grounds that the proposed development would be located where it is remote from adequate services, employment, education, public transport etc, and will therefore increase the need for journeys to be made by private vehicles, which is non-sustainable and is in conflict with advice given in PPG13, and Policies CS16 and CS28 of the City of Plymouth Local Development Framework.

Housing

Response awaited.

Public Protection Service

Public Protection Service recommends refusal to the proposed development because there is insufficient information to demonstrate that the risk of contaminated land or that the risk of pollution to controlled waters is acceptable.

Representations

16 letters have been received. Most of these raise objections, including the grounds that this is unlawful development that is contrary to previous planning refusals for residential development on the site. It is stated that the local infrastructure cannot support additional homes and that the site is part of a green link in respect of plans for the North Plymstock and Sherford developments. The development is considered unsuitable for the site; there are official sites elsewhere and lots of little (gypsy) sites are not appropriate. It is also stated that the site is remote from services and unsustainable; is on a Greenfield site and has an adverse impact on existing built and natural environments. It would also be visible from the road in winter. The layout of the development is considered unacceptable and as well as having an adverse impact on highway safety and the flora and fauna of the area the sites are considered to be too enclosed. The site is within and conflicts with the proposed countryside park (North Plymstock Area action Plan refers) and Plymouth Green Space Action Plan. Trees have been cut back and reduced and this has had a negative impact on bio-diversity. It is stated that there are inadequate transport links to the site and that access to the site is not good with poor visibility when leaving the site – the applicants also reverse two HGV lorries out onto Ridge Road. Official sites are provided. The sites are already causing considerable annoyance due to noise and business use – the site serves as a contracting base, with crane lorries, vans, equipment and materials.

Two letters of support collectively state that the site is immaculate and that the occupiers deserve a home and roots to settle on. The site is safer than the site at Chelson Meadow.

Analysis

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

As a proposal for a two-pitch gypsy site The application turns on policies CS17 (Gypsy and Traveller sites), CS18 (Plymouth's Green Space) and CS34 (Planning Application Considerations). Government Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites) is an important material consideration in the determination of this application. Policy CS17 states that sites will be identified to meet the demand for approximately 50 gypsy and traveller pitches in the plan period and that the following considerations will be taken into account in the determination of locations for gypsy and traveller sites:

1. Safe and convenient vehicular and pedestrian access to the site should be provided.
2. The site must be large enough to provide for adequate on site facilities for parking, storage, play and residential amenity.
3. The site should be well located on the highway network.
4. Safe and convenient access to schools and local facilities.
5. The site should not be detrimental to amenities of adjacent occupiers.
6. Adequate levels of privacy and residential amenity for occupiers should be provided.

Previous applications on this site relate in the main to proposals for conventional housing development. The policy context for Gypsy and Traveller applications raises other considerations. The Government has introduced a number of measures to address the national shortage of authorised sites. These include:

- Housing Act 2004 - new obligation on local housing authorities to develop a strategy to address Gypsy and Traveller needs in their area
- Circular 01/2006: regional planning bodies to determine how many pitches are needed; local planning authorities must identify sites in Development Plan Documents
- Gypsy and Traveller Site Grant now available for provision of new sites and refurbishment of existing.

- Planning Policy Statement 3: Housing (PPS3), paragraphs 20-24 identify the key characteristics of a mixed community and make it clear that this can only be secured by achieving a good mix of housing including accommodation for Gypsies and Travellers

Plymouth City Council has a clear adopted planning policy in respect of Gypsy and Travellers: Policy CS17 of the Local Development Framework Core Strategy, adopted 2007, states that sites will be identified to meet the demand for approximately 50 Gypsy and Traveller pitches in the plan period and sets criteria against which to assess applications.

These considerations were material to the Council's decision to grant planning permission in respect of application 09/00603, for the use of land at Military Road, Efford as a permanent Gypsy and Traveller site (10 pitches) to include amenity blocks, hardstandings, a new access road and provision of a new footpath along Military Road.

The Regional Spatial Strategy target for Gypsy and Traveller sites requires the city to make provision for 40 residential pitches, and 15 transit sites by 2011, and 3% growth thereafter. To date the Council has recently granted permission for 10 additional residential pitches at Efford. Consultations have taken place on two additional sites. However, even if these two sites are eventually allocated the delivery of Gypsy and Traveller sites is still likely to constitute a shortfall in overall provision. Core Strategy Policy CS17 sets out the matters that should be taken into account when considering sites (It does not require all of the stated criteria to be satisfied).

Government advice on Gypsy and Traveller sites is contained in Circular 1/2006. The circular also acknowledges that identifying specific plots is a more difficult process than using a solely criteria based approach. The first matter to be addressed in this respect is the status of the applicant as a gypsy or traveller in terms of paragraph 15 of Circular 01/2006. Where there is unmet need, but an expectation that new sites are likely to become available, as in the case of Plymouth, the circular (paragraph 45 and 46) says that consideration should be given to granting a temporary consent.

Guidance suggests that Gypsy or Traveller sites should not be located in areas where conventional residential dwellings would not be permitted unless exceptional circumstances apply. A poorly located site can result in a detrimental impact on local residents and their ability to seek or retain local employment, attend school, further education or training and obtain access to health services and shopping facilities. Whilst not an obvious site for residential development due to considerations such as how development would impact on the Greenscape area and how remote the site is from services in the built up area, the fact that the site is in an urban fringe location is also addressed by the circular; paragraphs 53 to 55 state that local landscape and nature conservation designations are not in themselves reasons to refuse a planning application. Paragraphs 58 to 63 cover planning applications: there may be some conflict within the Circular in that it accepts

that sites on the outskirts, or in semi-rural locations may be acceptable, but then paragraphs 60 and 64 refer back to criteria based considerations and the availability of services etc, which is poor in such an outlying location. For example the nearest bus stop is at Cot Hill, approximately 1440 metres from the site. This is the basis of the Transport objection that the site is remote from services such as employment, education, public transport etc.

In terms of its layout, the site is relatively spacious and provides adequate play space and parking and turning areas for the occupier's vehicles. There is a small grassed area that could be used for horses, associated with the stable block. Outside the site there are no footways to connect the site to other services for pedestrians. However, the remoteness of the site is such that walking to services, including bus stops, is not considered viable.

With regard to the specific impact of the development on the character of the area, the site is within a small pocket of built development comprising Hardwick Nurseries, the Gables Hospital and Ridge Road and Hardwick farm to the north. The site is below, and screened from, Ridge Road and to a degree is a form of in-fill development as opposed to being visibly remote from other buildings and activity. In these respects the mobile homes are also smaller scale development than conventional housing and tend to sit within the landscape, particularly in this setting, more comfortably.

With regard to the North Plymstock Area Action Plan, the proposals for a countryside park set out in proposal NP11 aim to improve recreational activity in the area as well as providing better transport links. Overall these aims are likely to improve access to and from the area, which would to a degree lessen the remoteness of the site from services.

With regard to the objection from the Council's Public Protection Unit, a contamination assessment has been submitted and if necessary planning conditions could be imposed that require the developer to investigate the potential for contamination and any remedial works that might be necessary.

Equalities and diversities issues

Finding suitable Gypsy and Traveller sites is essential to provide equality for all. Everyone is entitled to a decent home; decent homes are a key element of any thriving, sustainable community. This is true for the settled and Gypsy Traveller communities alike. Gypsies and Travellers are defined in Circular 01/2006 as being; *Persons of a nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organized group of travelling show people or circus people travelling together as such.* Gypsies and Travellers can be broadly broken down into the following groups:

Romani/Roma Gypsies: English, Welsh, Scottish and European. Traditionally Romani Gypsies speak Roma (a combination of the Indian Sanskrit language and English)

Irish Travellers: The first Irish Travellers were recorded in the 15th century. Originally forced to lead a travelling lifestyle through poverty evictions and famine, eventually leading to metalworking becoming one of the first trades.

New Travellers: The youngest group, with roots in 20th century. Many of the adults have grown up in mainstream society and are aware of their entitlements to education, health and other services.

Romani and Irish Travellers are both ethnic minorities protected under the Race Relations (Amendment) Act 2000.

Section 106 Obligations

There are no Section 106 obligations in respect of this application.

Conclusions

There is a lack of available Gypsy or Traveller sites in Plymouth. The proposals do not meet criteria 1 (safe and convenient pedestrian access), 3 (site should be well located on the highway network) and 4 (Safe and convenient access to schools and local facilities) of policy CS17. However, it is extremely unlikely that any gypsy/traveller sites will be found that will meet all of the policy CS17 criteria within an urban context, and the policy does not require all of the criteria to be met. The search area may have to be widened in the future to encompass sites in locations such as this where brick and mortar housing would not be acceptable. Whilst there is a history of refusal on this site for permanent dwellings, particularly with regard to impact on the greenscape (policy CS18) and sustainability, taking into account government advice in Circular 01/2006 and similar cases elsewhere it is considered that the weight afforded to the unmet need for gypsy sites in Plymouth is significant and given that the Circular offers the option of a temporary consent pending identification of adequate sites by the Council it is recommended that in this case a temporary consent would be acceptable. The Circular goes on to advise that granting temporary permission should not be regarded as setting a precedent for the determination of any future applications for full permission for use of the land as a caravan site. It is recommended that a three year permission be granted during which time further sites should receive planning permission/be implemented giving the Council the option to consider whether sites such as this should be retained or, alternatively, removed in favour of new sites in more sustainable locations.

Recommendation

In respect of the application dated **15/07/2009** and the submitted drawings, **OS location plan, site plan and accompanying design and access statement**, it is recommended to: **Grant Conditionally**

Conditions

TEMPORARY BUILDING:REINSTATEMENT

(1) The two mobile homes, two touring caravans and stable building hereby permitted shall be removed and the land restored to its former condition on or before 31 October 2012 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:

In the opinion of the Local Planning Authority the temporary building to which this permission relates will by the said date have fulfilled its required purpose, in accordance with policies CS17, CS18, CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

TREE AND HEDGEROW PROTECTION

(2) No tree or hedgerow on the boundary or within the site shall be cut down, uprooted or destroyed , nor shall any tree be topped or lopped 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)

Reason:

To ensure that trees and hedgerows are retained in order to adequately screen the site, in accordance with policies CS18 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007 .

NO BUSINESS USE ON SITE

(3) No on-site business activities shall take place other than with the prior consent in writing of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to regulate and control the use of the land in the interest of local and visual amenity in accordance with policies CS17 and Cs34 of the Core Strategy of Plymouth's Local Development Framework 2007.

NUMBER OF CARAVANS AND MOBILE HOMES

(4) The site shall be used to accommodate two mobile homes and two touring caravans and no additional mobile homes or caravans of any type shall be stationed or accommodated on the site at any time.

Reason:

To enable the Local Planning Authority to regulate and control the use of the land in the interest of local and visual amenity and highway safety, in accordance with policies CS17 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

ANCILLARY USE OF STABLE BUILDING

(5) The stable building shall at all times be used ancillary to the domestic use of the site as a two-pitch gypsy site and shall be used as a stables and tack room only and for no other purpose.

Reason:

The proposed use is considered to be in accordance with the use of the site for a two-pitch gypsy site but an alternative use would need to be made the subject of a separate application to be considered on its merits, in accordance with policies CS17 and CS18 of the Core Strategy of Plymouth's Local Development Framework 2007.

RESTRICTIONS ON PERMITTED DEVELOPMENT

(6) 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 development falling within Classes A (enlargement, improvement or other alteration of a dwellinghouse), B (enlargement of a dwellinghouse consisting of an addition or alteration to its roof), C (any other alteration to the roof of a dwellinghouse), D (erection or construction of a porch outside any external door of a dwellinghouse), E (provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such), and F (provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such) of Part 1 of Schedule 2 to that order shall at any time be carried out unless, upon application, planning permission is granted for the development concerned.

Reason:

In order to preserve residential amenity and the character and appearance of the area, in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE - RESIDENTIAL USE ONLY

(1) With regard to condition 3, this permission is for residential use and incidental use only and not for any business use. The keeping of commercial vehicles at the site may need to be the subject of a separate planning application to be considered on its merits.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the need for gypsy and traveller sites and the impact on residential amenity, highway safety, traffic generation and sustainability and the greenscape qualities of the area, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001,

and (c) relevant Planning Guidance (SPG) Notes, Government Policy Statements and Government Circulars, as follows:

PPG13 - Transport

PPS3 - Housing

PPS1 - Delivering Sustainable Development

CS28 - Local Transport Consideration

CS34 - Planning Application Consideration

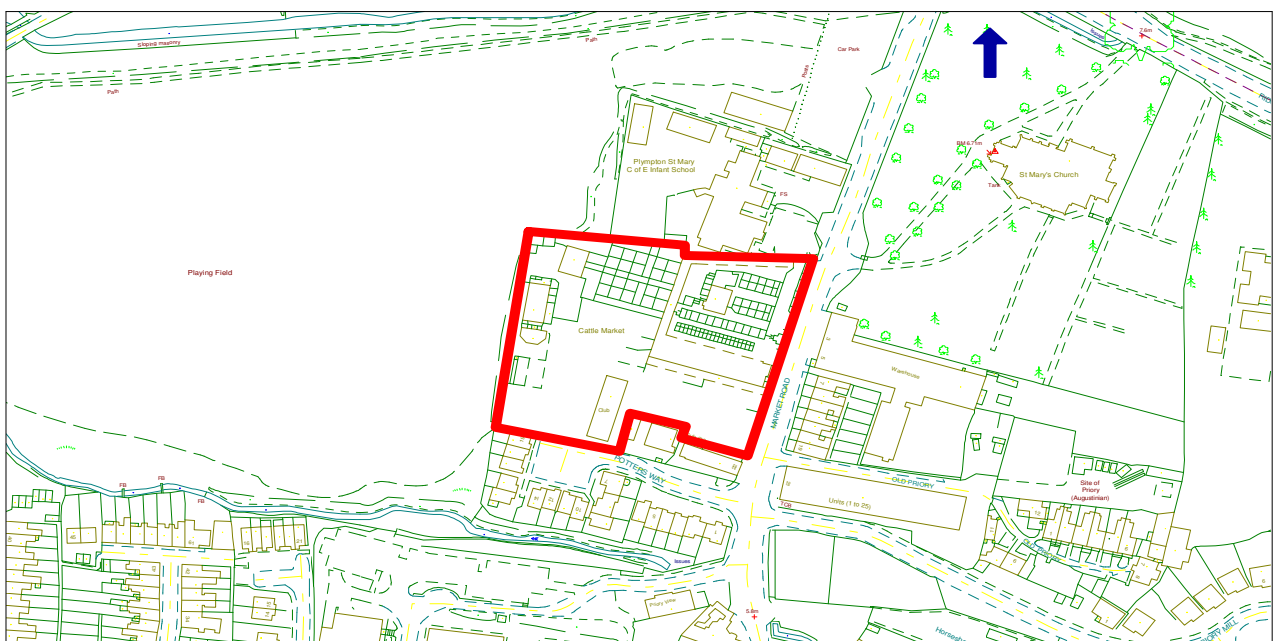
CS18 - Plymouth's Green Space

CS02 - Design

CS30 - Sport, Recreation and Children's Play Facilities

NP11 - Countryside Park

CS17 - Gypsy and Traveller Sites

ITEM: 05**Application Number:** 09/01432/FUL**Applicant:** BDW Trading LTD**Description of Application:** Redevelopment of cattle market by erection of 49 dwellings with associated carparking, new vehicular access, landscaping construction of flood flow route, stream widening and creation of footpath to playing field (resubmission re-positioned and enlarged flood route and stream widening)**Type of Application:** Full Application**Site Address:** PLYMPTON CATTLE MARKET, MARKET ROAD
PLYMOUTH**Ward:** Plympton Erle**Valid Date of Application:** 01/10/2009**8/13 Week Date:** **31/12/2009****Decision Category:** Major Application**Case Officer :** Mark Evans**Recommendation:** Grant conditionally subject to S106 Obligation delegated authority to refuse by 23/12/09**Click for Application Documents:** www.plymouth.gov.uk

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OFFICERS REPORT

Site Description

A former livestock market site consisting of approximately 0.9 ha of land, and buildings on the western side of Market Road between Plympton St Mary Junior and Infant School, and a short residential cul-de-sac known as Potters Way. There are existing terraced dwellings and commercial premises on the opposite side of Market Road, and playing fields immediately to the rear (west) of the site. The livestock markets ceased in about 1999 due to declining business, and since then the site has been used on occasions for car auctions and Saturday markets. The site appears to be currently unused, and has suffered from vandalism, fly-tipping, and the abandonment of cars. The site still contains features from the livestock market use such as livestock sheds and pens, and contains some stone walls, which are at least in part worthy of retention in any redevelopment scheme.

Proposal Description

The proposal is to construct 49 dwellings on the site consisting of a mix of two-bedroom and one-bedroom apartments, together with a mix of two-bedroom, three-bedroom and four-bedroom houses. The houses would be a mixture of two and three storeys in height, whilst the flats would be contained within three storey buildings. The design of the development incorporates the use of natural and re-constituted stone, render and concrete tiles.

14 (29%) of the residential units will be affordable housing units.

There would be a single vehicular access off Market Road which also provides a new, direct public footpath link between Market Road and the playing fields at the rear of the site. The development proposes 75 on-site car parking spaces.

Stone boundary walls would be retained largely intact with some minor alterations. Some sections of stone wall within the site would also be retained, along with some refurbished market paraphernalia, in order to reflect the historical use of the site.

Relevant Planning History

87/00774 - Erection of temporary building for use as clubhouse - (Full) - GRANTED

90/02783 - Retention of temporary building for use as clubhouse - (Full) - GRANTED

93/01383 - As 90/02783 - (Full) - GRANTED

95/00472 - As 90/02783 - (Full) - GRANTED

00/00724 - Residential development (O/L) - WITHDRAWN

03/00186 - Residential development (50 dwellings) - (Full) - REFUSED

03/01427 - Erection of 50 dwellings with associated parking, landscaping and new vehicular access (duplicate application to 03/00186) - REFUSED

07/00539 – Erection of 50 dwellings with associated parking, landscaping and new vehicular access – WITHDRAWN

07/02352 – Redevelopment of cattle market by erection of 53 dwellings with associated car parking, landscaping and new vehicular access – REFUSED

09/00928 - Redevelopment of cattle market by erection of 49 dwellings with associated car parking, landscaping, stream widening, creation of footpath to playing field and new vehicular access - WITHDRAWN

Consultation Responses

Environment Agency

No objections subject to conditions.

Highway Authority

No objections subject to conditions.

South West Water

No objections.

Public Protection Service

No objections subject to conditions.

Representations

At the time of writing, no letters of representation have been received.

Analysis

This proposal has been submitted under the Plymouth Market Recovery Action Plan initiative launched by the Planning Service on 22nd October 2008. The Plymouth Market Recovery Action Plan is an officer-level approach to negotiating community benefits on validly made planning applications submitted between 14th October 2008 – 31st December 2009 on selected sites to help stimulate the local economy in 2009, 2010 and 2011. The Plymouth Market Recovery Action Plan will work within the existing planning policy framework established by the Local Development Framework Core Strategy adopted in April 2007 and all subsequent Area Action Plans.

The aims of the initiative are:

1. To maintain optimism and momentum about the exciting regeneration and investment opportunities which exist in Plymouth.
2. To focus on delivery of key projects that can be completed in 2009, 2010 and 2011.
3. To maintain quality in developments but be realistic in assessing what can be delivered in the short term.

4. To explore creatively the use of public assets and joint venture models to build momentum so that Plymouth is well placed when the market does recover.
5. To work with partners (CDC, RDA, HCA) to promote Plymouth.

The Market Recovery Action Plan does NOT:

1. Propose a change in Local Development Framework policy.
2. Justify poorer quality design.
3. Apply to strategic sites crucial for Plymouth's growth agenda.
4. Apply to previously negotiated planning applications.
5. Alter the Planning Committee's statutory role in determining each application on its merits.

Following a "call for sites" this site is one of 16 sites that were submitted by the deadline of 22nd December 2008 and which have been accepted for consideration under the initiative. In being accepted under the initiative the applicant has accepted the 5 safeguards that form part of the Plymouth Market Recovery Action Plan. In relation to this proposal the position on each of the safeguards is as follows:

1. The developer is prepared to enter into a Planning Performance Agreement.

The proposal has met this requirement due to the early commencement of the pre-application discussions prior to the 5 safeguards being adopted and the submission of an agreed time frame for delivery of the development. The developer has stated that construction will commence immediately upon receipt of a planning approval. It has not therefore been necessary to require the production of a Planning Performance Agreement in this instance to safeguard the City Council's position.

2. The developer is prepared to accept and pay for an open book approach to the development viability appraisal.

The proposal has met this requirement because an open book appraisal has been submitted and verified as part of the consideration of this application.

3. The developer can demonstrate to the satisfaction of the Planning Service Management Team that the development will be commenced within 2 years.

The proposal has met this requirement as the applicant has accepted in writing a proposed Section 106 provision which will require commencement of development within 2 years.

4. The developer is prepared to accept a limited 2 year consent and/or a personal consent.

The proposal has met this requirement as the applicant has accepted in writing a condition stipulating a two year consent.

5. The developer is prepared to accept and pay for a post scheme development appraisal and support other monitoring arrangements in order for Planning Services to review the impact of the Market Response Action Plan.

The proposal has met this requirement as the applicant has accepted to fund a post scheme appraisal.

Plymouth must respond to the current market difficulties in a proactive and positive way because of the sheer enormity of the city's growth agenda. Whilst trying to balance long term objectives with short term market responses officers have sought to take a considered view of the risks in a manner that protects member discretions and the primacy of the Planning Committee's duty to consider each application on its merits. In this case the proposal meets the requirements of the initiative and is therefore presented to Planning Committee for consideration on that basis.

The key issues are:

1. The existing flood risk of the site and the impact of the development on the existing and future flood risk to both the application site and sites in the locality;
2. The impact of the development upon the appearance and character of the area;
3. The impact of the development upon neighbouring properties;
4. The impact of the development upon the highway network.

1. Drainage & Flood Risk

The site is located within Flood Zone 3 being situated almost entirely within the Environment Agency's 1 in 100 year Indicative Floodplain of the Long Brook which flows immediately to the south of Potters Way. The application site is also situated adjacent to a section of Market Road and Potters Way where surcharge and discharge from the existing combined sewer via manholes in Market Road has resulted in a series of localised but serious flooding incidents. This has previously resulted in raw sewage being discharged into streets and gardens of some of the properties in Potters Way, although not within the dwellings themselves which were deliberately constructed above flood level.

The proposed development incorporates significant on-site and off-site flood mitigation works which have been designed in full consultation with the Environment Agency in order to improve the permeability of the site, significantly reduce surface water run-off from the site and reducing the potential flood risk on adjoining sites. The Flood Risk Assessment submitted with the application demonstrates that the development will be a "safe" development in terms of flood risk and the Environment Agency does not object to the development.

The development is therefore fully supported by adopted Core Strategy policies CS01, CS21, CS22 and Government guidance contained in PPS25.

2. The impact of the development upon the appearance and character of the area.

Principle of Residential Development - the application site constitutes a brownfield site having been previously developed and used as a livestock market. Therefore although the site is not allocated for residential development in the Core Strategy it is in principle considered to be suitable for residential development provided the site is capable of being developed without giving rise to demonstrable harm to recognised planning interests.

Layout & Design - The proposed layout for the development is considered acceptable. The overall density of the proposed development would equate to approximately 58 dwellings per hectare. Planning Policy Statement 3 (PPS3) advises that the density of development should not be dictated by that of existing development density. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment. Taking into account the fact that the site is within an urban area more able to sustain the proposed density based on its location and access to local facilities, public transport networks and services etc, the proposed density is acceptable.

The development would include some three-storey buildings, but would be mostly two storeys in height, and compatible with existing development in Market Road and Potters Way.

The proposed siting and design will enhance the appearance and character of this derelict site and will be in keeping with the appearance and character of development in the locality. In this respect, the proposed development is considered to be acceptable and complies with adopted Core Strategy Policies CS01, CS02, CS15, CS32, CS34 and Government advice contained within PPS1 and PPS3.

The provision of a pedestrian link through to the playing fields at the rear of the site is desirable in terms of providing a convenient, safe (well overlooked) route to the fields and play facilities for prospective residents and existing local residents.

3. The impact of the development upon neighbouring properties.

The proposed siting, layout and design of the development is considered to have an acceptable relationship with regards the residential amenity of neighbouring properties. In this respect, the proposal accords with adopted Core Strategy policies CS01, CS02, CS34 and Government advice contained within PPS1 and PPS3.

4. The impact of the development upon the highway network.

The development has been designed to take into account detailed recommendations made in respect of a previously proposed layout and has resulted in an improved street layout within the development. The principle of providing a single access onto Market Road is considered acceptable. The scheme has been designed to encourage prospective residents and visitors to park within the application site. In order to retain some of the character and historic interest of the market site, sections of existing stone wall would be retained along the site frontage. Overall in terms of access and transport, the proposed scheme is considered to comply with adopted Core Strategy Policies CS02, CS28 and CS34.

The Highway Authority does not object to the development proposal.

Community Benefits

(a) Affordable Housing

Core Strategy Policy CS15 promotes the delivery of affordable housing and advises that on developments of 15 dwellings or more, 30% of the total number of dwellings proposed should be affordable homes (subject to viability). It advises that "Off-site provision or commuted payments for affordable housing will be acceptable provided it is robustly justified and contributes to the creation of balanced, mixed and sustainable communities".

In order to set the proposed development in the context of the current economic climate, it is important to note that the Council formally agreed, on 14th October 2008, the adoption of a series of phased-in temporary concessions to be granted for developments in relation to the Plymouth Development Tariff. It was agreed that as part of these measures, for residential development of 15 homes or more, a reduced affordable housing requirement of up to 50% of the full requirement may be considered if the case is proven through an open book viability appraisal that the development is unviable at the higher level. Similarly 50% of the tariff will be charged for the development of previously developed brown-field land.

On this basis, if the application were to be considered outside of the umbrella of the Market Recovery Action Plan, on the basis of the independently verified viability assessment submitted with the application, the development would be required to deliver 15% affordable housing on-site (7 units), together with a financial contribution of £234,994 towards the Plymouth Development Tariff. This Tariff contribution would be allocated in accordance with the "Strategic Priorities" identified under the temporary measures approved through Council December 2008, which are: Strategic Transport Infrastructure, Primary Schools and Natural Environment.

The current scheme is brought forward under the structured approach of the Market Recovery Plan. If approved, it would guarantee that this significant development, comprising 29% (14) affordable housing units will start on site within the next two years, within what is still likely to be a restricted financial climate. This early start is one of the requirements of the recommended S106 Obligation.

The development therefore delivers in excess of the 15% affordable housing requirement of the reduced Development Tariff and is acceptable in terms of Core Strategy Policy and Government advice contained in PPS3.

(b) Other Community Infrastructure.

It is clear from the viability assessment submitted with the application that the development cannot afford to fully deliver the Plymouth Development Tariff contribution towards Strategic Transport Infrastructure, Primary Schools and Natural Environment as required by either the full or reduced Tariff if combined with the delivery of 29% affordable housing units. In the case of this application if considered outside the parameters of the Market Recovery Action Plan, but within the reduced Development Tariff, the required financial contribution would be £234,994.

It is clear from the submitted viability assessment (that has been verified by the Council) that the S106 Obligation required in line with policy, even taking into account the reductions agreed by Cabinet, (which would permit 15% of the residential units to be developed as affordable housing), is not deliverable due in part, to the additional requirement for the applicant to part fund the cost of the substantial on and off-site flood mitigation measures required to be undertaken by the Environment Agency. (Reported as being in excess of £500,000)

Under the parameters of the Market Recovery Action Plan, it is proposed that a reduced contribution of £95,800 will be provided under a phased method of payment, which will specifically fund Transport Infrastructure works in the locality.

Whilst it is noted that on this basis the proposal does not fully mitigate against the adverse community infrastructure impacts of the development as required by adopted Core Strategy policy CS01, the impact of one site failing to fully deliver the requirements of the Plymouth Development Tariff required by Council policy, when set against the context of making a noteworthy contribution to the delivery of the wider housing target over the plan period as set out in the Core Strategy together with the delivery of on and off-site flood alleviation measures, is considered to be insignificant.

In accordance with policy CS01, the development will improve the sustainability of the individual communities and neighbourhoods in the locality by delivering development of an appropriate type, form, scale, mix and density in relation to its location; Contributing to the promotion of a positive sense of place and identity and contributing to the creation of a well connected, accessible, inclusive and safe community.

Core Strategy Policy CS05 states that development of sites with existing employment uses for alternative purpose will be permitted where there is clear environmental regeneration and sustainable community benefits from the proposal. In accordance with this policy, the development will deliver a significant number of affordable housing and open market housing units on a derelict prominent site, and contribute to the further enhancement of the residential character and amenity of the locality.

It is recommended that the reduced financial contribution to the Development Tariff be agreed, incorporating a more flexible phased method of payment. In addition, a “clawback” clause shall be incorporated within the S106 Obligation in order to ensure, should the final development profit exceed that predicted within the submitted viability assessment, that this additional profit is paid back to the Council to increase the development contribution towards the delivery of additional community infrastructure up to the total amount otherwise required under the Plymouth Development Tariff.

Sustainability

In accordance with adopted Core Strategy Policy CS20, the development would be expected to incorporate onsite renewable energy production equipment to off-set at least 10% of predicted carbon emissions for the period up to 2010, rising to 15% for the period 2010-2016.

In accordance with this, a condition is recommended to ensure that appropriate on-site renewable energy systems are integrated into the development to ensure that the development fully accords with the requirements of Policy CS20 and Government advice contained within PPS22.

Human Rights Act

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant’s reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equalities and diversities issues

The development will provide much needed residential accommodation and affordable housing to young and old people.

The key equality groups particularly benefiting from the development are older people and those with disabilities as 20% of residential units will be built to Lifetime Homes standards and a number will be adapted for disabled users. Those with young children will also benefit due to the provision of a new public route through the site to the playing fields.

The benefits to all groups will be positive as it will provide much needed residential accommodation and affordable housing to the local community, in addition to incorporating flood risk mitigation measures which will reduce potential flood risk on this and adjoining sites.

No negative impact on any of the equality groups is anticipated.

Pedestrian access will be improved by the creation of a new public route through the development to the playing fields.

Section 106 Obligations

The following clauses and affordable housing and financial contributions towards new/strategic infrastructure are required in connection with the development under the parameters of the Market Recovery Action Plan and Plymouth Development Tariff:

1. Affordable Housing – Under the parameters of the Market Recovery Action Plan, the development proposes 29% (14 Units) of affordable housing on site. It is proposed that this will comprise a tenure mix of 8 (60%) social rented units and 6 (40%) shared equity units, although this specific detail is currently still being negotiated. This suggested tenure mix is in accordance with the Council's objectives as set out within Strategic Objective 10 and Policy CS15 of the adopted Core Strategy and is supported.
2. A contribution of £95,800 towards Transport Infrastructure in the locality as required by the Plymouth Development Tariff will also be provided (£15,234 payable upon commencement of development and £80,566 payable upon completion of the development or at 10% occupation, whichever is the sooner).
3. Development to commence within two years.
4. Developer to commission a post scheme development appraisal to be submitted to the Local Planning Authority, and support other monitoring arrangements in order for Planning Services to review the impact of the Market Response Action Plan.
5. A "clawback" clause be incorporated within the S106 Obligation to ensure, should the above post development appraisal identify that the final development profit has exceeded 15%, that 100% of this additional profit is paid back to the Council to increase the development contribution towards the delivery of community infrastructure in line with adopted planning policy and the Plymouth Development Tariff (up to the maximum amount that would have otherwise been required under the Plymouth Development Tariff).
6. No residential unit shall be occupied until the culvert on the adjacent site has been removed in accordance with planning consent 06/01174/FUL.

Conclusions

The weaknesses in the scheme's deliverable community benefits (described above) should be balanced against the wider benefits of achieving the delivery of this key housing development on this prominent, neglected brownfield site.

The development will provide much needed affordable housing to the community despite the current severity of the economic climate under the parameters of the Market Recovery Action Plan, in addition to significantly reducing the potential flood risk on adjoining sites on Market Road and Potter's Way.

The development is considered to have an acceptable design and layout in terms of its impact upon the appearance and character of the locality and relationship to neighbouring properties, and in itself demonstrates a "safe" design in terms of flood risk. The development therefore accords with the requirements of PPS25 and specifically Core Strategy Policies CS01, CS02, CS21 and CS34.

It is therefore recommended that the application be conditionally approved subject to the satisfactory completion of the S106 Obligation. Delegated authority is also sought to refuse the application should the S106 Obligation not be signed within the 13 week statutory target date.

Recommendation

In respect of the application dated **01/10/2009** and the submitted drawings, **859/01M, 859/RLBP, 859/04A, 859/03A, 859/06, 859/20/01, 859/20/02, 859/20/03, 859/21/01, 859/21/02, 859/21/03, 859/23/04, 859/23/05, 859/23/06, 859/23/07, 859/23/08, 859/23/09, 859/01K, 859/24/01, 859/24/02, 859/24/03, 859/25/01, 859/25/02, 859/25/03, 859/26/01, 859/26/02, 859/26/03, 859/26/04, 859/27/10, 859/27/01, 859/27/02, 859/27/03, 859/28/02, 859/28/03, 859/28/04, 859/29/01, 859/29/05, 859/29/06, 859/29/07, 859/29/08, 859/33/01, 859/33/02, 859/33/03, 859/33/04, 859/34/01, 859/34/02, 859/34/03, 859/34/05, 859/34/06, 859/34/07, 859/34/08, 859/34/09 , 859/100E, 859/102E, 859/121A, 859/123B, 859/122C** ,Supporting information (Design and Access Statement, Community Consultation Document, Repeat Ecological Survey (August 2009), Transport Statement (June 2007), Flood Risk Statement (June 2009)) , it is recommended to: **Grant conditionally subject to S106 Obligation delegated authority to refuse by 23/12/09**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 2 YEARS

(1)The development hereby permitted shall be begun before the expiration of two years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004, and due to concessions in Planning Obligation contributions/requirements under Plymouth's temporary Market Recovery measures.

CODE OF PRACTICE DURING CONSTRUCTION

(2) Prior to the commencement of the development hereby approved, a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the management plan.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LAND QUALITY

(3) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until points 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until point 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of point 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of point 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with point 3.

Reason:

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

ARCHAEOLOGICAL INVESTIGATION

(4) No part of the development allowed by this permission shall be commenced until the applicant (or their agent or his successors in title) has secured the implementation of a programme of archaeological work, in

accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or other such details as may subsequently be agreed in writing by the Planning Authority.

The developer should note that:

1. archaeological evaluation is sought prior to development.
2. should archaeological deposits be exposed, adequate time must be allowed for the necessary recording.

Reason:

ACCESS (5)

(5) 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 in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

GRAMPIAN (6)

(6) Unless otherwise agreed previously in writing, no occupation shall be permitted until the proposed access and improvements to the existing highway shown on plans to be submitted to and approved in writing by the Local Planning Authority have been completed.

Reason:

In the interests of highway and pedestrian safety in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

STREET DETAILS

(7) 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 residential 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 Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

ROAD ALIGNMENT AND DRAINAGE

(8) Development shall not begin until details of the vertical alignment for the new street areas have been submitted to and approved in writing by the Local Planning Authority. No residential 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 Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

COMPLETION OF ROADS AND FOOTWAYS

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

Reason:

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

EXTERNAL MATERIALS

(10) Unless otherwise agreed previously in writing with the Local Planning Authority, 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 (including details of all roofing, cladding, window colouring and wall finishes/colour schemes), 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 CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SURFACING MATERIALS

(11) No development shall take place until details of all surfacing materials to be used have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Unless otherwise agreed previously in writing with the Local Planning Authority, all paving and hardsurfacing shall be constructed with a permeable surface design in accordance with details previously submitted to and agreed in writing with the Local Planning Authority. The agreed details shall thereafter be so retained and maintained unless written agreement is given to any variation.

Reason

To reduce the extent of surface water run-off from the site in the interests of the prevention of flooding and in accordance with Core Strategy Policy CS21 and advice contained in PPS25

BIODIVERSITY

(12) Prior to occupation of any residential unit, the surface water drainage channel from the site and the flood relief channel shall be designed so as to create a wildlife habitat in accordance with details including details of design, planting and of a proposed management scheme which shall have been previously submitted to and agreed in writing with the Local Planning Authority, in order to positively contribute to the nature conservation value of the site. Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the recommendations and principles outlined in the Repeat Ecological Survey and Mitigation Strategy (dated August 2009) for the site. A landscape strategy which complies with these principles shall be submitted the Local Planning Authority prior to commencement of works on site.

Any planting shall use native species only.

Reason

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in PPS1 and PPS9.

SECURE BY DESIGN STANDARDS

(13) Prior to occupation of any residential unit, the rear flood routes and pedestrian access routes leading to properties shown on the submitted drawings shall be gated or fenced in accordance with details (including siting, design and materials) which shall have been previously submitted to and agreed in writing with the Local Planning Authority.

The approved gates shall thereafter be so maintained and retained.

Unless otherwise previously agreed in writing, the entrance to the playing fields shall be constructed with a wooden chicane type gate to prevent motor cycles accessing the playing field at this point.

Reason

To ensure that a secure and safe environment is created within the development in accordance with Core Strategy policy CS32.

CONSTRUCTION OF FLOOD ALLEVIATION MEASURES

(14) Unless previously agreed in writing with the Local Planning Authority, no residential unit shall be occupied until the flood alleviation measures shown on the approved drawings have been completed to the satisfaction of the Local Planning Authority. The flood alleviation measures shall thereafter be permanently retained and maintained.

Unless otherwise previously agreed in writing, the flood flow route adjoining Potter's Way shall be first constructed and subsequently maintained with a waterproof membrane.

No residential unit shall be occupied until a management strategy for the maintenance of all flood alleviation routes has been implemented in accordance with details which shall have been previously submitted to and agreed in writing with the Local Planning Authority. The management strategy shall remain in place in perpetuity unless written agreement is given to any alternative.

Reason

To ensure the flood alleviation measures are implemented on site in the interests of the prevention of flooding of the site and adjoining land in accordance with adopted Core Strategy policy CS21 and Government guidance contained in PPS25.

LANDSCAPE DESIGN PROPOSALS

(15) 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 Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SOFT LANDSCAPE WORKS

(16) 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 Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LANDSCAPE WORKS IMPLEMENTATION

(17) 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 Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LANDSCAPE MANAGEMENT PLAN

(18)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 Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF TREE PLANTING

(19)The plans and particulars of the landscaping works submitted in accordance with condition 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 Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

TREE REPLACEMENT

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

Reason:

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

DETAILS OF BOUNDARY TREATMENT

(21)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 before the buildings are occupied. Development shall be carried out in accordance with the approved details.

No work shall commence on the proposed flood alleviation boundary wall works adjoining Potter's Way until details of the precise location of the new opening and details of the design and materials of the proposed replacement boundary treatment/railings have been submitted to and agreed in writing with the Local Planning Authority. The agreed details shall be strictly adhered to during the course of development. For the avoidance of doubt the new railings shall be constructed from metal and not timber.

Reason:

To ensure that the details of the development are in keeping with the standards of the vicinity in accordance with Policies CC02 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LIFETIME HOMES

(22) Notwithstanding the submitted drawings, unless otherwise previously agreed in writing with the Local Planning Authority, at least 20% of the residential units hereby permitted shall be first constructed and subsequently maintained to Lifetime Homes standards in accordance with details (including details of the precise siting of the specific units) which shall have been previously submitted to and agreed in writing by the Local Planning Authority. Unless otherwise agreed previously in writing with the Local Planning Authority, the approved details shall be fully implemented prior to completion of the development or occupation of the 25th residential unit (whichever is the sooner) and thereafter so maintained and retained.

Reason:

In order to meet the needs of disabled people so that they may live as part of the community in accordance with adopted City of Plymouth Core Strategy Objective 10, Policy CS15 and relevant Central Government advice.

SUSTAINABILITY

(23) Unless otherwise agreed previously in writing with the Local Planning Authority, prior to any development taking place, the applicant shall provide to the Local Planning Authority a report for approval identifying how for the period up to 2010, a minimum of 10% of the carbon emissions for which the development is responsible will be off-set by on-site renewable energy production methods, rising to 15% for the period 2010-2016. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations.

Unless otherwise agreed in writing, the approved on-site renewable energy production methods shall be provided in accordance with these details prior to the first occupation of the development and thereafter retained and used for energy supply for so long as the development remains in existence.

Reason:

To ensure that the development incorporates onsite renewable energy production equipment to off-set at least 10% of predicted carbon emissions for the period up to 2010, rising to 15% for the period 2010-2016 in accordance with adopted Core Strategy Policy CS20 and relevant Central Government guidance contained within PPS22.

EXTERNAL LIGHTING

(24) Details of any proposed external lighting shall adhere to the principles set out in the Repeat Ecological Survey and Mitigation Strategy (dated August 2009) and shall be previously submitted to and agreed in writing with the Local Planning Authority prior to its use on site. The agreed details shall be strictly adhered to during the course of development and thereafter so retained unless the written agreement of the LPA is provided to any alternative external lighting/floodlighting.

Reason:

To minimise the impact of light pollution on foraging bats in the locality in accordance with the provisions of Core Strategy policies CS01, CS02, CS19, CS22, CS34 and relevant Government advice in PPS9.

RESTRICTIONS ON PERMITTED DEVELOPMENT

(25) Notwithstanding the provisions of the Town and Country Planning (18) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order or the 1995 Order with or without modification), no development falling within Class(es) [A], (B), (C), (D) of Part 1 of the Schedule to that Order shall be carried out unless, upon application, planning permission is granted for the development concerned.

Reason:

In order to protect the amenity of the area and prevent over-development of the site, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE - SECTION 278 AGREEMENT HIGHWAYS ACT 1980

(1) The applicant is advised that the proposal includes works within a existing highway. As such, prior to any works commencing on the highway, the applicant must enter into a Section 278 agreement with the Highway Authority.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: The existing flood risk of the site and the impact of the development on the existing and future flood risk to both the application site and sites in the locality. The impact of the development upon the appearance and character of the area; The impact of the development upon neighbouring properties. The impact of the development upon the highway network, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (1)

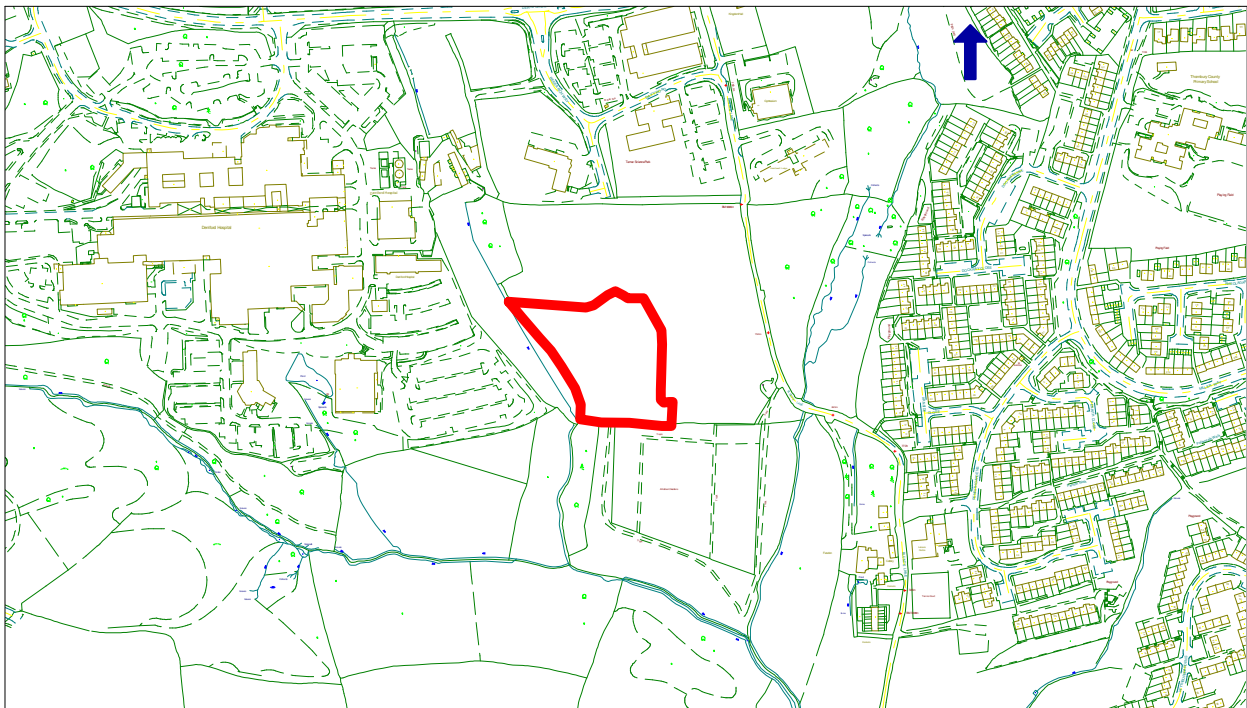
policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Planning Guidance (SPG) Notes, Government Policy Statements and Government Circulars, as follows:

PPG12 - Development Plans
PPG13 - Transport
PPS3 - Housing
PPS9 - Biodiversity and geological conservation
PPS1 - Delivering Sustainable Development
CS28 - Local Transport Consideration
CS32 - Designing out Crime
CS33 - Community Benefits/Planning Obligation
CS34 - Planning Application Consideration
CS19 - Wildlife
CS20 - Resource Use
CS21 - Flood Risk
CS05 - Development of Existing Sites
CS01 - Sustainable Linked Communities
CS02 - Design
CS15 - Housing Provision
CS16 - Housing Sites
CS30 - Sport, Recreation and Children's Play Facilities
PPS25 - Development and Flood Risk

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ITEM: 06

Application Number:	09/01379/REM
Applicant:	Resound Health Ltd.
Description of Application:	Submission of reserved matters details (appearance, landscaping, and layout) for development of land by erection of dental school with associated access and carparking (outline planning consent 09/00206/OUT)
Type of Application:	Reserved Matters
Site Address:	PHASE 6 SITE, TAMAR SCIENCE PARK SOUTH OF RESEARCH WAY PLYMOUTH
Ward:	Moor View
Valid Date of Application:	28/09/2009
8/13 Week Date:	28/12/2009
Decision Category:	Major Application
Case Officer :	Mark Evans
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



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OFFICERS REPORT

Site Description

The site comprises a greenfield site approximately 1 Hectare in area. The John Bull Peninsula Medical School lies immediately to the west/north west of the site, Derriford Community Park and allotments lie to the south of the site and a number of Science Park business units lie to the north east. An additional future development site lies on open land to the south east of the site.

The site is bounded on two sides (south and west) by well established, mature trees and hedgerow. The land is currently accessed from the existing Research Way roundabout.

Proposal Description

The principle of the development, access and massing have already agreed at Outline stage. This application seeks approval for the remaining Reserved Matters details of Appearance, Landscaping and Layout of a development of a new dental school for the Peninsula College of Medicine and Dentistry.

The approved new vehicular access will be off the existing roundabout at the end of Research Way.

The approved massing of the proposed development will comprise a three storey building. It is proposed that this will have a gross internal floor area of 2293m². Due to the steeply sloping site topography when viewed from the Research Way approach road it is proposed that the building will appear to be two storeys high (approximately 10.5m high), with a lower ground level visible from the rear being proposed (three storeys in total, approximately 21m high).

The proposed building accommodation is divided across three storeys, with public entrances on the ground and lower ground storeys. Staff and student access is via the lower ground floor, with one specific student entrance opposite the John Bull building main 'valley level' entrance. The circulation around the outside of the building allows less able users to enter either on the ground or lower ground levels as level threshold doors and passenger lifts are included.

An extensive green roof is proposed on the main Dental School building, to be planted with a species rich native planting mix, and this will be visible from the Research Way approach road. Native species specimen trees are proposed to the access road embankments to create a tree line to the drop off area and the access road. To help reinforce the site boundary line at the top of the roadway embankment further shrub planting is proposed.

The lower ground floor elevations and plinth to the building are clad in natural stone that will complement the earth and stone Devon Banks and this stone is

also used within the external landscape groyne walls and retaining structures to help integrate the building within its landscape and the wider context of the park.

The design has been informed by the recently completed Tamar Science Park Phase 4 buildings in the North East corner of the park, which combines landscaping, shared surfaces and a limited palette of materials to produce crisply detailed contemporary buildings.

The building design proposes a mainly white rendered building above ground sat on a stone plinth at lower ground floor level. The rendered facades are punctuated by larch cladding to returns and intersections between rendered wall planes. Large expanses of curtain wall glazing punch the façade and demark the public areas and main internal spaces. The glazing is protected by external vertical brise soleil formed by timber blade shaped louvres.

To the west, the covered plant area and service access utilise a mixture of stone plinth and timber-clad walls to enclose the refuse and medical gas bottle store. The elevations to the plant area contain large areas of horizontal louvres within the stone plinth to provide free airflow to the mechanical and electrical plant contained internally.

The building is being designed to meet BREEAM "Excellent". The development also includes on-site renewable energy equipment in the form of solar thermal hot water collectors located on the first floor rooflights and a ground source heat pump. The Design and Access Statement submitted with the application indicates that this will enable at least 10% of the building's predicted carbon emissions to be off-set in line with Core Strategy policy CS20.

The Design and Access Statement states that approximately forty-nine standard and four disabled car parking spaces adjacent to the main entrance will be proposed. A high level of secure cycle storage will also be proposed for staff, students and patients. It is University policy to discourage students from using private car transport. To help facilitate this, the University provides a scheduled student bus service from the main campus to the Science Park daily.

Relevant Planning History

09/00206/OUT - Outline application for the development of land by the erection of a dental school with associated access arrangements and car parking facilities (seeking approval for access and scale reserved matters) - APPROVED

01/01424/FUL -Infrastructure works including new roads, parking areas, landscaping and footpaths - APPROVED

Consultation Responses

Environment Agency

No objection subject to conditions.

Highway Authority

No objections subject to conditions.

South West Water

No objections subject to conditions.

Public Protection Service

No objections subject to conditions.

Representations

At the time of writing the officer report, no representations received.

Analysis

The key issues are:

1. The impact of the development upon the appearance and character of the area (Policies CS01, CS02, CS14, CS18, CS19, CS20; CS22, CS32 and CS34 of the Core Strategy apply);
2. The impact of the development upon the highway network (Policies CS01, CS28 and CS34 apply);
3. Impact upon the amenities of adjoining buildings (Policies CS01, CS02, CS31 and CS34 of the Core Strategy apply);
4. Impact on ecology and trees (Policies CS01, CS18, CS19 and CS34 of the Core Strategy apply);
5. Sustainable resource use (Policies CS01 and CS20 of the Core Strategy apply);

The application should be assessed primarily against adopted Local Development Framework Core Strategy. This report therefore has due regard to the following policies: CS01 (Sustainable Linked Communities); CS02 (Design); CS14 (New Education Facilities); CS18 (Plymouth's Green Space); CS19 (Wildlife); CS20 (Sustainable Resource Use); CS21 (Flood Risk); CS22 (Pollution); CS28 (Local Transport Considerations); CS31 (Health Care Provision); CS32 (Designing Out Crime); CS33 (Community Benefits/Planning Obligations) and CS34 (Planning Application Considerations), in addition to Central Government advice contained in PPS1, PPS9, PPG13, PPS22 and PPS25. The draft Derriford and Seaton Area Action Plan and draft Development Guidelines Supplementary Planning Document are also material planning considerations.

The principle of the development, access and massing have already agreed at Outline stage.

The site is allocated for employment led mixed use within the Derriford and Seaton Draft Area Action Plan, and is situated next to existing medical facilities and medical related employment contained within the University Medical School. The development is supported by adopted Core Strategy

policy CS31 which supports the development of new and enhanced health care facilities in Derriford in locations well related to public transport infrastructure and where they provide high standards of accessibility to all sectors of the community.

The proposals are also specifically mentioned in Strategic Objective 15 (Delivering Community Well-being) of the Core Strategy. This advises that:

“To set a spatial planning framework for the improvement of the city's community health, safety and well being for everyone. This will be achieved through...

5. Improving the city's healthcare facilities by supporting the implementation of the Vanguard Health Project, the LIFT initiative, other GP-led initiatives and the Peninsula Dental School ...”

The Core Strategy also advises that “The economic role for Derriford is to promote growth that is complementary to the City Centre, as well as reinforce the existing and new business clusters, particularly the medical sector. This supports the bi-nodal) economy concept identified in Plymouth's Local Economic Strategy 2006-2021, and reflected in Sections 6 and 7 of the Core Strategy. A key part of this will include provision of appropriate facilities and infrastructure to attract and support new investment, including the regionally significant health and medical facilities such as the Vanguard Health Project and the Peninsula Dental Health School...”

The scheme is also considered to contribute to Core Strategy Area Vision 9 by playing a supporting role in the sub-region's long term economic and social well being through the provision of strategically important health and further education infrastructure within an accessible building for all users, supported through its promotion of sustainable transportation options like cycling and the public transport network.

The impact of the development upon the appearance and character of the area and Impact upon the amenities of adjoining buildings:

Appearance:

The scale of the development approved at Outline stage is for a three storey development.

The proposed contemporary design of the building incorporating a mix of white render, timber cladding, glazed curtain walling and timber brise soleil set on a stone plinth is in keeping with that of development in the locality and is considered to have a positive impact on the appearance and character of the locality. The impact of the development upon neighbouring buildings is acceptable. The development accords with the provisions of Core Strategy policies CS01, CS02 and CS34.

Landscaping:

The proposed landscaping which includes the provision of a green, sedum roof, is considered to be acceptable and compliments that of the surrounding development and particularly that developed on the recent Phase 4 Tamar Science Park. The development therefore accords with the provisions of Core Strategy policies CS01, CS02, CS18, CS19, CS34 and guidance contained in PPS1 and PPS9.

Layout:

The proposed layout will also help to reinforce the connections between the new Dental School building, the existing John Bull Medical School building, the Bircham Valley Nature Reserve and Derriford Hospital with a series of interconnecting external uncovered pathways within the landscape. A new pedestrian footpath forming a private link between the Dental School and existing Medical School is also proposed which will take advantage of the existing landscaped area between the two buildings.

The proposed building accommodation is divided across three storeys, with public entrances on the ground and lower ground storeys. Staff and student access is via the lower ground floor, with one specific student entrance opposite the John Bull Building main 'valley level' entrance. The circulation around the outside of the building allows less able users to enter either on the ground or lower ground levels which incorporate level threshold doors and passenger lifts.

The proposed internal and external development layout is considered to be satisfactory and the development accords with the provisions of Core Strategy policies CS01, CS02, CS28, CS32 and CS34.

The Impact of the Development upon the Highway Network:

The previously approved access fully accords with Core Strategy Policies CS31, CS34 and Government advice contained in PPG13.

It is proposed that forty-nine standard and four disabled car parking spaces adjacent to the main entrance will be proposed. A high level of secure cycle storage will also be proposed for staff, students and patients. It is encouraging that the University's policy is to discourage students from using private car transport. The scheduled student bus service provided by the University from the main campus to the Science Park daily will help facilitate this.

The Highway Authority, whilst raising no objections to the application, has advised that taking into account the high accessibility of the site and the difficulties that exist on the local highway network in terms of capacity (or lack of it) in the am and pm peak traffic hours, the level of proposed car parking provision should be limited in order to assist the promotion of sustainable travel choices in accordance with Policy CS28 of the adopted Core Strategy. The Highway Authority therefore recommends that the amount of car parking spaces be reduced from that currently proposed (53 spaces) to 46 spaces.

In response the applicant has provided a robust response within the Design and Access Statement, setting out the necessity for the number of proposed spaces to be maintained at no less than 53 spaces to meet the operational demands of the facility (for staff and patients). It is also noted that no car parking spaces are provided for students.

The applicant's, albeit modest, increased parking requirement does not fully support the promotion of sustainable travel choices in accordance with Policy CS28 of the adopted Core Strategy, nor does it fully accord with the principle of reducing the amount of car parking based on accessibility as outlined within the draft Development Guidelines Supplementary Planning Document which advises that a 70% reduction in car parking based on accessibility should be applied.

However, the draft Development Guidelines Supplementary Planning Document does advise that a higher level of parking than that determined by the assessment could be acceptable but only if supported by strong evidence on grounds of economic viability. It goes on to advise that "In exceptional circumstances, a higher level of parking provision may be acceptable to facilitate and help kick-start a regeneration program". However, it should be made clear that this level of flexibility does not necessarily apply to all subsequent developments. Increased economic activity in an area should be linked with increased public transport accessibility.

Taking into account the supporting information provided within the application submission including the development of a Parking Management Strategy to introduce initiatives to reduce the operational impact of the proposed car parking on the highway network, together with the context of the wider regeneration benefits of the development playing a supporting role in the sub-region's long term economic and social well being through the provision of strategically important health and further education infrastructure, on balance, the number of car parking spaces proposed by the applicant is considered to be acceptable, although is considered the maximum that should be supported by this Authority.

The Impact of the Development on Ecology and Trees

The impact of the development on ecology and trees is considered to be acceptable and in accordance with Core Strategy Policies CS01, CS18, CS19 and CS34, in addition to Government advice contained in PPS1 and PPS 9.

Sustainable resource use

The applicant has confirmed that the development will be constructed to BREEAM "Excellent" standard and proposes the use of a Ground Source Heat Pump and Solar Thermal Hot Water Heating System to off-set 10% of the carbon emissions for which the development is responsible. On this basis, the development will be fully in accordance with Core Strategy policies CS01 and CS20, and Government advice contained in PPS22.

Human Rights Act

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equalities and diversities issues

The development provides further educational facilities predominantly to young people (students) and health facilities to all equality groups.

The key equality groups affected are young people (students), the elderly and disabled persons.

The benefit to all groups will be positive as it will provide fully accessible specialist educational facilities for students together with fully accessible health facilities to the public.

No negative impact on any of the equality groups is anticipated.

Pedestrian access through the site and to the adjoining nature reserve will be improved through the creation of new and enhanced linkages through the development. Secure cycle storage is provided to support active travel. These measures should benefit young and older people by improving accessibility.

Section 106 Obligations

A Section 106 Obligation has been agreed as part of the original Outline Planning Consent in line with adopted Core Strategy policy. For information this requires a financial contribution of £25,830 towards strategic transportation improvements in the city, payable upon commencement of development together with an administrative fee of £1292.

Conclusions

The principle of the development with access and massing have already been agreed at Outline planning stage. The Reserved Matters details of Appearance, Landscaping and Layout are considered to be acceptable, and accord with adopted Core Strategy policies and relevant Government advice contained within Planning Policy Statements and Guidance.

The proposed development is specifically considered to contribute to Core Strategy Area Vision 9 by playing a supporting role in the sub-region's long term economic and social well being through the provision of strategically

important health and further education infrastructure. Conditional approval of the application is therefore recommended.

Recommendation

In respect of the application dated **28/09/2009** and the submitted drawings, **Design and Access Statement, 08667 SD 01I, 08667 SD 02L, 08667 SD 03L, 08667 SD 04L, 08667 SD 05I, 08667 SD 06D, 08667 SD 07D, 08667 SD 08D, 08667 SD 09B, 08667 AP 15C, Illustrative CGI's (08667 SD 100, 08667 SD 101, 08667 SD 102, 08667 SD 103, 08667 SD 104, 08667 SD 105, 08667 SD 106, 08667 SD 107, 08667 SD 108)** , it is recommended to: **Grant Conditionally**

Conditions

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 upon the appearance and character of the area; The impact of the development upon the highway network; Impact upon the amenities of adjoining buildings; Impact on ecology and trees and the impact on sustainable resource use, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (1) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Planning Guidance (SPG) Notes, Government Policy Statements and Government Circulars, as follows:

CODE OF PRACTICE DURING CONSTRUCTION

(1)Prior to the commencement of the development hereby approved, a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the management plan.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LANDSCAPE DESIGN PROPOSALS

(2)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].

Unless otherwise agreed previously in writing with the Local Planning Authority, all proposed areas of scrub and hedgerow creation/enhancement shall be installed prior to commencement of construction works on site.

Reason:

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

SOFT LANDSCAPE WORKS

(3) 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 Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LANDSCAPE WORKS IMPLEMENTATION

(4) 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 Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LANDSCAPE MANAGEMENT PLAN

(5) A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, 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 Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

TREE SURVEY

(6)The plans and particulars of the landscaping works submitted in accordance with condition 3 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 of any tree on land adjacent to the site] [within a distance of any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree];

(e) details of the specification and position of fencing [and any other measures to be taken] 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 Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF TREE PLANTING

(7)The plans and particulars of the landscaping works submitted in accordance with condition 3 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 Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

TREE REPLACEMENT

(8)If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size

shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason:

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

EXISTING TREE/HEDGEROWS TO BE RETAINED

(9) 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

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

Reason:

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

PROVISION OF PUBLIC FOOTPATH TO DERRIFORD COMMUNITY PARK

(10) Prior to occupation of the development, a new public footpath link to Derriford Community Park shall be provided within the site in accordance with details which shall have been previously submitted to and agreed in writing with the Local Planning Authority. The agreed details shall be strictly adhered to during the course of development and thereafter so maintained and retained as a public footpath link.

Reason

In the interests of maximising public links to the Community Park in accordance with adopted Core Strategy policy and relevant Central Government advice.

SURFACE WATER DRAINAGE

(11) No development approved by this permission shall be commenced until details of a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:-

1. Details of the drainage during the construction phase
2. A timetable of construction
3. A construction quality control procedure
4. Details of the final drainage scheme
5. Provision for overland flow routes
6. A plan for the future maintenance and management of the system.

Prior to operation of the site it shall be demonstrated to the satisfaction of the Local

Planning Authority that relevant parts of the scheme have been completed in accordance with the details agreed. The scheme shall thereafter be managed and

maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason

To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal in accordance with Core Strategy policies CS01, CS21, CS22, CS34 and relevant Government advice in PPS1 and PPS25.

SUSTAINABLE URBAN DRAINAGE SYSTEM

(12) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall not be occupied until a Sustainable Urban Drainage System, that avoids any disturbance to the adjacent Local Nature Reserve, has been constructed in accordance with details which shall have been previously submitted to and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details and thereafter so maintained.

Reason

In the interests of the promotion of the use of Sustainable Urban Drainage Systems in accordance with Core Strategy policies CS01, CS20, CS34 and Government advice contained in PPS9 and PPS22.

SUSTAINABILITY

(13) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall not be occupied until the on-site renewable energy equipment (Ground Source Heat Pump and Solar Thermal Heating System) has been installed on site. The development shall thereafter incorporate this or replacement on-site renewable energy production equipment to off-set at least 10% of the development's carbon emissions.

Reason: To comply with Core Strategy Policies CS01, CS20, CS34 and Government advice contained in PPS22.

CONTAMINATED LAND

(14) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with adopted Core Strategy policies CS01, CS21, CS22 and Government advice contained in PPS1 and PPS25.

DETAILED LEVELS

(15) No work shall commence until details of existing and proposed levels, including cross sections at various points across the site (E/W and N/S) with particular reference to existing and proposed ground levels in relation to the canopy spreads of the trees on the western and southern boundary of the site. For the avoidance of doubt, unless otherwise agreed previously in writing with the Local Planning Authority, there shall be no change in existing ground levels (either up or down) within at least 6m from the base of the bank on which the trees on the western and southern boundaries stand.

Reason

To enable the Local Planning Authority to consider the details of the proposed ground levels, and to enable an assessment of any proposed ground level changes to be made with regards the potential impact on the trees on the western and southern boundary of the site, in accordance with Core Strategy policies CS01, CS02, CS18, CS19, CS34 and relevant Government advice contained in PPS1.

STREET DETAILS

(16) 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. The building shall not be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

Reason:

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

ACCESS

(17) 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 in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CONSTRUCTION OF ACCESS BEFORE OCCUPATION

(18) The building shall not be occupied until a means of vehicular access 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 in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PEDESTRIAN/CYCLE ACCESS

(19) 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 in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007

CAR PARKING PROVISION

(20) Unless otherwise agreed previously in writing with the Local Planning Authority the development shall not be occupied until space has been laid out

within the site in accordance with the approved plans for a maximum of 53 cars (13 for staff and 40 for patients) to be parked and for vehicles to turn so that they may enter and leave the site in a 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 Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and relevant Government advice.

CYCLE PROVISION

(21)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 a minimum of 10 bicycles to be parked within a covered and secure area.

Reason:

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

LOADING AND UNLOADING PROVISION

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

Reason:

To enable such vehicles to be loaded and unloaded off the public highway so as to avoid:- (i) damage to amenity; (ii) prejudice to public safety and convenience; and (iii) interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021)2007.

USE OF LOADING AREAS

(23)The land indicated on the approved plans for the loading and unloading of vehicles shall not be used for any other purposes unless an alternative and equivalent area of land within the curtilage of the site is provided for loading and unloading with the prior consent in writing of the Local Planning Authority.

Reason:

To ensure that space is available at all times 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 in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

STAFF TRAVEL PLAN

(24) 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 the use)(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 in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

EXTERNAL MATERIALS

(25) 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 CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SURFACING MATERIALS

(26) No development shall take place until details/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 CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

EXTERNAL LIGHTING

(27) Details of any proposed external lighting/floodlighting shall be previously submitted to and agreed in writing with the Local Planning Authority prior to its use on site. The agreed details shall be strictly adhered to during the course of development and thereafter so retained unless the written agreement of the LPA is provided to any alternative external lighting/floodlighting.

For the avoidance of doubt, any external lighting shall not exceed a lighting level of more than 1 lux within the adjacent Local Nature Reserve.

Reason:

To minimise the impact of light pollution on foraging bats in the locality in accordance with the provisions of Core Strategy policies CS01, CS02, CS19, CS22, CS34 and relevant Government advice in PPS9.

BIODIVERSITY

(28) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Ecological Assessment and the Preliminary Reptile Mitigation Strategy (both dated May 2009) for the site.

Reason

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in PPS9.

INFORMATIVE - POLLUTION PREVENTION

(1) The applicant is advised that all foul drainage should be connected to the public foul sewer with the agreement of South West Water.

Any facilities for the storage of fuels or chemicals shall have adequate containment

to prevent the discharge of leaks or spillages. The applicant is referred to the Environment Agency's Pollution Prevention Guidance Notes available on the Environment Agency website.

All wastes arising from the development must be re-used, re-cycled or otherwise

disposed of in accordance with waste management legislation and in particular the

Duty of Care. Further information can be obtained from the Environment Agency website.

INFORMATIVE - SECURED BY DESIGN

(2) The applicant is recommended to consider building this development in accordance with the principles of 'Secured by Design'.

PPG13 - Transport

PPS9 - Biodiversity and geological conservation

PPS1 - Delivering Sustainable Development

PPS22 - Renewable Energy

PPS23 - Planning & Pollution Control

CS28 - Local Transport Consideration

CS32 - Designing out Crime

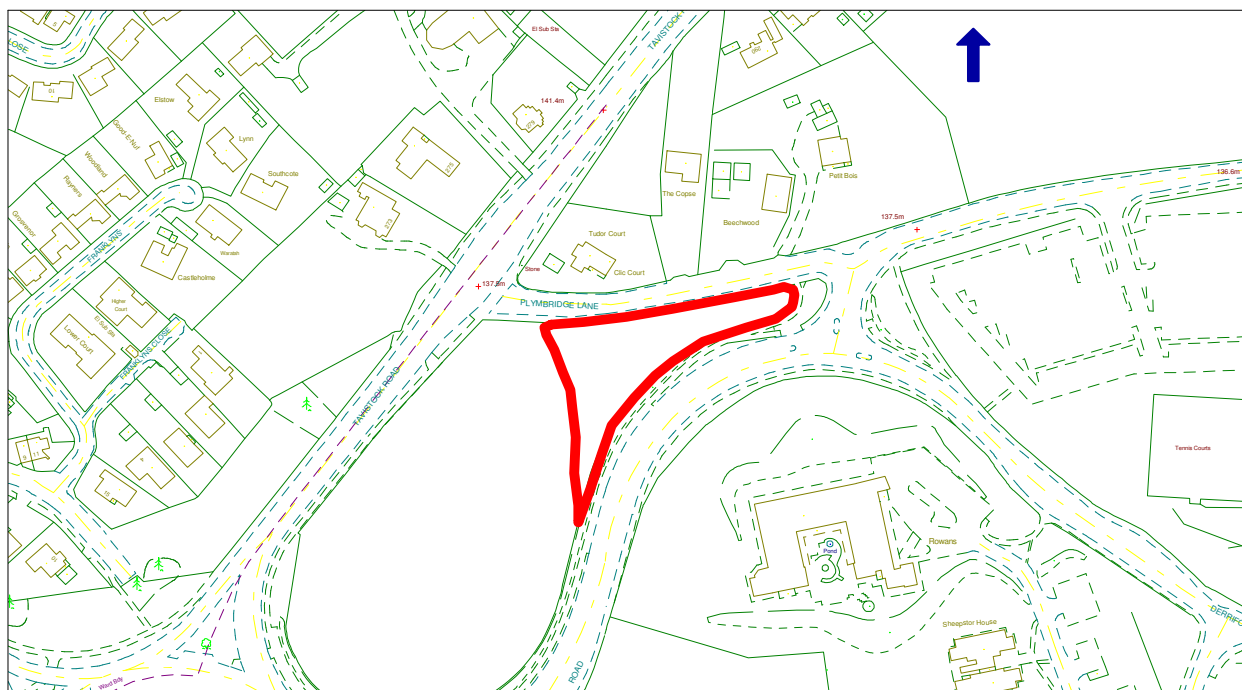
CS33 - Community Benefits/Planning Obligation

CS34 - Planning Application Consideration
CS22 - Pollution
CS14 - New Education Facilities
CS18 - Plymouth's Green Space
CS19 - Wildlife
CS20 - Resource Use
CS21 - Flood Risk
CS01 - Sustainable Linked Communities
CS02 - Design
PPS25 - Development and Flood Risk
CS31 - Healthcare Provision

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ITEM: 07

Application Number:	09/01400/FUL
Applicant:	Pillar Land Securities
Description of Application:	Erection of student accomdation for 123 students organised around 16 communal dining/living spaces in two blocks and associated access, parking and landscaping
Type of Application:	Full Application
Site Address:	LAND BOUNDED BY PLYMBRIDGE LANE, DERRIFORD ROAD AND HOWESON LANE DERRIFORD PLYMOUTH
Ward:	Moor View
Valid Date of Application:	29/09/2009
8/13 Week Date:	29/12/2009
Decision Category:	Major Application
Case Officer :	Robert McMillan
Recommendation:	Grant conditionally subject to S106 Obligation delegated authority to refuse 23/12/09
Click for Application Documents:	www.plymouth.gov.uk



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OFFICERS REPORT

Site Description

The site is an island plot surrounded by Plymbridge Lane, Derriford Road and Howeson Lane. It has an area of 0.17 hectare and frontages with Plymbridge Lane of 55 metres and Derriford Road of 98 metres. It is the remainder of the old Lozenge site that was developed in the early 2000's for a hotel, pub and car dealership that lie to the south west. There are houses to the north and the new accommodation for Derriford staff to the northeast, next is the part of the airport to be developed for housing with the Devonshire Raquet club to the east. The former "Rowans", hospital accommodation and car park are to the south east that now forms part of the North West Quadrant development site.

The land is unkempt and is made up ground. The land slopes from north to south with a maximum fall of 3 metres.

Proposal Description

The proposal is to develop the site for student housing in two buildings. These are at right angles to each other forming a small parking courtyard facing Derriford Road. There is accommodation for 123 occupiers grouped around 16 kitchen/living areas. Block A is on the western part of the site would front Howeson Lane, It would be mainly four storeys but would drop down to three storeys at the northern end facing Plymbridge Lane. At the southern part fronting Derriford Road it is five storeys owing to the drop in levels across the site. It is 39 m long by 11m wide. The height would vary: at the northern end it is 9m rising to 11m. At the southern part it is 14.5m and in the central part containing the stairwell, lift housing, plant room and a kitchen/living area is 14m. There is solar shading at southern end attached to a mast like structure.

It would provide space for 69 students grouped around nine kitchen/living areas including one accessible study bedroom, a laundry room and a refuse and recycling room

Block B fronts Plymbridge Lane and is a three/four storey building. It is 40m long by 11m wide. The three storey part is 9m high, the four storey element is 11m and the stairwell, lift housing, plant room is 12m. There are 54 study bedrooms grouped round seven kitchen/living areas with one accessible room and a refuse and recycling room. There is solar shading at eastern end attached to a mast like structure.

Access is from Plymbridge Lane with seven parking spaces and parking for 41 cycles. Landscaping would be in the three corners and along the Derriford Road frontage.

The materials are coloured render, timber boarding, grey cladding, aluminium cladding and roof and aluminium windows doors and curtain walling.

Relevant Planning History

Adjoining land on the developed part of the Lozenge site

Mercedes-Benz dealership

04/04/00722 – RESERVED MATTERS - Detached building for use as motor vehicle dealership with associated workshop stores, valet and MOT testing facility, showroom and car parking/landscaping – APPROVED.

02/ 01026 – RESERVED MATTERS - Erection of a part single/part 2 storey building for a motor dealership and workshop and parking and display areas - APPROVED.

01/00489 – OUTLINE - Erection of a motor garage and car showroom, with vehicular and pedestrian access off Plymbridge Lane, and a bus lane - GRANTED CONDITIONALLY

Hotel and pub

03/01193 – RESERVED MATTERS - Erection of a hotel (revised scheme) - APPROVED.

02/01005 – RESERVED MATTERS - Erection of a hotel, pub/restaurant, parking, access and landscaping - APPROVED.

02/01004 - Variation of a condition to allow work to begin on the hotel and pub/restaurant in advance of the highway works - GRANTED.

01/00490 – OUTLINE - Erection of a pub and restaurant – GRANTED

01/00488 – OUTLINE - Erection of hotel and restaurant together with new vehicular and pedestrian access off Plymbridge Lane and a bus lane - GRANTED CONDITIONALLY

Unimplemented permissions on the Lozenge

01/00485 – OUTLINE - Erection of offices (class B1), with vehicular and pedestrian access off Plymbridge Lane and a bus lane -GRANTED CONDITIONALLY.

01/00486 – OUTLINE - Erection of creche and nursery, with vehicular and pedestrian access off Plymbridge Lane, and a bus lane - GRANTED CONDITIONALLY.

Consultation Responses

Environment Agency

No objection subject to conditions on flood risk and contaminated land.

Plymouth City Airport

No objection provided that the noise issues have been addressed.

Highway Authority

No objection provided that there are adequate measures in place to mitigate the reduced parking on site through appropriate terms in the section 106 agreement and conditions. These matters are dealt with in the "Analysis" section below.

Highways Agency

No objections

Public Protection Service

No objection subject to conditions on ground contamination and noise so that habitable rooms meet the "good room criteria".

Architectural Liaison Officer

No objections.

Representations

With the withdrawn application – 09/01088 the Council received four letters raising the concerns below. Officers assume that the writers will require their objections to apply to this later application. Any additional comments will be reported in the addendum report. The comments previously raised are:

1. The development is too high;
2. Out of character with the area which is two and three storeys; it is more suited to the inner city than this out of centre location;
3. Overdevelopment of the site and too high a density;
4. Inadequate parking: as a comparison the halls of residence at Marjons have more parking;
5. Will exacerbate existing on street parking;
6. Dangerous access will add to the hazard caused since Plymbridge Lane was opened onto Tavistock Road and the speed of traffic entering from the slip road;
7. Since the Lozenge was developed a few years ago there has been harm to amenity caused by an increase in traffic, pollution, fumes, damage to the highway, problems with the transporters to the car dealership, nuisance from patrons of the Jack Rabbit PH, litter and obstruction from an unofficial taxi rank: the proposal will add to this adverse change in the character of Plymbridge Lane;
8. Visual harm;
9. Harm to residential amenity;
10. Overlooking;
11. Loss of light;

12. The supporting statement cites Council policies and aspirations but does not show how the application complies with them and the writer believes it does not for the reasons stated above;
13. Nuisance from the anti-social behaviour of some of the occupiers especially late at night and from sound systems with no proper supervision;
14. There are more suitable sites elsewhere in the Derriford area and at Marjons;
15. Invalid information on the drawings, no finished heights are shown, elevations and sections are not in perfect alignment and are deceptive;
16. The new hospital workers' accommodation on Plymbridge Lane originally had far fewer car parking spaces but more were provided during consideration of the application;
17. That development is more in keeping with the area and sensitive to adjoining properties and similar principles should apply to this application;
18. Occupiers on Plymbridge Lane could be forced to install automatic gates to avoid illegal parking that would add to danger on the lane while they are waiting to enter;
19. Possible damage to cars at the dealership from vandalism;
20. Possible damage to cars at the dealership from dust and debris during the construction phase so there should be a code of practice condition;
21. The scheme should be amended by reducing the height, scale and massing with fewer bed spaces, more car parking and landscaping.
22. Loss of views; and
23. Property devaluation.

Plymouth University commented on the previous application in support of it. It is ideally located for its students based at Marjons at the Peninsula Allied Health Centre and students at the Medical and proposed Dental School.

In a second email the University stresses that it does not want to be seen as interfering in the planning process or siding with one application rather than another. But it provides useful background for members and officers.

The University is facing an acute accommodation problem and is short by about 2,000 beds. This can affect recruitment and have a bad effect on the University. There is an increasing preference from students and parents for institution accommodation. Halls of Residence are better for students and can be managed more effectively. The inability to offer all first year students and all those from overseas is a serious competitive disadvantage.

The University supports limited parking as part of its Travel Plan and strongly discourages students to bring cars. It provides a bus service between Derriford and the city centre.

The provision of satisfactory student accommodation is critical to the continued success of the University which benefits the City.

Analysis

The main issues with this application are: the principle of the use; design; impact on residential amenity; transport and parking; and tariff/section 106 matters. The main policies in the Local Development Strategy that relate to this development are: Area Vision 9 Derriford / Seaton and the emerging Area Action Plan, CS14 New Education Facilities, CS15 Overall Housing Provision, CS16 Spatial Distribution of Housing Sites, CS02 Design, CS34 Planning Application Considerations, CS28 Local Transport Considerations, CS33 Community Benefits / Planning Obligations and the Planning Obligations and Affordable Housing SPD.

Background

This application has been fast-tracked to link with the proposed new Dental School at the Tamar Science Park. The reserved matters application for the Dental School - 09/01379 - is also on this agenda following the grant of outline permission earlier this year – 09/00206. It is due to open in September 2011. The applicant is eager to complete the student accommodation at the same time in order to provide accommodation for the dental students together with other students based at Derriford.

The applicant's team only started pre-application discussions in July 2009 making the first application – 09/01088 – in August. Changes were required and more negotiation was needed on the design, tariff and section 106 agreement. The applicant withdrew the application and quickly re-submitted. Officers were still negotiating the terms of the section 106 agreement while the report was prepared.

Principle

The Council's aspirations for Derriford in AV9 are to create a mixed use urban centre at the heart of the north of Plymouth that is well connected to the surrounding communities. Key components include: creating a new district centre; developing its employment strength as a major centre for economic development; advancing the provision of important health, further education and transport infrastructure; providing a new high quality northern gateway into the city; and creating a strong urban form of sufficient scale. The vision and AAP show the site within an area of "residential led mixed use".

The immediate surroundings have been and will be subject to significant change with new commercial uses on the former paddock known as the Lozenge of which the site is the last remnant and key worker housing for Derriford Hospital staff on the opposite side of Plymbridge Lane. Permission was granted in June this year for improvements to the airport and about 300 dwellings and business units on the recently closed secondary runway – 08/01968. The owners of the North West Quadrant on the other side of Derriford Road to the south will shortly be making an outline application for a substantial mixed use redevelopment.

The University has a presence in Derriford at the Peninsula Medical School, proposed Dental School and Peninsula Allied Health Centre.

Policy CS16 emphasises the importance of Derriford for housing as one of the three priority locations with 3,500 new homes proposed for 2021. Student housing is clearly residential development but it is specialised form of accommodation and is not included in the dwelling allocations targets. It can also be seen as a higher education ancillary facility. Given the Council's objectives to realise the development and growth potential at Derriford the proposed use is residential and it would provide managed institutional student accommodation for the medical, dental and other students based at Derriford. This will help maintain the University's competitive edge and ability to continue attracting students. This accords with the Area Vision and the allocation for the site in the emerging AAP for residential led mixed use. Also it is a sustainable location for students based at the Derriford as it is in easy walking and cycling distance from the key destinations. The walking distances are: 0.8km to the Medical School, 1km to the proposed Dental School, 0.65km to Marjons and 0.5k to Derriford Hospital. It is a sustainable location for its intended use complying with policies CS01, CS16 and CS28.

Design

The triangular shape of the site dictated the layout with two blocks at roughly right angles with Block A facing Howeson Lane and Block B fronting Plymbridge Lane separated by the access from Plymbridge Lane. The scale, height and massing have been a contentious issue originally with officers and continues to be so with the occupiers of the three houses on Plymbridge Lane. Originally the applicant proposed buildings four to six storeys high. Officers then agreed with the neighbours' views that this would be too great a scale and too dominant. They sought changes and the applicant agreed by removing the fifth storey of Block A, (which reads as six storeys when viewed from Derriford Road). The northern part of Block A and the western part of Block B have been reduced to three storeys. This reduces the scale and massing of the development and lessens the impact on the outlook of "Tudor Court", the property closest to the site. It is now a three and four storey scheme with the southern part of Block A reading as five storeys.

The neighbours are quite right to observe that the surrounding development is two and three storeys high with the recent Hospital key worker housing built at a similar scale. One resident lucidly states that: "...this is a development of urban, inner city massing and scale in an out of town location and yet which is identical in nature and character with the various high density student accommodation developments dotted all around the city centre area..." If this part of Derriford was to remain as a low density residential area not subject to major change this would be a forceful argument.

But a crucial planning fact is the proposal in the Core Strategy and emerging AAP to enable Derriford to grow providing for a district centre and shops, employment, health related uses, and housing. The aim as stated in 4.81 of the draft AAP is to create a new high quality 'northern gateway' into the city,

with a strong sense of place. It continues that "...A strong urban higher density mixed use character should be delivered in contrast to the current out of town, car dominated and dispersed character." This island site at the junction of Plymbridge Lane and Derriford Road lends itself to a development of this scale. The amended scheme is considered to be acceptable in accordance with AV9, policies CS02 and CS34 and the emerging AAP.

Residential amenity

Officers sympathise with the occupiers of the houses in Plymbridge Lane that the character of the area has and will continue to change. They are on the edge of the established residential area of Tavistock Road to the north and mixed use Derriford development area to the south. Indeed at one time it was possible that the area of land comprising "The Copse", "Tudor Court" and site where the new house is, could have been redeveloped. But terms could not be agreed by all the parties so no scheme was proposed. The amenity of these properties has to be protected to comply with policies CS02 and CS34 and sound planning practice. The appearance of this part of Plymbridge will become more urban. The outlook from Tudor Court will be affected but the reduction in scale of the parts of the proposal closest to it has lessened the impact to an acceptable level. The kitchen living areas on Block B have no windows facing Tudor Court. There are small subordinate windows on the northern elevation of Block A on the first and second floors. There is adequate natural light to these rooms and officers will seek to have them removed. If they must remain they will be conditioned to be non-opening and glazed in obscure glass. There would not be overlooking.

The Copse and the new house are affected but to a lesser degree as they are set well back from the Plymbridge Lane and are 45 – 47 metres from Block B with the new house partly shielded by Tudor Court.

Residents are naturally concerned about the large number of students at a high density and the potential for anti-social behaviour and nuisance from some of the occupiers. The property will be a properly managed hall of residence. A condition and informative are provided ensuring that the developer submits for approval the management arrangements. These will include an on-site warden, tenancy agreements, contact details should complaints arise and the procedure for handling them. This will help to reduce the risk of students' actions causing undue disturbance.

Given the changes to the scheme to reduce the impact on residential amenity and provided the property is well managed it is considered that it would not cause undue harm to nearby properties and complies with policy CS34.

Transport and Parking

The local highway authority (LHA) does not object to the use or the access arrangements. The LHA's main concern is the lack of dedicated off-street parking for 123 students. To comply with the parking standard 39 spaces should be provided but only seven are. It is a sustainable location in relation

to the educational establishments nearby where the students would study as stated above in the "Principle" section. A case can be made for the development to be "car free" for the students' academic purposes. There are currently few facilities in Derriford, (although it is intended that this will change over time as the district and local centres develop and other mixed uses are attracted to the area). This would lead to students needing access to the use of a car at evenings and the weekends. Some students would be tempted to bring their cars and park on surrounding streets where there are no parking controls or residents' parking permit zones in place.

The applicant has proposed a car club with two cars on site for the students to book for periods of varying length depending on demand and availability. The precise details still need to be developed and agreed. The principle is welcomed by officers and it could act as a catalyst in establishing car clubs in the Derriford area and city. This would need to be covered in the section 106 agreement. The applicant has offered £57,395 to fund transport initiatives including the car club and a limited number of travel passes.

The traffic consultants have submitted a comprehensive Travel Plan which will promote and encourage sustainable means of travel and will be tied to the application by condition. The siting of the new access will involve slight changes to the location of the tactile paving crossing point and the need for tactile paving either side of the access. Subject to the section 106 agreement and conditions the proposal is acceptable and complies with policy CS28.

Tariff and Planning Obligations

The issue of the tariff and section 106 agreement has proved to be a contentious one. Officers calculated the tariff based on the Planning Obligations and Affordable Housing SPD (SPD) and applied the 50% discount as part of the measures to stimulate recovery of the development industry. This gives a figure of £98,960 plus a management fee. The applicant has argued that the tariff ought not to apply to this development and even if it does it can't meet it on viability grounds. It cited a recent Secretary of State appeal decision at Greenhithe Dartford to support its argument. The applicant did not submit it as evidence but officers obtained a copy. First, it is an important decision but is not a court case and does not have binding legal authority. Second, the facts are clearly distinguishable. At Dartford there was no adopted Core Strategy, no tariff/obligations SPD, the policy it had in place had not been subject to proper public consultation and the tariff did not differentiate between types and sizes of dwelling. In all these circumstances the opposite applies at Plymouth and, contrary to contradicting your officers' approach, the decision justifies it and the procedures in place here. The Government is consulting on the proposed Community Infrastructure Levy (CIL) and when it is introduced it will affect the tariff and section 106 regime. This could prevent the continued use of tariffs. But they are still lawful and accepted practice. If they are to be removed there would be a two year transition period before any such restriction took effect.

The policy framework for section 106 contributions is contained in policy CS33 and the Planning Obligations and Affordable Housing SPD. Paragraph 3.2 of the SPD states that the development tariff will affect all residential developments. The proposed student accommodation is residential development. The table on page 17 applies to C3 dwellinghouses. For other forms of residential development the LPA adopts a reasonable approach.

In this case the approach officers adopted is reasonable by considering the cluster units for 7 and 8 students as 5+ bedroom dwellinghouses especially when the document assumes an average household size of only 3.13 for such units in the table at paragraph 3.29.

The rationale for the contributions is given in the SPD. A contribution for education and children's services does not apply to this proposal. Officers also agreed that a contribution for playspace was unreasonable. The applicant has challenged this approach but is offering a contribution in order to deliver the scheme.

There has been much discussion and negotiation on this matter. The applicant originally offered a contribution of £15,000 for public transport and travel passes. It then raised it to £25,000 and finally to £57,395. The applicant has submitted viability appraisals to show the marginality of the development. The Planning Service is developing an expertise in the assessment of such appraisals and believes that the appraisal could be unduly pessimistic. It is possible that the development might be more profitable than the applicant predicts. If this happened there could be scope to secure an additional contribution as "clawback". Officers are still negotiating this matter and will update members on the progress in the addendum report and at the meeting.

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equalities and diversities issues

The likely users of the development are students mainly aged 18 – 25 years. It will be available to men and women, people of all faith and race groups and there are two rooms for people with disabilities. The building will be designed to be fully accessible. There is no requirement for Lifetime Homes given its specialized target group. As the site is close to family houses it is essential that the facility is properly run and there is a robust management agreement to ensure that existing residents do not suffer from any undue nuisance and disturbance. It will not have a negative impact on any group.

Section 106 Obligations

The terms in the section 106 agreement the officers are seeking are:

1. A contribution of £57,395 towards transport initiatives to mitigate impact of the reduced level of on-site car parking to include the establishment of a car club and a limited number of travel passes; and
2. A management fee of £2,870.

Conclusions

This has been a difficult application given the speed of the project to meet the completion date of September 2011 to link with the opening of the new Dental School and its effect on the three houses on Plymbridge Lane. These occupiers have experienced considerable recent change and will continue to do so if development happens to meet the Council's ambitious aims for Derriford. The character of the lane has changed from a relatively quiet street to a busier one and this will continue. The three properties are in a transition zone between the established residential area to the north and the proposed mixed use development areas to the south. The objectors believe the proposal is overdevelopment, at too great a scale, too high and out of character. The site is a prominent island one at the junction of Derriford Road and Plymbridge Lane that is capable of accommodating development at a greater scale. This approach is supported in the Area Vision for Derriford and the emerging AAP. The applicant has cooperated with the local planning authority (LPA) by reducing the height and scale of the buildings to reduce the impact on the nearest property.

Officers also understand the concerns of a large number of students on this land. It will be a hall of residence with a warden subject to approved management arrangements to prevent anti-social behaviour causing undue nuisance to neighbouring properties. The objectors do not think that these changes go far enough but officers believe that the scheme is an acceptable design and would not cause undue harm to residential amenity.

The site is a sustainable one for students based at Derriford with the key educational premises all within easy walking distance. But there are currently few facilities in the locality and there will be pressure for the students to have use of a car at weekends and evenings. The limited parking is acceptable provided there are appropriate transport measures in place to seek to reduce the pressure for on-street parking on surrounding streets from this development. The applicant has worked with officers and is offering to provide a car club scheme and a contribution for travel permits. This would provide adequate mitigation to overcome concerns related to the limited on-street parking.

The applicant is unable to offer all of the tariff calculated by officers on viability grounds given the marginal nature of the scheme. If the development proves to be more profitable than the applicant predicts the LPA there might be scope to obtain an additional contribution. This is still subject to negotiation and officers will update members at the meeting. Officers hope that the applicant

is able to complete the section 106 agreement in time but, if not, the application would have to be refused by failing to provide adequate community benefits contrary to CS33 and the Planning Obligations SPD. This is necessary to meet the 13 week determination target.

Finally the main advantage of the development is that it provides much needed student accommodation in the Derriford Area in particular for the new Dental School. This will help maintain and enhance the University's competitive edge and growing reputation that benefits the economy and standing of city. It also provides an additional catalyst for the growth proposed for Derriford. For all of these reasons the application is considered to be acceptable.

Recommendation

In respect of the application dated **29/09/2009** and the submitted drawings, **09101-EX.01-A, 09101-SD.01B, 09101-SD.02B, 09101-SD.03B, 09101-SD.04B, 09101-SD.05B, 09101-SD.06B, 09101-SD.07B, 09101-SD.08B, 09101-SD.09, flood risk assessment, phase 1 geo-environmental desk study, transport statement, draft travel plan, planning statement and sustainable resource use statement, and accompanying design and access statement**, it is recommended to: **Grant conditionally subject to S106 Obligation delegated authority to refuse 23/12/09**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(1) The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

FLOOD RISK

(2) No development approved by this permission shall be commenced until details of a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:-

1. Details of the drainage during the construction phase;
2. A timetable of construction;
3. A construction quality control procedure;
4. Details of the final drainage scheme;
5. Provision for overland flow routes; and
6. A plan for the future maintenance and management of the system.

Prior to operation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in accordance with the details agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal to comply with policy CS21 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

LAND QUALITY

(3) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until sections 1 to 3 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as

contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with section 3.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors to comply with policies CS34 and CS22 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

CODE OF PRACTICE

(4) Prior to the commencement of the development hereby approved, a detailed management plan for the demolition/construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the management plan.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

NOISE ATTENUATION

(5) All bedrooms and living spaces should be designed to meet the "Good Room Criteria" as set out in BS8233:1999. Particular attention should be paid to the roof structure and the level of mitigation required to achieve this standard on the higher floors given the close proximity to the nearby airport which is a source of high noise levels. Details showing how this standard can be achieved shall be submitted to and approved in writing by the local planning authority before work begins on the superstructure of the development hereby permitted. The development shall be completed in accordance with the approved details.

Reason:

To ensure that the proposed dwellings achieve a satisfactory living standard and do not experience unacceptable levels of noise disturbance to comply with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document 2007

STREET DETAILS

(6) 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 building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

Reason:

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

ACCESS (CONTRACTORS)

(7) 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 in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CAR PARKING PROVISION

(8) The building shall not be occupied until the car parking area shown on the approved plans has been drained and surfaced in accordance with the details submitted to and approved by the Local Planning Authority), and that area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CYCLE PROVISION

(9) No dwelling shall 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 41 bicycles to be parked.

Reason:

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

CYCLE STORAGE

(10) 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. in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

STAFF TRAVEL PLAN

(11) The development hereby permitted shall not be occupied until a Travel Plan (TP) has been submitted to and approved in writing by the Local Planning Authority. The said TP 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 TP; and the name, position and contact telephone number of the person responsible for its implementation. From the date of occupation the occupier shall operate the approved TP.

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 in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LANDSCAPE DESIGN PROPOSALS

(12) 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.).

Reason:

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

SOFT LANDSCAPE WORKS

(13) 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 Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021)2007.

LANDSCAPE WORKS IMPLEMENTATION

(14) 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 Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021)2007.

DETAILS OF FLOODLIGHTING

(15) Details of any floodlighting shall be submitted to and approved in writing by the Local Planning Authority before the buildings are occupied. 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 in accordance with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LANDSCAPE MANAGEMENT PLAN

(16) 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 Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

STOCKPILING/PROT. OF EXISTING TOPSOIL

(17) 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 e in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF BOUNDARY TREATMENT

(18) 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 before th ebuildings are occuoied. 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 CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

EXTERNAL MATERIALS

(19) 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 CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SURFACING MATERIALS

(20) 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 CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

OCCUPANCY RESTRICTION

(21) The premises shall only be occupied by students in full-time education, a warden (who may not be in full-time education) and by delegates attending conferences or courses during vacation periods and for no other purpose. No such delegate shall occupy the premises for more than four weeks in any calendar year.

Reason:

The proposed development has been designed for the specific use as student accommodation. It is not suited to other residential uses without substantial alterations given the limited internal space per unit, lack of amenity space and limited on-site car parking to comply with policy CS34 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

MANAGEMENT ARRANGEMENTS

(22) The buildings shall not be occupied until details of the arrangements by which the approved student accommodation is to be managed, are submitted to and approved in writing by the local planning authority. Thereafter the property shall continue to be managed permanently in accordance with the agreed management arrangements.

Reason:

To protect the residential amenities of the area to comply with policy CS34 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

RENEWABLE ENERGY

(23) No work shall begin on the development hereby permitted until a report on on-site renewable production has been submitted to and been approved in writing by the local planning authority for that phase. The report shall identify how a minimum of 10% of the carbon emissions are off-set by on-site renewable energy production methods. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. If such requirements are to be provided by means of a biomass boiler in full or part, details shall also be provided to demonstrate that the boiler will be used, which shall include a commitment to maintain the boiler and details of how a long term fuel supply can be secured and delivered. The proposed solutions should be considered in the light of the Derriford Sustainable Energy Strategy. The approved scheme shall then be provided in accordance with these details prior to the occupation of any building within that phase of development and thereafter retained and used for energy supply for so long as the development remains in existence.

Reason:

To provide on site renewable energy production to off-set 10% to 15% of predicted carbon emissions comply with Policy CS20 of the adopted City of Plymouth Core Strategy Development Plan Document 2007.

FURTHER DETAILS

(24) 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 solar shading structures. 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 in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

(25) The subordinate windows in the kitchen/living areas on the northern elevation of Block A shall be glazed in obscure glass with a minimum level of obscuration of level four and be fixed and non-opening.

Reason:

To protect the residential amenities of nearby properties by preventing overlooking and undue disturbance to comply with policy 34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE 1: CODE OF PRACTICE

(1) The management plan required by condition 4 shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web-pages, and shall include sections on the following:

1) Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information.

2) Construction traffic routes, timing of lorry movements, weight limitations on routes, initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, wheel wash facilities, access points, hours of deliveries, numbers and types of vehicles, construction traffic parking.

3) Hours of site operation, dust suppression measures, noise limitation measures.

INFORMATIVE 2: DETAILS OF THE MANAGEMENT ARRANGEMENTS

(2) The applicant is hereby advised that the management details to be submitted and agreed under condition 22 should comprise the following elements :-

- 1) At all times to restrict the occupation of the property to bona-fide students who are currently undertaking full time education, a warden who may not be in full-time education and delegates attending conferences or courses during the vacations.
- 2) To employ a warden who is resident at the property.
- 3) To include in any tenancy agreement between the owners and student tenant terms which clearly state the expected standard of conduct including the need to have due consideration to the amenities of the nearby properties and that failure to comply with those requirements may result in the termination of the tenancy and the form of such a tenancy agreement shall be supplied to the Council on request.
- 4) To circulate to all premises adjoining the property annually with details of the name, address and telephone number of the person responsible for the management of the property.
- 5) The owners shall impose on the person responsible for the management of the property; a strict timescale to include an investigation of any complaint within twenty four hours and a written response within three working days and shall take such steps as are necessary to ensure that the timescale is adhered to.

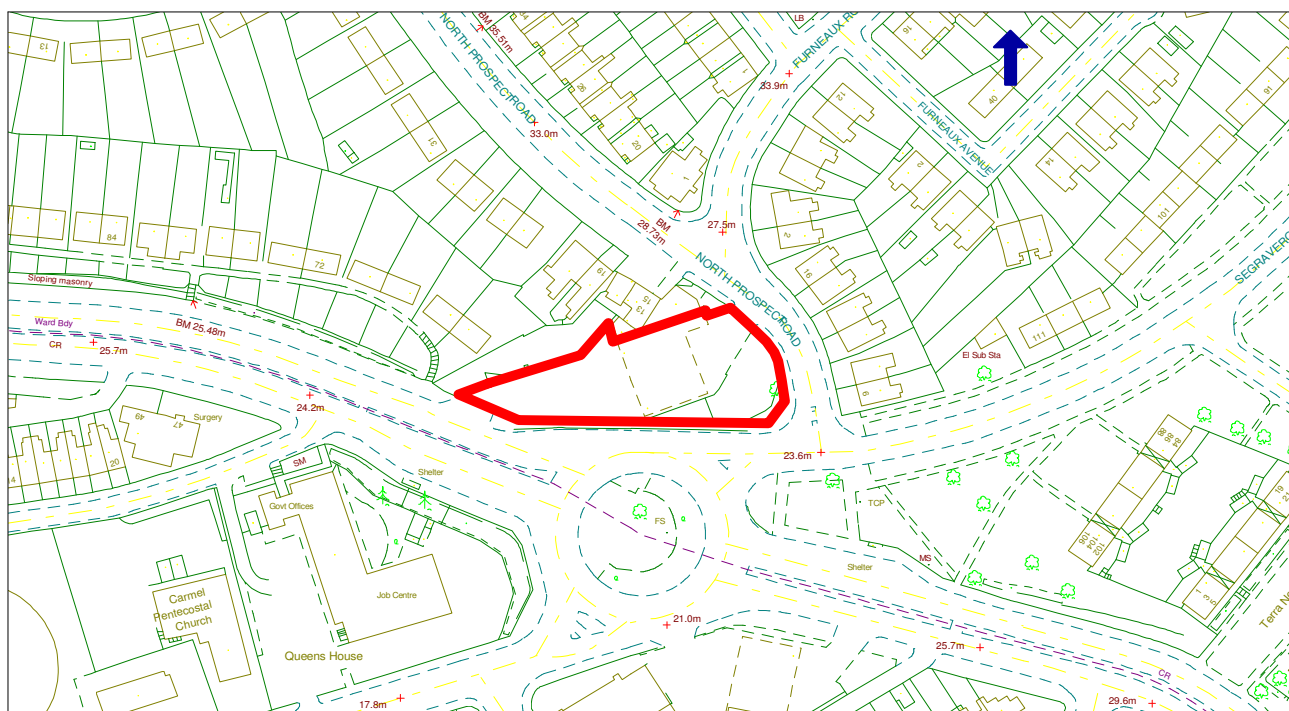
Statement of Reasons for Approval and Relevant Policies

The proposed residential use is at a sustainable location for students based in the Derriford area and complies with AV9 of the adopted Core Strategy and policies CS01, CS14, CS15 and CS16 and the emerging Derriford and Seaton Area Action Plan. The scale of building is higher than surrounding buildings but is considered acceptable at this prominent 'island' site where a greater density of development is proposed as part of the growth strategy for Derriford. The fear of disturbance from the occupiers of the proposal will be mitigated as the premises will be run as a managed hall of residence with management arrangements to be approved by the local planning authority that will include an on-site warden. The design is satisfactory and would not cause undue harm to visual or residential amenity to comply with policies CS02 and CS34. The parking shortfall will be mitigated by appropriate transport measures including a car club and some bus vouchers as part of the section 106 agreement to reduce the pressure of on-street parking on surrounding roads to comply with policies CS28 and CS33 and the Planning Obligations and Affordable Housing SPD. For these reasons the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Planning Guidance (SPG) Notes, Government Policy Statements and Government Circulars, as follows:

PPG13 - Transport
PPS3 - Housing
PPS1 - Delivering Sustainable Development
CS28 - Local Transport Consideration
CS32 - Designing out Crime
CS33 - Community Benefits/Planning Obligation
CS34 - Planning Application Consideration
CS22 - Pollution
CS20 - Resource Use
CS21 - Flood Risk
CS01 - Sustainable Linked Communities
CS02 - Design
CS15 - Housing Provision
CS16 - Housing Sites
SO11 - Delivering a sustainable environment
SO1 - Delivering Plymouth's Strategic Role
SO2 - Delivering the City Vision
SO3 - Delivering Sustainable Linked Communities
SO4 - Delivering the Quality City Targets
AV9 - Derriford/Seaton
SO10 - Delivering Adequate Housing Supply Targets
SO13 - Delivering Sustainable Waste Management Targets
SO14 - Delivering Sustainable Transport Targets
SO15 - Delivering Community Well-being Targets
CS26 - Sustainable Waste Management
CS31 - Healthcare Provision
SPD2 - Planning Obligations and Affordable Housing
SPD1 - Development Guidelines

ITEM: 08

Application Number:	09/01375/FUL
Applicant:	Brook St. Properties Ltd.
Description of Application:	Redevelopment to provide new doctors surgery; 470sqm of A1/A2 commercial floorspace; 8x1 bed affordable flats/maisonettes; associated car parking and landscaping.
Type of Application:	Full Application
Site Address:	FORMER CARDINAL SERVICE STATION WOLSELEY ROAD SEGRAVE ROAD PLYMOUTH
Ward:	Ham
Valid Date of Application:	28/09/2009
8/13 Week Date:	28/12/2009
Decision Category:	Major Application
Case Officer :	Jeremy Guise
Recommendation:	Grant conditionally subject to S106 Obligation delegated authority to refuse by 23/12/09
Click for Application Documents:	www.plymouth.gov.uk



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OFFICERS REPORT

Site Description

This is a roughly triangular shaped site formerly occupied by an Esso filling station that has been demolished with tanks removed and ground remediated. Levels fall from north to south across the site mostly managed by a 2m high retaining wall which closely follows the shape of the site's northern boundary.

Access is left turn only from Wolosely Road (A3064) eastbound, with exit onto North Prospect Road, from where it can either turn north into North Prospect; or south, filtering via a small section of Seagrave Road, back onto the A3064 at the roundabout.

The area immediately to the south is dominated by a roundabout and Wolosley Road, which is a dual carriageway with vehicle barrier in the centre. It provides significant separation between the site and other commercial units and Victorian residential streets of Ford, further south. The Wolosley Road local shopping centre, containing the existing doctor's surgery is located to the south west.

Immediately to the north, on higher ground, facing North Prospect Road is 'Francies Fish and Chip' shop. The wider area is residential in character. It is a classic inter war garden suburb consisting of pairs of semi detached local authority built houses. These are set in large plots with wide tree lined streets opening onto green swathes and civic spaces. Once the epitome of best town planning practise the area has been neglected and is now in the top 3% nationally of deprived communities.

Proposal Description

Permission is sought for a mixed use redevelopment to provide a new doctors' surgery; 470sqm of A1/A2 commercial floor space; 8x1 bed affordable flats/ maisonettes associated car parking and landscaping.

The proposal shows a large, three storey (12-14m in height), building occupying the southern and south eastern parts of the site. Within this building there is a very clear delineation of uses. The doctors' surgery occupies all the south eastern corner of the site and makes a feature of the 40 degree turn where North Prospect and Seagrave Road join. Two proportional wings radiate parallel with their respective road frontages and are 'hinged' by a curved corner feature that way marks the entrance. Internally this creates a 'wedge' shaped shape with service core/ waiting areas in the centre and treatment and consulting rooms in the two wings.

Physically attached to the surgery at ground and first floor levels, but capable of entirely independent occupation, is the commercial space with residential over. At this stage in the development the end users of the commercial space

are not known, but it is suggested as likely to be a pharmacy and convenience store. Above the commercial space is the residential accommodation. This is arranged as a flat and seven Maisonettes (here called duplex units) deck accessed from the rear with small amenity areas giving a modicum of privacy and defensible space. Internally the units are well sized with a conventional layout. Externally this part of the roof is dominated by three arched features and is distinguished from the surgery by a drop in a drop in levels which punctuates the building in the centre.

Parking and servicing is shown at the rear 24 spaces (22 conventional and 2 disability spaces) together with 21 cycle spaces.

Relevant Planning History

The site has an extensive planning history, mostly associated with its previous use as a filling station

Consultation Responses

Environment Agency:- Flood risk, This proposal falls within the scope of the Environment Agency's Flood Risk Standing Advice.

Contaminated land – We are happy to accept the Risk Assessment as long as the whole site area is going to be hard covered. However, we recommend that any development approved by this permission should contain a condition relating to contaminated land (suggested wording supplied)

Informative are recommended relating to: contaminated land; waste water treatment; development and waste.

Highway Authority

Traffic Impact - Whilst it would not have generated a considerable number of trips by purpose, the former Petrol Filling Station (PFS) which occupied the site would have generated a significant number of pass-by trips. Information included within the Transport Statement (TS) submitted indicates a daily total in excess of 1,500 trips by applying trip rates derived from the TRIC's database.

By comparison a further review of similar sites to that being proposed and included in TRIC's reveals that the combined trip generation of the retail unit and GP surgery would be in the region of 1,450 movements (2 way), which is some 50 trips less than the PFS. The trip generation figure given associated with the GP surgery is a little on the high-side in view of the fact

that the surgery proposed will be replacing an existing facility in the area which some people may already choose to access either on-foot or by other sustainable transport modes. Consequently it is accepted that the proposed development will result in a reduction, albeit slight, in trip movements when compared to the previous land use.

Car Parking - As there are 3 different land uses on the site:-

Retail Unit - A total of 15 spaces have been proposed to serve this use upon the site which is consistent with the maximum number of spaces that could be permitted under the maximum standards outlined in the Parking Strategy. However the retail unit is located within a very short distance (less than 100m walking distance) of the Wolseley Road Local Centre and the applicant's traffic consultant has already highlighted in the TS the fact that this site is very well served in respect of access by sustainable modes of travel. It is questionable whether or not there is an over-provision of car parking serving the retail unit, particularly in view of the short length of time that customers are likely to be in the retail unit (the TS suggests less than 5 minutes).

GP Surgery - The level of car parking serving the surgery has not been based upon the application of any identified car parking standards with the only justification provided in the TS referring to the fact that the 9 spaces now proposed is 3 more than the number that serves the existing surgery located on Wolseley Road.

It is not clear whether or not the relocated surgery will result in a considerable increase in floor area when compared to the existing and based upon on the number of consulting/treatment rooms alone (of which there appear to be around 9) a total of 18 off-street parking spaces would be required. This total excludes the provision of further spaces for practioners or support staff (numbers for which are currently unknown).

Residential - On the basis that each unit will only have 1 bedroom, no off-street car parking has been provided for the 8 residential flats proposed. However upon viewing the layout plans it would appear that each unit will also have a study which could easily be used as a second bedroom.

Therefore each unit could be considered as having 2 bedrooms and as there is no Controlled Parking Zone in operation within the area to regulate the amount of on-street kerbside car parking that takes place, it is essential that each residential unit has access to at least 1 offstreet car parking space.

On the basis of the above-mentioned comments it is recommended that the number of spaces serving the retail use be reduced from 15 to 10, with spaces 11-15 being re-allocated to the GP surgery. As the residential and GP surgery would generate demand for car parking at different times of the day, it is recommended that a Car Parking Management Strategy be implemented which would allow the 14 spaces serving the GP surgery to be 'shared' with the residential so that they can be used by occupiers of the flats when not in use by the surgery. The control of the use of these spaces could be secured relatively simply through the allocation of permits to the residential units. Should the applicant be unwilling to agree to such measures then I will have no alternative but to recommend this application for refusal on the basis of inadequate provision of parking for the residential units.

Cycle Parking - A total of 21 cycle parking spaces have been proposed which, although slightly on the high side, is considered acceptable with 9 secure and covered spaces allocated to the residential and a further 6 serving the GP surgery. Whilst Sheffield type cycle hoops are acceptable for the visitor/customer spaces serving the retail unit, some consideration should be

given to providing a cover for these spaces.

Layout - In order to prevent delivery vehicles from parking on the roundabout along the site frontage (which would give rise to highway safety concerns), a dedicated loading/unloading area has been provided to the rear of the retail area. Unfortunately vehicles parked in the loading bay would restrict access to a number of the car parking spaces (13 and 14 in particular) and therefore in order to overcome this, the applicant has suggested that all deliveries would be made 'out of hours'. It is not clear how this could be policed and whether any such planning condition would be enforceable.

Parking spaces located adjacent to boundary walls/structures should be a minimum of 2.6- 2.8m in width in order to allow for the opening and closing of car doors. The comment would apply to spaces 10 and 15.

In order to locate them closer to the retail unit and prevent bin lorries from having to load whilst parked across the site access onto Wolseley Road, it is recommended that the retail bin storage area be relocated to the quadrangle area situated between spaces 15 and 16 (this would result in the loss of a very small area of planting). The drawing also refers to some cycle parking next to the retail bin storage area. This cycle parking is not required and should therefore be removed from the scheme. It is recommended that both of the vehicular access points into the site be designed and constructed as footway crossovers so that pedestrians have the right of way over vehicles.

The existing double yellow lines around the junction of Wolseley Road/Seagrave Road/North Prospect Road should be extended around to the western site access off North Prospect Road.

In the event that planning permission is granted it is recommended that conditions relating to:- street details; contractors' access; details of new junction; car parking provision; cycle provision x2; cycle storage; use of loading areas; code of practice during construction; use of loading areas; waiting restrictions; car parking management strategy and delivery time restriction

Public Protection Service

Public Protection Service has no objection to the above application, however, should permission be granted we recommend that conditions are attached to the application relating to:- delivery hours, land quality, submission of remediation scheme, implementation of approved remediation scheme, reporting of unexpected contamination

The reports submitted with the application assume that the site consists of entirely of hard landscaping, however, the plans indicate some possible areas of soft landscaping, remedial measures will be necessary in these areas to ensure that potential pollutant linkages are broken.

Pollutant linkages are identified within the report, namely, indoor inhalation of hydrocarbon vapours and possible tainted mains water supply, however, remedial measures have not been proposed, details of all remedial measures

must be submitted and approved in writing prior to commencement. The approved remedial measures must be validated and approved in writing after completion.

Plymouth City Airport – Has no objection to the proposal

Police Architectural Liaison Officer – Has no objection to this proposal

Health and Safety Executive – no comment received

Representations

Neighbours have been notified of the application and two site notices posted. This has resulted in the receipt of six (6) letters of representation (LOR's) including one from NHS Plymouth and one from the Plymouth Tree Partnership.

NHS Plymouth point out that there is currently no financial support from the PCT for a new surgery on this site.

None of the other four letters raise objection, in principle, to the proposal but all raise concerns / objections to the adequacy of the number of parking spaces provided claiming/questioning whether 24 spaces is adequate in relation to the number of people working at the site; nurses, receptionists and staff who will work at the supermarket.

- The redevelopment takes up far too much of the area leaving inadequate parking spaces doctors, nurses and retail staff will take up most of the parking spaces leaving inadequate numbers for staff. TRICS data shows that it is possible that 1,456 vehicle movements daily. This will make parking for residents very difficult. More thought should be put in before proceeding with this proposal.
- Questions need answering. Parking spaces Nos 11-21 abut the exterior wall of the Francines chip shop will there be any excavations to the base of the property Seek an engineer's inspection report
- The waste / sewage from Nos. 15-15A 17 goes directly across the centre of the development. Seek reassurance that there will be no interruption to the fish and chip shop. There is a family of 4 living at number 15a, so any interruption to the waste /sewage system will be very inconvenient
- Seek plans which show the properties in the surrounding area - to give everyone a better aspect of the impact of the development.
- Seek height aspect of the build
- Where will the site workers park, on site or on the road?
- Will there be any restrictions on site when Plymouth Argyle is playing?

•Planning permission should be refused. insufficient space has been allowed fro the planting of trees. A TPO protected horse chestnut tree occupied the site until 2007, when it was felled on account of disease. There is a legal duty to replant it with another tree of appropriate size and species.

Analysis

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

The key issues in this case are:-

- The principle of mixed use redevelopment of this site including the provision of a new doctors' surgery; 470sqm commercial space (Use class A1 & A2) and 8 flats/ maisonette (Policies CS01; CS05; CS07; CS08; CS15; CS16; CS19; CS22;CS31 of the Core Strategy).
- The design of the proposed development including the layout; height massing and appearance of the proposed building (Policies CS02; & CS34 of the Core Strategy)
- The quality of the residential environment provided by the proposed flats / maisonettes (Policies CS15; CS32 and CS34 of the Core Strategy).
- Impact of the proposal upon amenities of neighbouring property (policies CS34 of the Core Strategy)
- Impact of the proposed development upon the surrounding road, network, access and parking (Policy CS28 of the Core Strategy)
- Community Benefits arising from the development & Sustainability (Policies CS20 and CS33 of the Core Strategy)

The principle of mixed use redevelopment of this site including the provision of a new doctors' surgery; commercial units

The site is a vacant plot following the removal of the filling station (a sui generis use, with ancillary retail sales). Redevelopment for mixed use containing a doctors' surgery, retail and residential uses is welcome, in principle.

The doctors' surgery, at 1,017sqm, is the largest single element of the proposal. As an accessible site, on a major arterial route way into the city, with bus stops in the vicinity it meets the location criteria set out in Policy CS31 (Health Care provision)

'Proposals for new health care facilities should be well related to public transport infrastructure, and should provide high standards of accessibility to all sectors of the community.'

and is acceptable, in principle, despite not having the financial support from the PCT.

The retail space (470sqm), which could be one or more units, is in practice likely to be convenience store and a pharmacy (if the pharmacy is not integrated into the surgery or shop). It is under the 2,500sqm size threshold at which Planning Policy Statement 6 (PPS6) requires an impact assessment by a considerable margin and, despite concerns from competitors, is unlikely to have much impact beyond the immediate locality and immediate passing trade. The proposed retail element helps maintain and develop the range of shops to meet the needs of the local community.

There is a need for the delivery of affordable housing in the city greater than the total annual housing provision. The policy context is set out paras.10.17-10.24 of the Core Strategy which supports policy CS15. With such high levels of Affordable Housing need – consistent delivery of Affordable Housing units can cumulatively make a big difference to catering for the City's overall need, particularly when units are provided over and above requirements of Policy CS15, as in this case.

The eight residential units make a small contribution towards diversifying the housing type in the area, which is currently dominated by local authority built semi detached houses laid out in an attractive garden suburb arrangement to the north and tight Victorian terraces, beyond the commercial uses, to the south. Providing 20% are built to 'Lifetime Home' standard, the proposal meets the requirements of Policy CS15.

The developer proposes to supply 8 affordable housing units within this mixed use development. Affordable Housing provision at this location is over and above that achieved through planning gain. There is a need for the delivery of affordable housing in the city greater than the total annual housing provision. The policy context is set out paras.10.17-10.24 of the Core Strategy which supports policy CS15. With such high levels of Affordable Housing need – consistent delivery of Affordable Housing units can cumulatively make a big difference to catering for the City's overall need, particularly when units are provided over and above requirements of Policy CS15, as in this case.

Policy CS15 – requires that 20% of all new dwellings for Plymouth shall be constructed to Lifetime Homes standards. Lifetime homes allows for the 'future proofing' of all new dwellings and should be considered/desirable in all cases. In this case, to comply with policy CS15, this scheme should (as a minimum) include 20% to Joseph Rowntree Lifetime Homes standards. A condition to secure provision is considered appropriate.

The design of the proposed development including the layout; height massing and appearance of the proposed building

The site occupies a prominent gateway location on the inbound route into Plymouth, hence its previous attraction to a petrol company, and dominates the local vistas at the bottom of North Prospect Road, Seagrave Road and Furneaux Road. The buildings that occupy it will be conspicuous and act as a local landmark for this area of the city.

Overall, this application manages to resolve the major design issues in a sensible and robust way that takes into account the constraints of the site. The layout provides for frontage development that both makes a positive contribution towards the street scene and maximises the separation distance from the rear of buildings fronting North Prospect Road. The northern part of the site is sandwiched between the proposed new building and retaining wall. The use of this shaded area for access, parking and servicing with an ingress and egress arrangement is sensible.

The height and massing of the proposed building balances other commercial uses on the southern side of Wolosley Road - service station, funeral parlour, job centre, offices; and, owing to the levels difference, has a satisfactory relationship with the domestic scale buildings to the north.

Externally, the building is shown as a series of rendered modular units topped with an eclectic mix of curved and mono pitch roof features. This gives it a vaguely Mediterranean appearance that is quite pleasant.

Some concerns remain that the design lacks cohesion, that it has too many fragmented features, a miscellaneous assortment of window shapes and that the end elevations, pinched west elevation and north east elevation, provide weak terminations to the side vistas of the building. There is an also residual concern that the internal spaces have not been completely optimised. This is evidenced by the proposed windowless patient waiting areas in the centre of the surgery and a narrow entrance hall which provides access from the street to the residential accommodation.

These weaknesses have been discussed with the architect, who has nevertheless made the application as submitted. In the case of the patient waiting area, an explanation has been suggested that a client requirement to provide secure environment for the consulting and treatment rooms has dictated the arrangement. These weaknesses are considered to represent missed opportunities, not weaknesses sufficient to justify refusal of planning permission.

The proposed development is over the 1,000sqm gross floor space threshold required by Policy CS20 (Sustainable Resource Use) for the provision of onsite renewable energy equipment to off set at least 10%of predicted carbon emissions for the period up to 2010. Details have not been provided as to how this is to be achieved, but the applicant's agent has confirmed, in writing, his client's intention to comply. It is recommended that this is secured by condition.

The quality of the residential environment provided by the proposed flats / maisonettes

The quality of residential development proposed is acceptable. The flats and maisonettes are all dual aspect with reasonable sized rooms and a conventional layout. Amenity space is north facing and shaded by the

building, but, this is the least bad option as the southern aspect is heavily compromised by its proximity to the dual carriageway.

Each of the proposed flats has a study, 2.5m.x2.1m. As an additional space within a single bedroom flat this room is an attractive feature, but the possibility that it could be used as an additional bedroom needs to be taken into account, particularly with regard to parking arrangements. It would be intrusive to try and enforce a condition specifically preventing its use as a second bedroom- therefore the possibility needs to be considered as part of the application.

Policy CS15 – requires that 20% of all new dwellings for Plymouth shall be constructed to Lifetime Homes standards. Lifetime homes allows for the 'future proofing' of all new dwellings and should be considered/desirable in all cases. In this case, to comply with policy CS15, this scheme should (as a minimum) include 20% to Joseph Rowntree Lifetime Homes standards. A condition to secure provision is considered appropriate.

Impact of the proposal upon amenities of neighbouring property

Policy CS34 protects the amenity of the area, including residential amenity, in terms of: satisfactory daylight, sunlight outlook, privacy and soft landscaping
Impact of the proposed development upon the surrounding road, network, access and parking.

The site is located on lower ground than the North Prospect estate to the north and the footprint of the building occupies the southern part of the site, furthest from the rear of neighbouring building. At 12-14m in height, given the difference in levels and the separation distance the proposed building will not cause undue shadowing to the rear of neighbouring property.

The separation distance between the rear of the closest neighbour, Nos. 13-15 North Prospect Road (Franchines) is 10m . In an urban context, where a degree of overlooking at a distance

Equalities and diversities issues

The surgery and commercial units will be accessible to people with disabilities. The surgery will provide improved healthcare facilities within the area and the commercial space, if it becomes a convenience store,

Section 106 Obligations

Tariff contribution obligations are currently set out in the Council's '*Planning Obligations and Affordable Housing Supplementary Planning Document*'-

- Doctors' surgeries are currently exempt from tariff requirements
- The proposed 470sqm of A1/A2 commercial floor space is below the 500sqm threshold for the tariff (para. 3.5 measures support the growth small businesses in the city) and therefore does not generate a tariff requirement.
- Affordable housing* is partially exempt with contributions only eligible on the strategic transport contribution (para. 2.3 of the Planning Obligations &

Affordable Housing Supplementary Planning Document). The figure is £2,871.00 per one bed unit. Total £2,871.00 x 8 = £22,968.00.

In view of the difficult economic climate the Council has introduced 'measures to Stimulate Market Recovery - Phased Implementation of SPD provisions. The applicant has agreed to the safe guards against the abuse and therefore qualifies for a 50% reduction in the tariff to **£11,484.00**

Delegated authority to refuse if the Section106 agreement not completed before target determination expires – 28th December 2009.

Conclusions

This prominent plot has been vacant for a number of years since the petrol filling station shut. The proposed mixed use development which includes a doctors' surgery, retain and residential, is welcomed. Whilst there remain a few reservations about some of the design details, this proposal delivers a scheme of appropriate layout, scale and height. Subject to the safeguards set out in the conditional regime, including these relating too access and parking, it is considered to be acceptable.

Recommendation

In respect of the application dated **28/09/2009** and the submitted drawings, **3102PL_01; 3102_02; 3102PL_03 & 3102PL_04**, it is recommended to: **Grant conditionally subject to S106 Obligation delegated authority to refuse by 23/12/09**

Conditions

TIME LIMIT TWO YEAR CONSENT

(1) The development hereby permitted shall be begun before the expiration of two years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004, and due to concessions in Planning Obligation contributions/requirements under Plymouth's temporary Market Recovery measures.

SURFACE WATER DISPOSAL

(2) 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 Occupied.

Reason:

To enable consideration to be given to any effects of changes in the drainage regime on landscape features in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

EXTERNAL MATERIALS

(3) 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 CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SURFACING MATERIALS

(4) No development shall take place until details 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 CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LANDSCAPE DESIGN PROPOSALS

(5) 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 plant species and type .

Reason:

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

LANDSCAPE WORKS IMPLEMENTATION

(6) 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 Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021)2007.

DETAILS OF BOUNDARY TREATMENT

(7) 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 before the development is first occupied. 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 CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

REFUSE DETAILS

(8) Before the development hereby permitted commences details of the siting and form of bins for disposal of refuse shall be provided on site shall be submitted to and approved in writing by the Local Planning Authority. The refuse storage provision shall be fully implemented before the development is first occupied and henceforth permanently made available for future occupiers of the site.

Reason: In order to ensure that adequate, safe and convenient refuse storage provision is provided and made available for use by future occupiers in accordance with Planning Guidance 9 - Refuse Storage in Residential Areas.

LIGHTING SCHEME

(9) Before the development hereby approved commences details of any external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be fully implemented before the development is first occupied and henceforth permanently maintained for the occupiers of the site.

Reason:

In order to ensure that adequate external lighting is provided for future occupiers of the site and that it does not interfere with navigation.

CODE OF PRACTICE DURING CONSTRUCTION

(10) Prior to the commencement of the development hereby approved, a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the management plan.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LIFETIME HOMES

(11) None of the residential units hereby approved shall be occupied until 2 units (at least 20% of the total) have been constructed to 'Lifetime Home' standard.

Reason

In order to ensure that a percentage of the housing stock is designed to a standard that meets the needs of disabled people.

RESTRICTION ON DELIVERY TIMES

(12) Delivery times to the retail units should be restricted to between 7:30am to 6pm Monday to Saturday.

Reason to prevent the disturbance to residents within the development from delivery noise during the quiet hours of the day

LAND QUALITY

(13) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 14 to 16 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 17 has been complied with in relation to that contamination.

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

SUBMISSION OF REMEDIATION SCHEME

(15) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

(16) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that

demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

REPORTING UNEXPECTED CONTAMINATION

(16) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with current guidance, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 15, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 14.

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

STREET DETAILS

(17) 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 part of the development shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

Reason:

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

ACCESS (CONTRACTORS)

(18) 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 in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF NEW JUNCTION

(19) Development shall not begin until details of the junction between the proposed service road and the highway have been approved in writing by the Local Planning Authority; and the building shall not be occupied until that junction has been constructed in accordance with the approved details.

Reason:

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

CAR PARKING PROVISION

(20) 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 a maximum of 24 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 Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CYCLE PROVISION

(21) No flat shall 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 nine (9) bicycles to be parked.

Reason:

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

CYCLE PROVISION

(22) 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 twelve (12) bicycles to be parked.

Reason:

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

CYCLE STORAGE

(23) 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. in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

USE OF LOADING AREAS

(24) The land indicated on the approved plans for the loading and unloading of vehicles shall not be used for any other purposes unless an alternative and equivalent area of land within the curtilage of the site is provided for loading and unloading with the prior consent in writing of the Local Planning Authority.

Reason:

To ensure that space is available at all times 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 in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

WAITING RESTRICTIONS

(25) Within 12 months of the occupation of any part of the development hereby proposed the applicant shall have sought to implement waiting restrictions along the eastern boundary of the site on North Prospect Road in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: Without such restrictions the proposed development would be likely to result in an unacceptable increase in parking on the highway and thereby harm the amenity of the area, prejudice public safety and convenience, and interfere with the free flow of traffic on the highway (North Prospect Road).

CAR PARKING MANAGEMENT STRATEGY

(26) Prior to the occupation of any part of the development hereby proposed a Car Parking Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. The said strategy shall provide information in relation to the control and management of all of the car parking spaces and how the use of the spaces allocated to the GP surgery will be shared with the residential units.

REASON:- To enable vehicles associated with both the doctor's surgery and residential units 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.

ADVERTISING CONSENT REQUIRED

(1) The developers, future owners and tenants are reminded that this permission relates only to planning and does not give any consent, tacit or otherwise, for the display of advertisements. A separate advertisement consent may be required prior to the display of advertisement signage.

INFORMATIVE: CODE OF PRACTICE DURING CONSTRUCTION

(2) The management plan shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web-pages, and shall include sections on the following;

1. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information.
2. Construction traffic routes, timing of lorry movements, weight limitations on routes, initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, wheel wash facilities, access points, hours of deliveries, numbers and types of vehicles, construction traffic parking.
3. Hours of site operation, dust suppression measures, noise limitation measures.

CONTAMINATED LAND

(3) Any contaminated land located and removed from the site will need to be taken to an authorised disposal site. No form of treatment of land can take place on the site without authorisation from the Environment Agency.

WASTE WATER TREATMENT

(4) South West Water (SWW) need to be contacted with regards to the capacity of the local sewage treatment works.

POLLUTION PREVENTION GUIDANCE

(5) Pollution Prevention Guidance PPG8 Working at construction sites needs to be adhered to. Please see the following link: <http://publications.environment-agency.gov.uk/pdf/PMHO0203AUDJ-e-e.pdf?lang=e>

WASTE

(6) If any inert waste is to be brought on to site with the view to raising levels, this must be done in accordance with the Environmental Permitting Regulations 2007.

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 mixed use redevelopment of this site including the provision of a new doctors' surgery; commercial units (Use class A1 & A2) and 8 flats/ maisonettes.

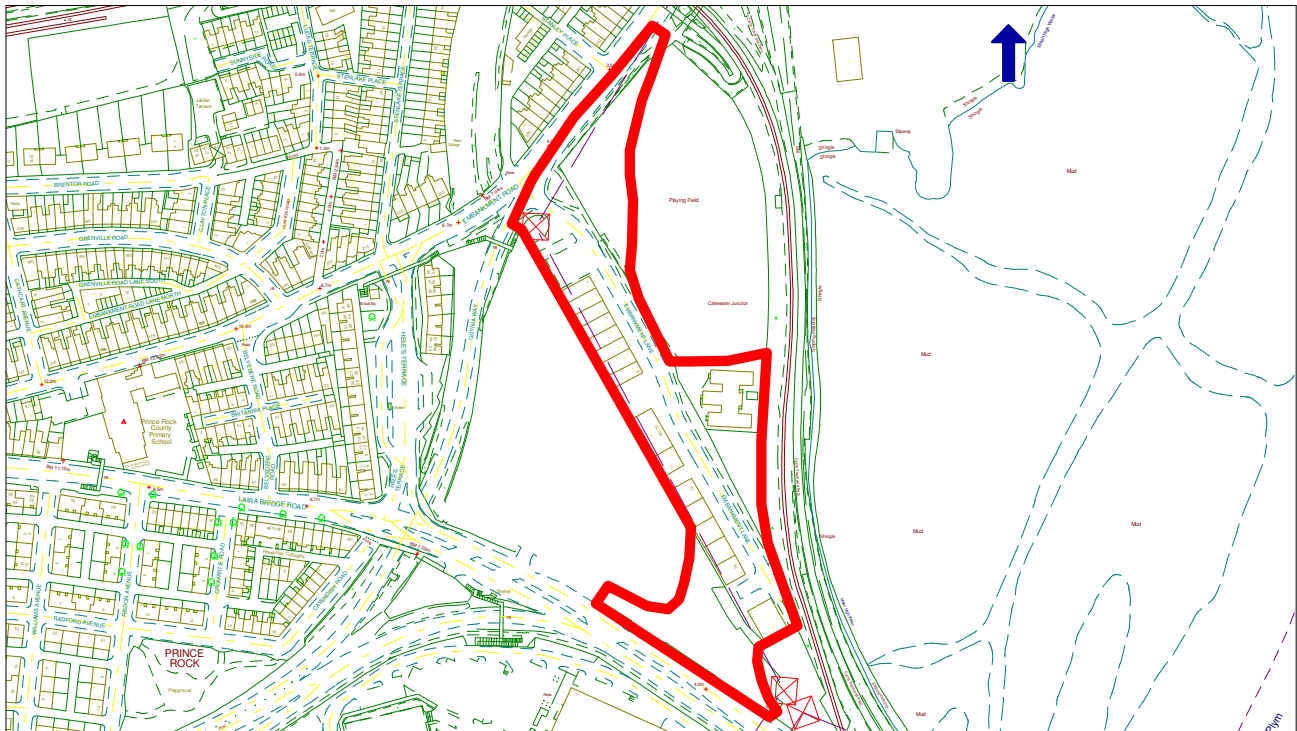
- The design of the proposed development including the layout ; height massing and appearance of the proposed
 - The quality of the residential environment provided by the proposed flats / maisonettes.
 - Impact of the proposal upon amenities of neighbouring property
 - Impact of the proposed development upon the surrounding road, network, access and parking
 - Community Benefits arising from the development & Sustainability
- , the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Planning Guidance (SPG) Notes, Government Policy Statements and Government Circulars, as follows:

PPG13 - Transport
PPS3 - Housing
PPS1 - Delivering Sustainable Development
PPS23 - Planning & Pollution Control
CS32 - Designing out Crime
CS33 - Community Benefits/Planning Obligation
CS34 - Planning Application Consideration
CS07 - Plymouth Retail Hierarchy
CS08 - Retail Development Considerations
CS03 - Historic Environment
CS01 - Sustainable Linked Communities
CS02 - Design
CS31 - Healthcare Provision

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ITEM: 09

Application Number:	09/01223/FUL
Applicant:	Plymouth City Council
Description of Application:	The Embankment Lane Link Road Scheme between Embankment Road and Laira Bridge Road - Construction of new link road (dual carriageway southbound and single carriageway northbound) with shared cycleway/footway and new playing field car park
Type of Application:	Full Application
Site Address:	EMBANKMENT LANE PLYMOUTH
Ward:	Sutton & Mount Gould
Valid Date of Application:	07/09/2009
8/13 Week Date:	07/12/2009
Decision Category:	Major Application
Case Officer :	Alan Hartridge
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



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OFFICERS REPORT

Site Description

The application site for the proposed Embankment Lane Link Road scheme is located approximately one and a half miles from the City Centre between the A379 at Laira Bridge and the A374 Embankment Road. A railway track runs adjacent to the eastern boundary. Beyond the railway track lies the River Plym. The Heles Terrace residential area lies beyond the disused former Western National bus depot land and Gdynia Way to the west and a terrace of Embankment Road housing lies beyond this road to the north. To the south of the site is the A379 and beyond this a large area with retail warehousing and numerous industrial buildings.

The application site comprises 1.27ha. and incorporates the Embankment Lane which forms part of the Plymouth Highway network and is an unclassified local road providing access to 17 industrial units, 2 electricity pylons, maintenance access to Network Rail land and access to Prince Rock playing field and a Judo club. It also provides gated access to a large area of fenced hard standing to the west which used to be the Western National bus depot. This area, roughly triangular in shape, comprises concrete slabs (where a number of buildings previously stood) and piles of rubble within a fenced enclosure. The greater part of that site formerly comprised a variety of workshop buildings, adapted, extended and altered for use as a bus depot. Those buildings, and those associated with a former adjacent petrol filling station, were demolished and some rubble cleared from the site about ten years ago. Scrub has now colonised parts of the site in a patchy fashion.

This area has stood vacant for several years and has a derelict appearance. Part of the application site includes a strip of this currently vacant hard standing located between Laira Bridge Road and the eastern end of Embankment Lane.

Four large single storey industrial building blocks of 'modern' construction with corrugated metal roofs are situated along Embankment Lane within the application site. One building block of 8 units was constructed approximately 30-40 yrs ago; one of 3 units approximately 20-30yrs ago; one of 5 units approximately 20yrs ago and the unit at the eastern end of Embankment Lane approximately 15yrs ago.

Part of the application site includes some 275 sq.m of the western corner of the Prince Rock playing field amenity area. The playing field is situated east of the Embankment Lane together with three bungalow style buildings which are connected. Two of these buildings (within the submitted application site boundary) are derelict and one is currently in use as a Judo Club. A small two storey red brick building with a flat roof is located at the rear of these bungalow style buildings and a mature ash tree stands at the entrance from Embankment Lane.

Proposal Description

The applicants point out that the selected alignment and associated widening for the required link road scheme requires the land currently used by the

Embankment Lane industrial units, which would be demolished as part of the scheme in order to allow construction of the widened highway.

This planning application is for the demolition of buildings, clearance of vegetation, regrading of land and construction (with associated earthworks) of approximately 400m of new road linking the A379 Laira Bridge Road and the A374 Embankment Road. The road as proposed would be dual carriageway providing 2 lanes southbound and a single lane northbound incorporating footways and cycleway. It would be constructed on a raised earth embankment approximately 1m higher than its current elevation which is a requirement to enable the road to function during flooding events. The scheme, including the earthworks, would extend to 25m in width.

The road scheme would include a shared 3.5m footway cycleway on the northern side of the road and a 2m footway on the southern side. At the northern end a priority junction would connect the link with Embankment Road. The existing junction of Embankment Lane/Embankment Road would be realigned with a new off slip extending back toward the railway bridge. The right turn into Embankment Lane from Embankment Road would no longer be permitted with access to that area being achieved instead from Laira Bridge Road. The road would be lit and have a 30mph speed limit. At the eastern end the link road would join Laira Bridge road via a new traffic signal controlled junction incorporating pedestrian crossing facilities.

The Embankment Lane scheme that is the subject of this application is designed to continue to provide access to the former bus depot redevelopment site, but it would involve the loss of some of that site making it a smaller area for redevelopment. The scheme is also designed to continue to provide access to the utilities apparatus and Network Rail land from the construction of a new turning head (close to the existing one in the south western corner of the site).

The applicants state that the proposal would require the felling of the Ash tree and demolition of the existing buildings to the south of Prince Rock Playing Fields in order to allow for working space to construct the embankment that would support the link road. A new means of vehicular access would be created in this area for the Prince Rock Playing Fields along with the provision of a new car park with capacity for around 25 to 30 cars although it is proposed that the spaces are unmarked. The car park would also provide access to the playing field for grass cutting etc.

The applicants state that Prince Rock Playing Fields would be re-fenced using suitable material to be agreed with PCC's Leisure / Education departments. The fencing would be 'ball stop' type fencing to prevent balls from leaving the playing area and entering the carriageway (in keeping with the existing fencing on the site). The new fencing would be designed such that it maintains forward visibility for vehicles using the new link road.

A landscape design has been proposed as part of the Environmental Report contained within the planning application submission. The sides of the proposed embankment are identified as areas to be grass seeded with planting such as trees to be incorporated where they do not interfere with site

lines and visibility. An area of bramble scrub south of the existing Judo club building and the proposed car park is suggested as being maintained as far as possible in terms of its natural ecological value. This would be maintained where possible although there would be a need to access a strip of this land in order to construct the embankment.

The natural ecological value of the application site and adjacent land has been assessed. Further environmental survey work that followed the original submission of the application discovered a roost for a bat (a European protected species). This has been detected within one of the buildings to be demolished.

This additional survey has influenced the applicants proposed mitigation measures for reptiles and bats. An updated 'Embankment Lane Link Road Mitigation and Enhancement Strategy' and Mitigation Plan drawing has been submitted as the applicants propose to provide bat boxes and a reptile re-location area as part of the proposal.

The Design and Access Statement' of the planning application includes information relating to the construction methodology and the commitment to recycling of materials and limiting the amount of material being taken off the site to tip. 68m³ of topsoil would be required to be brought to the site from external sources to be used on the Embankment and supporting works. A further 10,800m³ of topsoil would be required to be brought to the site from external sources in order to re-grade the football pitch within the corner of the amenity area that is within the application site. The applicants point out that this regrading would help to hide the embankment.

Relevant Planning History

1. There is a complex site history on the 1.98ha former Western National bus depot site and the most relevant decisions would appear to be:

093/1263 -Appeal upheld for the erection of 4,645sqm (50,000sqft) non-food retail warehousing (5 units) on 1.92ha with associated car parking for 250 cars and junction improvements and off-site highway works APPROVED 21st December 1994.

099/0863 -Planning permission for the erection of 6,433sqm non-food retail units and a fast food outlet (7 units) on 1.98ha with associated car parking for 332cars and junction improvements and off-site works APPROVED 21st January 2000.

04/00603 – Application for the renewal of the unimplemented planning permission 99/0863 by a 2yr extension of time for commencement –Appeal registered in respect of non-determination and the Planning Committee resolved in September 2004 that had the Council determined the application it would have REFUSED the application. The Planning Inquiry was cancelled when the appellants withdrew the appeal in July 2005.

(The appellants made a notional start on site to activate 99/0863)

04/00664 -Variation of condition 18 of planning permission 99/0863, relating to erection of six non-food units and a fast food outlet, so as to allow a different type of pedestrian crossing in Laira Bridge Road –APPROVED June 2009 .

2. In respect of the Embankment Lane premises the most relevant decisions would appear to be:

01/01106/FUL – Demolition of 4 industrial units at the north end of Embankment Lane and erection of 575 sqm non-food retail unit -REFUSED March 2002.

87/02303 - Change of use of warehouse (Class B8) at southern end of Embankment Lane to light industrial (Class B1). (Full) - GRANTED.

04/01415 - Installation of doorway with security shutters, and security shutter over existing window (in association with new mezzanine floor) within the above Unit at southern end of Embankment Lane .(Full) – REFUSED and revised application 04/01845/FUL GRANTED November 2004 .

06/02061 - Change of use to vehicle leasing (Unit 11) – GRANTED December 2006.

Consultation Responses

Environment Agency

No objections subject to conditions being imposed in respect of:

1. Flood Risk to prevent the increased risk of flooding and minimise the surface water pollution risk, and
2. Contaminated Land to prevent pollution of controlled waters

Western Power Distribution

No objection in relation to the design, construction and maintenance of the proposed Embankment Lane Link Road. They have provided guidance for stand off distances from the Pylons and power cables. They have also provided information relating to safe working practices during construction and demolition of the industrial units

Highways authority (PCC Transport Unit)

Comments of the Transport, Infrastructure & Engineering Manager (some comments are incorporated elsewhere in the Committee report):

The link is a key part of the overall Eastern Corridor Major Scheme which is aimed at delivering the infrastructure requirements for the overall growth forecasts for the east of the City at Langage, Sherford and Plymstock Quarry. The City Council is currently preparing a Major Scheme business case to be submitted to the Department of transport in 2010 to secure the necessary funding. This link forms a key part of the proposals to link these new developments with the City Centre and it city centre enabling the provision of a High quality public transport route and capacity improvements to the network.

The section of the Major Scheme bid west of Laira Bridge, known as the Community infrastructure (CIF) scheme, has already secured a £9.8m grant funding towards the early implementation of this scheme. A condition of the CIF funding is that it is spend prior to 2012.

This application forms part of the CIF scheme with the remainder of the works being carried out within existing highway boundaries and not included within this planning application.

The scheme is a key part of the CIF project and the wider Major Scheme Bid proposals. The purpose of the Major Scheme bid and CIF proposals are firstly the implementation of an High Quality Public Transport (HQPT) system to support projected growth in the Corridor as outlined in the AAP's together with environmental improvements in the East End area which currently experiences high levels of congestion and severance, problems which will be further worsened given the projected levels of development.

The key change will be that traffic originating from Marsh Mills travelling to Plymstock will be re-routed via the new link road rather than using Heles Terrace as it currently does. Access to the Prince Rock area and east end will now use Embankment Lane turning right at its eastern end and proceeding via Elliot Road with a re-instated right turn at its junction with Embankment Road.

The scheme also enables the provision of 2 way traffic on Gdynia Way by removing the conflict which would otherwise exists between Plymstock bound traffic and traffic running outbound on Gdynia Way. Plymstock traffic is transferred to the new link road providing a more direct route for traffic going to Plymstock and removing a vehicle conflicts which exist at both ends of Heles Terrace.

A Stage 1 Safety Audit has been undertaken as part of the scheme. The existing right turn into Embankment Lane at the western end currently acts as a constraint to the area in that the right turn manoeuvre crosses a dual carriageway and a number of injury accidents have resulted. As a result of these safety concerns a right turn ban is in the process of being implemented to prevent this manoeuvre which will have an impact on existing access to Embankment Lane. Such a manoeuvre would also be prohibited under the proposed scheme.

The link will also facilitate access to the former bus depot site in the form approved under the previous planning application for that site Ref 99/00863/FUL although the design is flexible to allow access at various locations depending on the development requirements of the site. The final details of the access would need to be agreed prior to commencement of the scheme and following further discussions with the landowner.

Suggested changes

In terms of cycling a shared use facility is proposed along the link however given that there is already a duplicate cycle track along the old railway line running parallel to the new road it may be beneficial to provide a cycle lane on the carriageway itself which would require a narrowing of the shared use cycleway footway but would not require and increase in the land take. Other cycle priority carriageway markings would also be helpful throughout the scheme for example cycle boxes at the eastern junction. A condition is suggested. It might also be helpful if pedestrian crossing facilities could be provided across the link together with a pedestrian access to the playing field.

Conditions are suggested (incorporated in the recommendation).

Representations

The letters are all available to read in full prior to the Committee.

Prince Rock Primary School

No objection

The Head Teacher points out that they no longer use their allocated playing fields by Embankment Lane as they use Tot Hill fields. He says that as a result the proposal to use a small section of the field at the North end is not a problem for them. This has been more than countered by the proposed improvements to the route we use to the playing fields at Tot Hill.

He also points out that the proposals appear to remove a lot of traffic from outside the school itself on at least one side and states that this can only be a good thing for them in terms of noise, pollution and road safety. As a result they also have no objection to this section of the plan either.

Target Travel

No objection.

Target Travel is strongly in favour of the proposals as presented and believes that they will make a significant improvement to their ability to serve the area effectively as follows:

1. "Safety of passengers and pedestrians

The reduction in "through" traffic using Embankment Road will allow improvements to the operation of the "bus gate" for inbound services at the western end of Embankment Road. The proposed redesign of the junction at the northern end of Embankment Lane will significantly improve safety over the current arrangements. Finally, the restriction of traffic on Embankment Road eastbound around Prince Rock School will considerably aid the boarding and alighting of pupils from coaches at this point."

2."Journey time and punctuality of current operations

Delays are experienced westbound with a tailback of traffic approaching the bus gate at the western end of Embankment Road during the morning peak period and eastbound at this point during the afternoon peak period. The improvements to the bus gate, continuous bus lane onto and out of the eastbound bus stop and general reduction in traffic levels will considerably reduce delays experienced here for local bus services plus schools and works contract operations."

3"Passenger Infrastructure and Severance Improvements

The opportunity for public realm improvements through release of road space and the removal of the central barrier on Embankment Road will be useful to improve passenger facilities. The outbound stops at Langham Place and Grenville Road could now have sufficient space for shelters while the In bound stop at Sutton Road will benefit from a better layout.

Finally, the removal of the physical central barrier will present much less of a barrier to the access to and use of public transport in the area. If a right turn out of Sutton Road can be allowed for buses in the new arrangement, then an improved frequency of service is likely to result for the housing area to the south of Embankment Road"

Commercial Director - First Devon & Cornwall

No objection.

“As in October last year First Devon and Cornwall welcomes and supports the CIF scheme and the improved public transport access between Plympton, Plymstock and Plymouth City Centre.

The route through the East End is an important public transport corridor for both local city routes and services operating throughout Plymouth’s eastern corridor.

As Plymouth expands, in line with the aspiration of both the City Council and the region, traffic congestion will rise. Without the appropriate mitigation the increased traffic volumes will detrimentally affect our services. Through providing priority for public transport along Embankment Road and reducing traffic on the trunk network through the construction of the Embankment lane link road, the subject of this planning application, it will allow us to maintain our current, high, service frequencies on our routes operating into Plymstock and the Park and Ride at Marsh Mills as well as on new services recently introduced into Plympton.

We believe that through the reliability improvements associated with the holistic scheme proposals bus services will be more attractive to the residents of the new communities planned for the eastern corridor, hence encouraging the use of sustainable travel. This is why we support the current planning application even though it is not directly delivering new bus priorities.

In summary we believe that the scheme as presented to First Devon and Cornwall in October 2008 will improve the efficiency of public transport in the East End. This in turn will encourage more people to use the bus and improve the local environment whilst allowing current network performance to be maintained despite growth in traffic. We therefore support this planning application.”

CityBus

No objection

Similar views as above supporting the CIF scheme and improved efficiency of public transport in the East End and support the planning application.

ForstersLLP representing Osprey, the owners of the former WN Bus Depot Site

Object

The letter is available to read prior to the Committee. The essential points include the following points:

There needs to be both a primary and secondary access to the retail development site which can be used from both directions. The proposal would have an adverse noise and air quality impact upon the proposed retail development site where development has commenced and where the proposed primary access from Laira Bridge Road would be lost and not replaced meaning that a proposed fast food outlet area would become isolated and landlocked. The proposed development would then become reliant on a secondary access limiting future development potential. The Environment report noise analysis should be a subjective one as the position will be harmful to potential occupiers and users of the development site and the proximity of the proposed new link road would reduce the attractiveness of

the development site and its retail offer. There is an omission in the application as future occupiers should have been identified as receptors for the purpose of the air quality assessment. There is also an omission in assessing the visual impact as the raised link road would also have an adverse impact on the prominence of the development site.

Their client is unaware of any flooding having taken place during its ownership of the development site and is concerned that the Flood Risk Assessment indicates that there would be an adverse flooding impact as a result of the scheme and mitigation measures such as pumping are recommended (in one section of the report) or “considered” in another. They suggest that an appropriate planning condition requiring sufficient pumping measures is essential to satisfactorily mitigate the identified significant impact.

They point out that their client has constructed a bund to deter travellers from accessing the site and request imposition of a condition for suitable boundary treatment prior to the completion of works to deter trespassers.

They point out that if permission is granted their client will be unable to complete its own approved retail development, and would have uncertainty that any new application would be granted –which would be contrary to the objective of encouraging regeneration in this area and would not be good planning.

They state that alternatives proposals have not been fully explored in the environmental report which may have avoided bisecting the development site.

Analysis

1. The strategic need for such infrastructure improvements.

The Area Vision for the East End in the Core Strategy (CS) 2006-2021 includes the objective to deliver strategic transport solutions for the Eastern Corridor, ensuring that local priorities for transport and infrastructure improvements are also addressed as part of any scheme. The proposal would accord with this objective.

Investment in key infrastructure involving improvements to junctions along the Eastern transport corridor are of strategic importance for the growth of Plymouth in accordance with Regional Planning Guidance (RPG10) (the development of Plymouth as a Principal Urban Area) and the Draft Regional Spatial Strategy (RSS)(the development of Plymouth as a Strategically Significant City in the South West). The proposed link road scheme can be regarded as a key infrastructure investment scheme in accordance with the RSS (policy SR35). It would facilitate safe and convenient pedestrian, cycling and road traffic movements in accordance with Core Strategy (CS28).

The Major Scheme bid is mentioned in the comments of the comments of the Transport, Infrastructure & Engineering Manager. This is the City Councils bid to the government to secure funding for the implementation of transport infrastructure in the eastern corridor. There is a need for improved transport links along the corridor and infrastructure works are considered essential for delivering major development to the east of Plymouth to enable the authority to deliver a high quality public transport service to the City Centre. This will help ensure transport mode shift along the corridor, improve accessibility, reduce traffic congestion, improve road safety and ensure sustainable growth.

Traffic congestion is currently experienced in the corridor, in particular on the approaches to Laira Bridge.

The information submitted by the applicants indicates that unless the proposed highway improvements are carried out then there will be excess queues over the whole network (am peak). Furthermore, there are also problems in the

PM peak, with significant excess queues at Laira Bridge Road / Heles Terrace junction. The Transyt model indicates that unless the proposed highway improvements are carried out then there will be excess queues over the Eastern Corridor network.

Significant vehicle queuing currently exists on the A374 outbound along Embankment Road and inbound on A379 Laira Bridge Road with implications for public transport, air quality and general accessibility of the area.

It is considered that the proposed development would improve traffic movements by enabling Embankment Lane to function as a strategic route in Plymouth's road network carrying traffic from Marsh Mills towards Plymstock (in accordance with Core strategy CS28).

The scheme would remove some of the main vehicular conflicts which cause the queuing currently experienced at peak times while at the same time enabling the significant housing growth forecast along the Eastern corridor by providing highway capacity to implement HQPT (in accordance with CS 27, and CS28).

Although there is considered to be a strategic need for the scheme, and this particular scheme would be in accordance with the Area Vision, CS27 and CS28, alternative alignments have been explored and rejected by the applicants. Three alternative alignments were rejected for reasons given in the submitted Design and Access Statement. This planning application relates to this particular alignment and the material planning considerations also include consideration of the environmental and socio-economic impact of this particular proposal. The scheme details for this particular alignment would result in safe and satisfactory access and meet parking requirements in accord with CS34. It is considered that the scheme design that is now suggested would promote the provision of a safe walking and cycling route in accord with CS28 .

2. The development of an employment site and access to adjacent retail development land.

Development of sites with existing employment uses for alternative purposes will be permitted where there is clear environmental regeneration and sustainable community benefits from the proposal. In making the assessment in accordance with CS05 information has been submitted to demonstrate that the neighborhood has a good range of opportunities available for local people and the proposal would not result in the loss of a particularly viable employment estate that is necessary to meet the area's current or longer term economic development needs.

A list of 20 currently vacant industrial units owned by Plymouth City Council that may be of interest to some of the tenants on Embankment Lane has been

submitted (6 in the local area). A further table of 24 commercially available industrial facilities that are currently available within the local area are also submitted. These two tables demonstrate that a range of available units are available both in the area local area and within the remainder of the City. The applicants give an assurance that they would be working closely with the tenants of the industrial units to help them find alternative accommodation.

This linear industrial estate is in need of investment and is not in an ideal location for traffic safety. The current access to the industrial units is poor as it is compromised by only being served by a single entry point at its junction with the busy Embankment Road. This location is a known accident problem with seven Personal Injury Accidents between 2003 and 2007 (collision record taken from Committee Report January 2009 submitted).

A road safety scheme is due to be implemented imminently to help this situation through the prohibition of right turn from Embankment Road into Embankment Lane.

The applicants have submitted evidence to show that the buildings are only in a reasonable state of repair. The external claddings are now generally over 25 years old and are in need of replacement. The brick elevations are in need of some repair/re-pointing. The roller shutter doors require repair if not renewal.

It is to be expected that the interiors are "tired" and in need of overhaul and redecoration. The services are dated and likely to need upgrading.

In respect of units 1- 8 the sheet covering is starting to fail and small pieces have fallen off. There is an area to unit 8 where the sheeting is starting to lift.

On unit 11 part of the metal trim to the gable / ridge is missing and a section of edging flashing is missing.

The applicants point out that the scheme would support the development of the new strategic employment area at Langage (potentially 20ha.), by implementing the first phase of the public transport infrastructure required further downstream. There would be a realistic and viable alternative to the private car in accessing that area. On balance, and mindful that the proposed link road scheme could result in strategic benefits of wider economic value in reducing congestion and facilitating growth, it is considered that this proposal would largely accord with CS05 .

The Scheme would require the permanent loss of a strip of land that is currently part of a potential 1.98ha development site --the former bus depot site where an initial start on development was made some years ago in respect of the permission for non-food retail warehouses and a fast food outlet (7 units). However, the applicants point out that the scheme maintains access to the majority of the remaining potential development site via a new access from the link road. It is maintained by the owners of the former bus depot premises that both accesses granted within the previous planning permission (99/00863) are necessary to provide access to the site and that no access from Laira Bridge Road would be available in this scheme. However the applicants point out that this is not the case (see Transport views above). They state that consideration has been given to maintaining access to this site and full access will be provided, and largely replicate previously approved access arrangements, by providing for access to and from Laira Bridge Road and Embankment Road. The only difference would be that access would be

achieved from the new link road rather than directly onto these routes from the site.

It would not however be possible to turn right onto Embankment Road from the link road. However this can effectively be achieved via the Laira Bridge Road and Heles Terrace route. The applicants state that a number of other options also exist for providing access to the development site from the link road which could be agreed with the landowner.

On balance, and mindful that the proposed link road scheme could result in strategic benefits of wider economic value in reducing congestion and facilitating growth, it is considered that the loss of part of this potential retail development site is warranted, that the potential remains to design a new retail development scheme without prejudicing adequate access and that is of an appropriate scale and function to its location in accordance with CS08.

3. The loss of some recreation facilities and leisure buildings

In accordance with policy CS30 there is a presumption against any development that involves the loss of sport or recreation facilities except where it can be demonstrated that there is currently an excess of provision or where alternative facilities of equal or better quality will be provided as part of the development.

The applicants maintain that there is no alternative to the demolition of the two vacant leisure buildings and the third building used by the Judo Club. A 2006 survey indicated that the two vacant buildings were in a very poor condition both internally and externally and should be demolished. No 23 [the judo club] was in a fair condition internally but required extensive repairs and redecorations externally.

The Judo club have been included in the consultation for the proposals as set out in the submitted Statement of Stakeholder Community Engagement' included within the planning application. The applicants state that work has already been undertaken to help the Judo Club tenants find alternative accommodation. Subsequent to the submission of the planning application, a meeting was held with the Judo Club representatives in order to understand their requirements in order that PCC can assist them in relocating. The applicants point out that as a result of this meeting they are now in a position to undertake a full review of all buildings owned or managed by the authority to ascertain if they will be a suitable alternative to their existing premises.

Meetings between Plymouth Transport and Highways, and the Headteacher of Prince Rock Primary School, have confirmed that the school no longer uses the Prince Rock Playing Fields as they prefer to use the alternative facilities at Tothill Park with improved access. The letter of support from the Headmaster of the local school is mentioned in the Representations section above.

The wider scheme could make a significant contribution to improving the pedestrian environment between the school and Tothill Park including upgrades to footpaths, crossing points and lighting. One of the greatest benefits of the link road for Prince Rock Primary School is that it would enable the reallocation of traffic movements in the East End area which in turn allow for the removal of traffic from in front of the school on Embankment Road.

This would also help to improve noise and air quality for the children and staff of the school in accordance with CS22.

The proposed car park, along with the wider pedestrian improvements above, could be considered to be adequate mitigation for the loss of the thin section of playing field land (275m²) on the northern boundary of the playing field which is required to accommodate a deceleration lane on Embankment Road. Officers of the PCC Culture, Sport and Leisure Unit of the Community Services Directorate have considered the potential loss of this green space forming part of the Prince Rock playing field and also the loss of the accommodation used by the judo club. No objections are raised to this planning application on the basis that impact is minimised and mitigated for by the provision of the new car park –allowing for improved access for both sports pitch users and maintenance vehicles.

It is considered that these mitigation proposals would be warranted and acceptable and their provision would not compromise CS30 or CS18.

Although there would be a loss of the small amount of green space (275m²) to provide the deceleration lane, there would be improved accessibility to the green space and remodelling within the application site at the corner of the playing field to provide improved appearance and the possibility of landscaping to add to the network of green space in accordance with CS18

4. Biodiversity

It is considered that the application has adequately considered the impacts of the proposed scheme on wildlife and natural resource use in accordance with policy CS34.

The applicant's consultants originally assessed all habitats as being of 'negligible intrinsic nature conservation value' on the basis that they are 'locally abundant' The presence of bat activity was noted but there were a limited number of features suitable to support bats and the building were considered to have a low potential to support bats. The site is fairly isolated due to its urban location and width of the River Plym. It has a low value for foraging and commuting bats with the potential for the occasional itinerant roosting bat. A further survey revealed the need for mitigation measures for a roost found within a building that would be lost, and for site invertebrates, and the applicants agree to the proposed mitigation measures.

The applicants' intentions to protect Bats from disturbance are considered to accord with CS19. A European Protected Species development licence would be applied for from Natural England to cover the loss of the small bat roost when the bungalow style building on site was demolished. To maintain the value of the site for bats the licence to destroy the bat roost would require the provision of alternative roosting sites. The applicants point out that bat boxes are to be placed in suitable locations to provide alternative roosting opportunities for bats and mitigate the loss of the roost.

Furthermore it is proposed that an Ecologist would check trees / buildings for presence of bats prior to clearance and lighting would be designed to reduce light spillage into areas of value to bats which would accord with policy CS22 (the detailed design of the lighting scheme would be reviewed by a suitably qualified ecologist prior to being finalized).

To enhance the area for bats the Landscaping Plan would need to incorporate diverse array of native, local provenance tree and shrub species known to support invertebrate populations.

The applicants Environmental Mitigation Plan also contain proposals for protecting reptiles from disturbance and these are also considered to accord with CS19. The applicants confirm that to maximise the potential habitats created trees and shrubs that are felled will be dealt with in an appropriate sustainable manner, for example mulching/bark chipping, retained on site for habitat creation for invertebrates / reptiles (in accordance with CS20).

It is considered that a condition is warranted to require that the development is carried out in accordance with the revised Ecological Mitigation and Enhancement Strategy (in accordance with CS01, CS19, CS34 and Government advice contained in PPS9).

The applicants propose to prepare a biodiversity budget following preparation of a detailed landscape scheme. The biodiversity budget would provide information on the quantity and quality of habitats lost and created as a result of the scheme. In this way the applicants intend to ensure the Scheme provides a net gain in biodiversity (in accordance with CS19).

5. Loss of trees

The proposal would involve the loss of an established ash tree on Embankment Lane and ash saplings at the north end of the football field.

The overall effect of the loss of the tree and saplings would be to make the appearance of the existing poor quality townscape character harsher, which, the applicants admit in their submission, would be a slight adverse impact This would be contrary to policy CS34.

A tree condition survey has identified that the established Ash tree is in an overall good condition. The applicants have been asked to consider revisiting the detailed design to determine if it is possible to retain the Ash tree in the scheme. They have responded at the time of writing this report by stating that although at present the Ash tree is located within the embankment side slope construction, they will endeavour to retain it as the detailed earthworks design is yet to be finalised and they would need to try to design a detail that might allow the tree to be incorporated into the reinforced earthworks. An update on this matter will be given at your Committee meeting.

To mitigate for the loss of this established Ash tree (and some Ash saplings north of the site), the mitigation plan contained within the environmental report identifies the planting of a number of trees along the proposed embankment for the link road. This would contribute to policy CS19 for net biodiversity gain and would accord with CS18.

6. Flood Risk Assessment

Proposals for the drainage for the proposed link road are detailed in the submitted Design and Access Statement and have been the subject of discussion with the Environment Agency who raise no objections subject to conditions (incorporated into the recommendation). Proposals demonstrating that the scheme could be safe, without increasing the risk of flooding elsewhere accords with policy CS21.

The applicants point out that while the landowners of the former bus depot site may not be aware of any flooding having taken place during their ownership of the site (see objection letter in the section above), this does not preclude it from occurring in the future. The Planning Committee report in 2004 made it clear that the responsibility for safeguarding the retail development site from the risk of flooding remained with the landowner. This particular planning application for the link road includes information with details of how the embankment and road will be drained of surface water runoff to prevent flooding on the former bus depot site as a direct result from the scheme. A proposed pumping station was originally considered as an option to drain surface water that might have 'ponded' on the landward side of the new embankment but, the applicants point out, following discussions with the EA an alternative option, providing drainage culverts through the embankment was agreed to be more appropriate. It is this culvert option that is part of the proposal and such would accord with policy CS21. Furthermore, it is considered that the proposals would further safeguard the adjacent remaining retail development site as it would provide a flood protection barrier, reducing the risk of tidal flooding to the major part of that site in accordance with policy CS21. Conditions are suggested.

7. Pollution –noise and air quality and visual impact

Both noise and air quality issues are addressed in the applicant's submitted Environmental Report'. This also includes the implications of such during the construction period. It is considered that the proposal will not cause unacceptable noise or air quality pollution, in accordance with policy CS22.

The Environmental Impact Assessment relates to Air Quality for the whole of the proposed Plymouth East End Community Transport Improvements scheme and therefore a holistic approach has been taken with air quality in the area. The assessment concludes that at all properties there is an improvement in air quality between the baseline and opening year, resulting from decreasing background concentrations and reduced emissions per vehicle. PCCs Public Protection Service accepts the conclusion of the Air Quality Assessment, in that the proposed road scheme does not have a significant negative impact at properties in the area and there is an overall improvement in air quality for the area. There is concern that some individual receptors will experience an increase in pollutant concentrations and that some are still predicted to be close to the 40ugm3 objective and a precautionary approach should be taken to air quality in the area. A strategy to monitor emissions or concentrations of pollutants at certain site locations around the new road scheme and throughout the wider East End Community Transport Improvement Scheme is suggested and the applicants confirm that consultation with the Service on noise and air quality monitoring will continue to be carried out by the Plymouth Transport and Highways department in consultation with PCC Environmental Services during construction and for a period of 12 months following scheme opening.

The concerns of the owners of the former bus depot site that their development site has not been identified as a receptor for the air quality assessment is noted. The former bus depot site has been a vacant plot of

land for many years and contains no retail buildings. Furthermore, in accordance with Government advice and guidance, the retail development site is not a sensitive receptor (whereas the facades of residential properties, schools, hospitals etc are, and it is these receptors that are shown in the submitted Air Quality Report).

There is potential for nuisance resulting from noise and dust emissions from construction traffic and demolition of buildings during the construction phase of the proposed road scheme, particularly on properties located at Heles Terrace and 225 to 223 Embankment Road. Conditions to mitigate nuisance during the Construction Phase are suggested and compliance with these would accord with policy CS22.

With regard to the issue raised in relation to any adverse visual impact of the new link road's prominence on the adjacent development site due to the raising of Embankment Lane, it is perhaps of relevant to consider that the embankment is to be landscaped and trees planted. The adjacent landowner's extant planning permission is for a development with a built form that would mainly comprise a long non-food retail block backing onto (and parallel to) the existing Embankment Lane industrial units (the proposed new link road alignment.) The replacement of a rear boundary wall of deteriorating industrial units with a belt of landscaping at a lower level than those buildings could be considered to be an enhancement of the attractiveness of the retail development site and a design opportunity. It is considered that effective landscaping could make a positive contribution to the urban scene and such would accord with policy CS34.

8. Sustainable resource use

The material required to construct the supporting embankment for the link road would be re-used locally from Embankment Lane and the wider East End Community Transport Improvements scheme. Compacted granular material would be derived from excavated materials from Embankment Lane and Gdynia Way such as rock, drainage, kerbs and road planings. This recycling of materials would accord with policy CS20.

9. Designing Out Crime

The concerns of the owners of the former bus depot site that boundary treatment needs to be put in place to protect their development from trespass (travellers) is reasonable and a condition is suggested in accordance with policy CS32.

The applicants indicate that the entrance to the proposed car park would be secured by a suitable swing gate in order to prevent overnight camping and misuse of the facilities. The gate would be lockable and the keys would be held and managed by PCC's Park Services in line with the existing arrangement for accessing the Playing Fields.

The area to the south of the proposed playing field would be protected by a steel security fence in keeping with the existing fencing to prevent overnight camping and misuse of the area.

It is considered that these proposals, together with the compliance with conditions, would accord with policy CS32.

10. Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

11. Equalities and diversities issues

The proposed development would not particularly affect a particular equality groups but the proposal does facilitate provision for disabled parking, cycling and access to improved play space.

No negative impacts on any of the equality groups are anticipated.

12. Conclusions

The Embankment Lane Link Road would be key in helping existing travel movements in the East End, reducing congestion through residential and inappropriate areas and improving air quality for residents and the local school in accordance with Core strategy objectives and policies. It would be of strategic value in unlocking new development on the Eastern Corridor and provide improved cycle links and improved access to the Prince Rock playing field. It is considered that with adequate landscaping and the implementation of the suggested biodiversity and drainage measures in compliance with conditions, the proposal would not only be of wider strategic benefit, but it would be an enhancement to the local environmental and visual amenities in accordance with planning policies.

Recommendation

In respect of the application dated **07/09/2009** and the submitted drawings, **Site Location Plan (1:1250), Ref: 409822-P-100-003 Rev A: Planning Application Boundary, Ref: 409822-P—100-017 Rev. A: Existing Road Layout, Ref: 409822-P-100-002 (9) Rev. A: General Arrangement Plan, Ref: 409822-P-100-001 (9) Rev. C: Cross Sections Plan, Ref 409822-P-600-003 Rev. C: Longitudinal Plan, Ref 409822-P-600-004 Rev C : P B MITIGATION PLAN FIG 1 A :**

Planning statement,Environmental report, Flood risk assessment,transport Assessment,transport Statement,design and Access Statement,statement of Community and Stakeholder Engagement

Additional information and amended Environmental Mitigation plan - Further information received relating to the condition of buildings on the site and the safety of the access to the industrial estate; details relating to the proposals for the playing field; details of alternative accommodation in the area for industrial unit tenants; and details relating to noise and air quality monitoring, landscape/ecology, highway

junction performance, and construction. A revised Environmental Mitigation and Enhancement Strategy is submitted, and includes measures to mitigate for development impacts upon European protected species (in particular loss of a bat roost) (An amended Mitigation and Enhancement Plan includes additional information relating to bats and invertebrates on site). , it is recommended to: **Grant Conditionally**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(1)The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

PRESERVATION OF SIGHT LINES

(2)No structure, erection or other obstruction exceeding one metre in height shall be placed, and no vegetation shall be allowed to grow above that height, within the approved sight lines to the site access at any time.

Reason:

To preserve adequate visibility for drivers of vehicles at the road junction in the interests of public safety in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CODE OF PRACTICE DURING CONSTRUCTION

(3) 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 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 CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

ACCESS (CONTRACTORS)

(4) 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 in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

STREET DETAILS

(5) Prior to the commencement of development details of highway improvements along the new road shall be submitted to, and approved by, the Local Planning Authority. Details to be submitted should indicate pedestrian and cycle facilities in addition to details relating to the traffic signal design, line, level and width of the works, method of construction, the disposal of surface water, Traffic Regulation Orders and the provision of a satisfactory system of street lighting.

The agreed works shall be completed in accordance with the approved details.

Reason: to ensure that appropriate and safe access is provided in accordance with

Policy CS28 and CS34 of the adopted City of Plymouth Local Development Framework Core Strategy adopted April 2007.

Reason:

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

DIRECTION SIGNING STRATEGY

(6) Before the development commences a Signing Strategy shall be submitted to, and have the signed agreement of, the Local Planning Authority. The strategy shall detail how destinations within and external to the site are to be signed to vehicular, pedestrian and cycle traffic. All the recommendations contained within the Signing Strategy shall be implemented in accordance with

the details.

Reason: in order to reduce unnecessary journeys resulting from misdirection, reduce pollution and to reduce unnecessary street clutter due to the proliferation of signs in accordance with Policy CS28 and CS34 of the

adopted City of Plymouth Local Development Framework Core Strategy adopted April 2007.

PRINCE ROCK PLAYING FIELDS

(7) Development shall not commence until a scheme designed to prevent ball egress from Prince Rock Playing field and suitable pedestrian access with the highway has been submitted to and approved in writing by the local planning authority.

Reason; to promote safe and convenient pedestrian access to and from and within the site in the interests of sustainability in accordance with Policy CS28 and CS34 of the adopted City of Plymouth Local Development Framework Core Strategy adopted April 2007.

CAR PARK PROVISION

(8) The car park shall be constructed, drained and surfaced in accordance with details having the prior approval of the local planning authority and it shall be made available for use prior to the link road being brought into use and thereafter that space shall not be used for any purpose other than the parking of vehicles unless otherwise agreed. Details of boundary treatments and measures to prevent unauthorised use of the car park should also be submitted to and agreed in writing by the local planning authority prior to the car park being brought into use. The access to the car park shall be hard surfaced for a distance of at least 10m from the public highway to prevent loose material spreading onto the highway.

Reason: to enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interferences with the free flow of traffic on the highway in accordance with Policy CS28 and CS34 of the adopted City of Plymouth Local Development Framework Core Strategy adopted April 2007.

FLOOD RISK - SURFACE WATER DISPOSAL

(9) Development shall not begin until details of the proposals for the disposal and management 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. The details shall include details of the drainage during the construction phase; the final drainage scheme; the provision for exceedance pathways and overland flow routes; the timetable of construction; the construction quality control procedure; the plan for future maintenance and management of the system and overland flow routes.

Prior to the development being brought into use it shall be demonstrated to the satisfaction of the local planning authority that relevant parts of the scheme have

been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details

unless otherwise approved in writing by the local planning authority.

Reason

To prevent the increased risk of flooding and minimise the risk of pollution of surface water during and after development in accordance with Policies CS21, CS22, and CS 34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LANDSCAPE WORKS IMPLEMENTATION

(10) All hard and soft landscape works shall be carried out in accordance with the approved details including those shown on the approved Mitigation Plan drawing. The works shall be carried out prior to the road being brought into use or in accordance with the programme agreed in writing by the Local Planning Authority.

Reason:

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

LANDSCAPE DESIGN PROPOSALS

(11) No development shall take place on construction of the car park until full details of both hard and soft landscape works for the boundary treatment and planting on land to the south east of the car park, 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; 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.); and proposals for restoration of land cleared of buildings and hard surfacing where relevant.

Reason:

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

MAINTENANCE SCHEDULE

(12) 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 Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

TREE REPLACEMENT

(13) If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or

destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason:

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

DETAILS OF BOUNDARY TREATMENT

(14)the road shall not be brought into use 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 before the road 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 in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

BIODIVERSITY

(15) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Ecological Mitigation and Enhancement Strategy (dated October 2009) for the site. This document will be updated prior to commencement of works and will form the basis for the Construction Environment Management Plan for the site.

Reason

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in PPS9.

CODE OF PRACTICE DURING CONSTRUCTION

(16)Prior to the commencement of the development hereby approved, a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the management plan.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Land Quality conditions

(17) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until the conditions listed 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 below has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

(To be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.)

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. (The scheme to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation).

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be

produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1 above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2 above, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3 above.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Risks to controlled waters

(18) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason

To protect controlled waters in accordance with Policy CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE: NESTING SEASON AND BAT ROOST

(1) It is an offence under the Wildlife and Countryside Act to damage to destroy the nest of any wild bird while it is in use or being built and it is also an offence under the Habitats Regulations (1994) to damage or destroy a place of shelter for bats. A Protective species licence application should be made to Natural England prior to the commencement of development.

INFORMATIVE: ENVIRONMENT AGENCY

(2) The developer's attention is drawn to the comments and requirements of the Environment Agency, a copy of which will have been sent direct to the applicant or the applicant's agent.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: impact upon the environment, landscape and protected species ; ,highway safety and the wider transport network; neighbourhood

amenities and economic and recreational facilities and the impact upon future development sites, the proposal is not considered to be demonstrably harmful. In the absence of any

other overriding considerations, and with the imposition of the specified conditions,

the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and

supporting Development Plan Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial

Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the

City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Planning Guidance (SPG) Notes, Government Policy Statements and Government

Circulars, as follows:

PPG13 - Transport

PPG17 - Sport and Recreation

PPG25 - Flood Risk

PPS9 - Biodiversity and geological conservation

RPG10

CS28 - Local Transport Consideration

CS32 - Designing out Crime

CS34 - Planning Application Consideration

CS22 - Pollution

CS08 - Retail Development Considerations

CS18 - Plymouth's Green Space

CS19 - Wildlife

CS20 - Resource Use

CS21 - Flood Risk

CS22 - Pollution

CS05 - Development of Existing Sites

CS01 - Sustainable Linked Communities

CS30 - Sport, Recreation and Children's Play Facilities

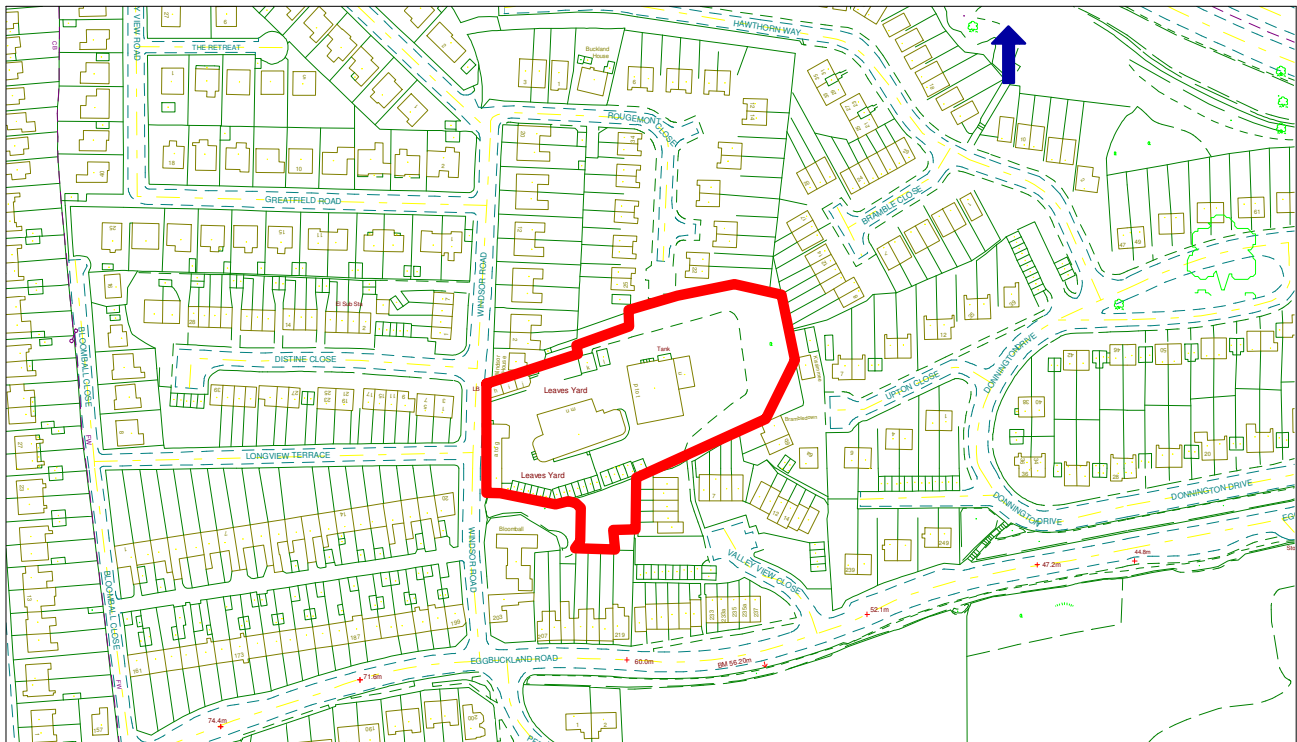
SR35 - Transformational change in Plymouth

CS27 - Supporting Strategic Infrastructure Proposals

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ITEM: 10

Application Number:	08/01700/OUT
Applicant:	Messrs K A and M Leaves
Description of Application:	Outline application for demolition of existing commercial units and erection of 37 residential units, access road, car parking and associated works
Type of Application:	Outline Application
Site Address:	LEAVES YARD, WINDSOR ROAD HIGHER COMPTON PLYMOUTH
Ward:	Compton
Valid Date of Application:	09/09/2008
8/13 Week Date:	09/12/2008
Decision Category:	Major Application
Case Officer :	Karen Gallacher
Recommendation:	Refuse
Click for Application Documents:	www.plymouth.gov.uk



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UPDATE

This application was granted planning permission in November 2008, subject to a Section 106 agreement. Unfortunately the S106 agreement has not been completed, and the application is therefore being brought back to planning committee with a recommendation to refuse permission because the planning obligations have not been met. There have been delays due to the lack of information and paperwork being provided in connection with the land ownership issues and there are still some issues which need to be dealt with. It is uncertain how quickly these issues can be resolved.

In this case the negotiated elements were the provision of 12 affordable units, a contribution of £17,971 for secondary education and a payment of £30,267 for play space off-site.

The following report is as presented to planning committee in November 2008.

OFFICERS REPORT

Site Description

The site lies in a residential area of the city. The site is approximately 0.66ha and in the main it is fairly level, but the surrounding residential area is steeply sloping. This means that the houses to the north and east of the site are generally lower than the site and the houses to the south are generally at a higher level. There are a number of protected trees on the boundary of the site. There is a mix of commercial and industrial buildings on the site.

Proposal Description

The proposal is an outline application for 37 dwellings. The layout, scale, appearance, access and landscaping are all reserved matters for future approval. Illustrative plans have been submitted to show how this could be achieved and include a significant level of detail regarding layout and massing.

Relevant Planning History

The site was allocated in the City of Plymouth Local Plan First Alteration 1995-2011 as a site suitable for residential development for approximately 32 dwellings.

Pre application discussion has taken place in respect of this proposal and the scheme as presented has been amended in accordance with this pre application advice.

92/00947/OUT – residential development - GRANTED

Consultation Responses

Environment Agency – No objection subject to conditions relating to contamination

Highway Authority – No objection subject to conditions

South West Water – No objections.

Environmental Services -No objection subject to contamination conditions

Housing – No objection subject to 30% affordable housing and lifetime home provision

Parks – Awaited

Education – No objection subject to contribution for secondary school places

Crime Prevention officer – No objection

Representations

Five letters of representation have been received. The following observations have been received:

- 1) the yard development would be a benefit to the area.
- 2) There would be an unacceptable increase in traffic using Windsor Road and Eggbuckland Road junctions, both during and after construction.
- 3) The sight lines onto Windsor Road are inadequate and parking restrictions should be imposed on this road.
- 4) Stability of the embankments surrounding the site needs to be ensured.
- 5) The 3 and 4 storey buildings would be out of character with the area.
- 6) There would be inadequate parking for the proposed and existing dwellings
- 7) The car park adjacent to Valley View Close would cause pollution and disturbance, and any means of enclosure would cut out light to these gardens.
- 8) The 3 and 4 storey buildings would be out of character.
- 9) The scheme represents an overdevelopment of the site.
- 10) The traffic statement was surveyed at a quiet time of day.
- 11) The reason for the provision of parking for property in Eggbuckland Road is unclear.
- 12) Part of the site is not in the applicant's ownership.

Analysis

The main considerations are the principle of developing the site, highway requirements, potential contamination, infrastructure requirements and impact on neighbours.

The principle of residential development.

This was raised through the Efford Community Study and the site was allocated for approximately 32 dwellings in the First Deposit Local Plan 1995-2011 because it would bring about environmental and visual improvements. In addition access to the site was at the time considered to be poor for commercial vehicles and on site activity is a potential source of nuisance to neighbouring property. Letters of representation have also supported the principle of developing the site for residential. In this regard the proposal complies with policy CS05.

Amount, layout and density of development

The application is for 37 units on a 0.6ha site, which is approximately 60 per hectare. All matters have been reserved, but because this represents a high density scheme a fairly high level of illustrative detail has been submitted to show how this density could be achieved. The south western corner of the site is considerably lower than the level of the adjacent highway in Windsor Road. Therefore in order to relate to the Windsor Road frontage a 4 storey building containing 12 one bed flats has been proposed. The majority of the rest of the site is higher in relation to neighbouring development and so the proposed development is correspondingly lower, comprising one 3 storey block containing 2 flats with the remaining 23 units being 2 storey houses. In order to make best use of the site and keep the development an adequate distance from neighbours, a cul de sac layout, which relates well to Windsor Road is considered appropriate. The development has been split between flats and houses. The standard of accommodation that could be provided at this density is considered to be acceptable. There is no conflict with policy CS15 (residential) or policies CS02 and CS34 (design) in this amount, layout or density of development. The development of the site at this density also accords with PPS3 advice.

Impact on neighbours

The site is bounded on 3 sides by residential development. In order to protect the amenity of near neighbours, development should be kept back from the edges of the site. The illustrative plan shows the buildings positioned and set into the site so as not to harm neighbours amenity. Screening and landscaping will be necessary to prevent intrusion from some car parking areas. There is no conflict with policy CS34.

Highways

The applicants have submitted a transport statement with the application. This shows that the number of vehicular trips to the site is likely to be 30% less than at present but the number of pedestrian and cycle movements are likely to increase. Cycle storage and improvements to the footways and site frontage, by way of condition, could meet the needs of these increases. The letters of objection raised concerns about the level of visibility from the site, but this is considered to be acceptable. The indicative layout shows that a level of parking of approximately 1.3 spaces for each dwelling can be achieved. This is based on there being 1 space for each flat and 1.5 spaces for each dwelling. The Highway Authority has no objection to this level given

the proximity of public transport on Egguckland Road. The proposal is considered to comply with policy CS28 in terms of the impact

Contamination

The site has been used for a variety of industrial purposes over the years. In order to comply with PPS23 it has been necessary for the applicant to provide an initial contamination survey. The survey identifies potential pollutants and The Environment Agency and the Public Protection Service recommend conditions to cover the full range of measures that may be needed to deal with such contamination.

Trees

The protected trees are all situated close to the boundary, and the illustrative layout shows that they would be sufficient distance from new buildings to be protected both during construction and thereafter. There is no conflict with policy CS18.

Play Space

No response has been received in respect of a contribution for play space. However, at pre application stage a request was made for a contribution of £30,267. The scheme has been negotiated on this basis and the applicant has offered this by means of a S106 agreement.

Education

There has been a request from Children's Services for a contribution for £27,702 for secondary school places based on the 23 two bedroom units. However, the scheme has been negotiated based on pre application advice from Education, which sought £17,971 for 24 two bedroom units. Whilst some increase may have been expected because of inflation, it is not considered to be reasonable to impose this increase at this stage as it would undermine the integrity of the pre application advice process. Any inflationary increase is not recommended in this instance because there has actually been a reduction in the number of units since the pre application negotiations. It is recommended that the offered contribution meets the requirements of interim planning statement 4.

Housing

The applicant proposes 30% of the units (12) to be affordable with an acceptable mix of housing size and an acceptable tenure mix of 60% for rent and 40% shared ownership. This meets the policy requirements and is to be secured by S 106 agreement. Policy CS15 also requires 20% of the units to be lifetime homes. This requirement can be dealt with by condition. The development complies with policy CS15 in these respects.

Issues raised by representation

Most of the issues raised by letter are covered in the above report. There have been a number of issues, however, which need to be covered separately. The site plan has been amended to exclude land in the ownership of a near neighbour. At the time of writing this report, this amendment has been advertised and any additional comments will be covered by an

addendum report if necessary. Some of the letters expressed concern about the stability of the land; the applicants have confirmed that the development would take place such as to ensure stability. The illustrative site layout shows that in developing this site vehicular access is now possible to the rear of dwellings in Eggbuckland Road. This is not a planning requirement, but it gives rise to no objection. None of these additional issues give rise to any policy conflict.

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Section 106 Obligations

The applicant agrees to:

Providing 12 affordable units;

A contribution of £17,971 for secondary education;

A contribution of £30,267 for playspace off-site.

The administration fee would be £2,412.

Conclusions

This brownfield site has been long identified for residential development because of the level of nuisance caused by the existing users. The application demonstrates that a relatively high density development would be appropriate, and would meet policy requirements, subject to 30% of the units being affordable, contributions to education and parks, and conditions to ensure adequate measures to deal with trees, potential contamination, changes in traffic movements and the reserved matters.

Recommendation

In respect of the application dated **09/09/2008** and the submitted drawings, **04036/01, 04036/03C, 04036/04B, 04036/L/A, 04036/02E, Planning Statement, Transport Statement, Phase I Desk-top Study Report, and accompanying Design and Access Statement**, it is recommended to:
Refuse

Reasons

INADEQUATE INFRASTRUCTURE

1) The proposed development would not bring forward adequate proposals for infrastructure provision, which would arise as a direct consequence of the

development. It is therefore contrary to Local Development Framework Core Strategy Policy CS33.

Relevant Policies

The following (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenspace schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Planning Guidance (SPG) Notes, Government Policy Statements and Government Circulars, were taken into account in determining this application:

PPS3 - Housing

PPS1 - Delivering Sustainable Development

CS34 - Planning Application Consideration

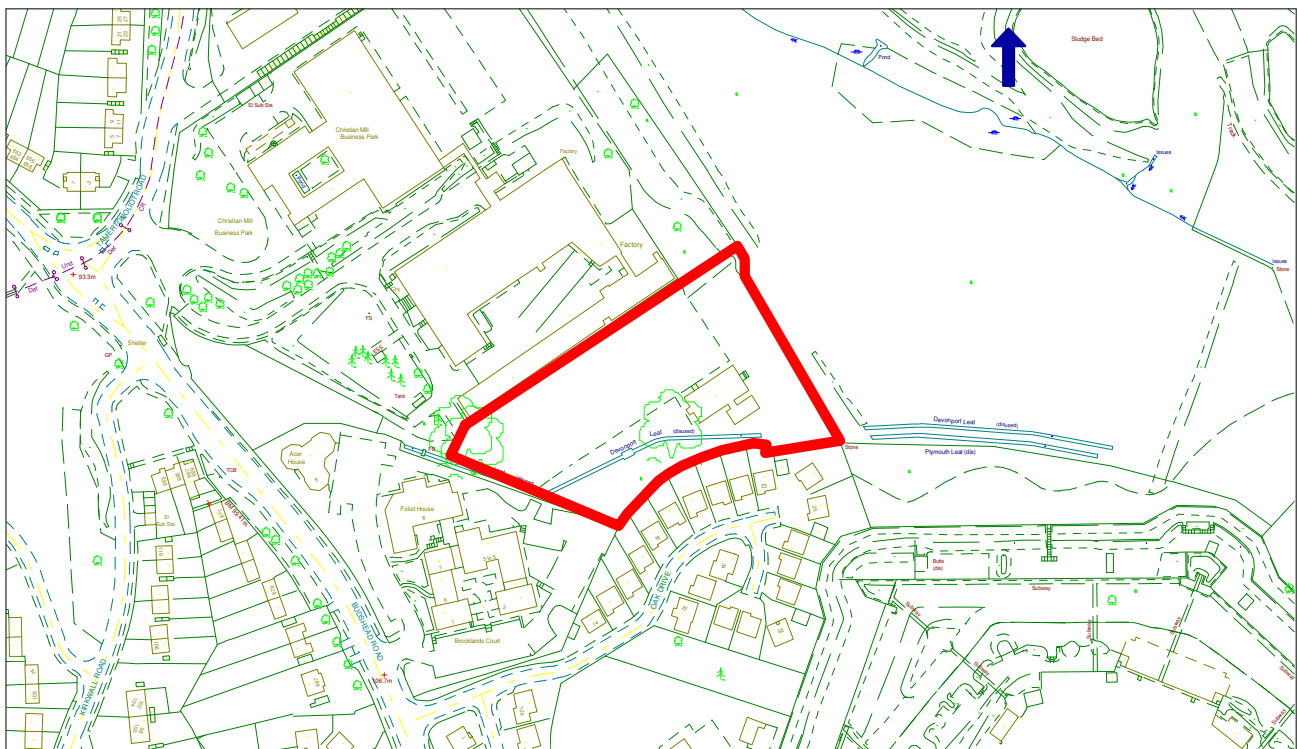
CS15 - Housing Provision

CS33 – Community Benefits/Planning Obligations

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ITEM: 11

Application Number:	09/01227/FUL
Applicant:	Hydon Developments
Description of Application:	Construction of 12 business units (use classes B1 and B8) in two blocks on existing car park. (Renewal of planning permission notice 06/01140/FUL)
Type of Application:	Full Application
Site Address:	CHRISTIAN MILL, TAMERTON FOLIOT ROAD PLYMOUTH
Ward:	Budshead
Valid Date of Application:	29/09/2009
8/13 Week Date:	29/12/2009
Decision Category:	Delegated
Case Officer :	Janine Warne
Recommendation:	Grant conditionally subject to S106 Obligation delegated authority to refuse by 23/12/09
Click for Application Documents:	www.plymouth.gov.uk



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OFFICERS REPORT

Site Description

The site forms part of the Christian Mill complex which is located just off Tamerton Foliot Road, near the junction with Budshead Road. The application site under consideration is located at the top south-east corner which backs onto Oak Drive (residential street) and it also goes near to Brooklands Court (business offices). The land is laid out as a car park which is hardly used. Located between the houses and the proposed site of the buildings is a substantial tree belt (approximately 25 metres deep) which is mainly covered with mature and semi-mature deciduous trees. There is an earth bank (partly planted with trees) to one side of the site which at the maximum dimensions measures 50 metres in length and 20 metres in depth and to a height of circa 6-7 metres. The proposed distances between the backs of the new commercial buildings and the houses in Oak Drive would be a minimum of 35 metres and a maximum of 45 metres. The land slopes down from the backs of the houses in Oak Drive.

Proposal Description

To erect 12 new business units within classes B1 and B8 of the Use Classes Order (Storage and distribution/business offices). The units would be provided in 2 blocks each having dimensions of 50 metres in length, 10 metres in depth and 6 metres in height.

Relevant Planning History

06/01140/FUL – Construction of 12 business units (Use Classes B1 and B8) in two blocks on existing car park – Permitted.

Consultation Responses

Highway Authority – No objections subject to various conditions relating to the provision of parking area, cycle parking, loading/unloading areas and a staff travel plan.

Environmental Services – No objections, subject to standard land contamination conditions.

Plymouth City Airport – No objections.

Representations

No letters of representation have been received regarding this planning application.

Analysis

This application turns upon Strategic Objective 6 (*Delivering the Economic Strategy*) and policies CS04 (*Future Employment Provision*), CS05 (*Development of Existing Sites*), CS22 (*Pollution*), CS28 (*Local Transport Considerations*), CS33 (*Community Benefits/Planning Obligations*), and CS34 (*Planning Application Considerations*) of the City's adopted Core Strategy 2006-2021. The primary planning considerations are discussed below.

The principle of the development is acceptable as Christian Mill is an existing employment site with a range of uses from office, storage, manufacturing, and retail. The expansion/development is supported by strategic objective 6 – delivering the economic strategy and policies CS04 and CS05 the adopted Core Strategy.

The application seek to renew an existing planning consent for the erection of twelve business units, for B1 (light industrial) and B8 (storage and distribution) use only. Each unit is approximately 650 square metres in floor area, being arranged over 2 floors. Uses within B1 by their very nature are those which do not raise issues in terms of noise, smell, dust generation etc. Storage and distribution uses tend to generate issues in terms of the hours of operation. The hours of use can be controlled to restrict the potential impact to neighbouring houses in Oak Drive.

The units themselves will be cut into the land currently laid out as a car park by between 1.5-2 metres, thus reducing the impact to the houses at the rear. The houses in Oak Drive are at least 35 metres from the position of the buildings, separated by a deciduous tree belt of circa 25 metres depth. The proposed buildings are a maximum height of 6 metres. The rear aspect of the building is proposed to be finished in steel sheeting with a beige colour finish. The top section of the elevation will be glazed (500mm down from the gutters), approximately 2 metres of the rear elevation will be seen with the steel sheeting. The roof will have a shallow pitch and will be clad in grey steel sheeting. The physical relationship is deemed to be acceptable due to a combination of the above factors.

As part of the previous planning application (no.06/01140), it was necessary to justify the loss of off road parking at the rear resulting from the proposed development. A survey was undertaken on 2 separate days, a weekday and a weekend day. It demonstrates, and has been accepted, that there is a gross over provision of parking in the region of 215 spaces during the week and 273 spaces on the weekend. The combination of the loss of spaces and demand for new spaces can be accommodated, in association with loading/unloading areas. The survey was conducted whilst the 'Playzone' was closed for refurbishment. In itself this does not have a bearing on the results of the survey as the peak times for this facility are mainly weekends when there is adequate capacity. Thus, the findings are felt to be sound. The Transport Officer has confirmed that the parking situation today is largely consistent with the survey results and therefore no further issues or observations have been raised in this case. The proposal has the positive effect of reducing parking

numbers in line with current thinking on reducing dependence on the private car (PPG13 refers).

It should be noted that Devonport Leat lies in close proximity to the site, though it would not be affected by the development. The Leat is not protected by any formal designation and its' preservation relies on development not prejudicing it. The design has avoided the Leat.

The existing trees are not affected by the proposed development. They are located away from the canopy and away from the root systems. There would be no reason for the development to affect the existing trees and they are afforded protection by previous permission on the land. Further planting to the bund will be requested by condition.

During the determination of the previous application, there was local concern regarding the existing floodlights that cause problems for people with bedrooms at the rear of the house. The existing lights will be removed and should there be a need for further lights the position and details will be requested by condition, in the same way that CCTV would be controlled by condition.

It is recommended that a code of practice during the construction condition is placed on any grant of planning consent, to ensure that the works do not demonstrably harm neighbouring amenity. The nature of the use will not generate dust, noise, smells etc, this would be associated with a heavy industrial use. In addition, a condition regarding external plant being used is recommended.

It should be noted that the applicant has requested a five year planning consent (rather than three years as standard). Therefore the case officer has sought legal advice, which confirms the following:

S91(1) (a) Town and Country Planning Act 1990 provides that any planning permission granted or deemed to be granted is subject to the condition that the development to which it relates must be begun no later than the expiration of 3 years beginning on the date which the permission is granted; or (b) such other period (whether longer or shorter) beginning with that date as the authority concerned with the terms of the planning permission may direct. The legislation provides the time period mentioned in S91(b) "shall be a period which the authority consider appropriate having regard to the provisions of the development plan and to any other considerations".

Your officers are currently assessing whether it would be appropriate to allow an extended consent in this case. Therefore, a restrictive condition relating to commencement of development has not been included in this report and will be presented to Committee by Addendum.

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights

included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equalities and diversities issues

There are no additional issues to be discussed here.

Section 106 Obligations

The following Section 106 Obligation is required in line with adopted Core Strategy policy:

1. A financial contribution of £30,646 towards strategic transportation improvements in the city, payable upon commencement of development.
2. Administrative fee of £1,532.

Conclusions

The application is recommended for approval subject to conditions and the successful completion of a Section 106 Agreement by 23 December 2009, with delegated authority sought to refuse permission if the Section 106 Agreement is not signed within that time.

Recommendation

In respect of the application dated **29/09/2009** and the submitted drawings, **Site Location Plan, Block Plan, Section Drawings (A-A and B-B), Proposed Layout (drg no.15), Elevations and Floor Plans of 'Block A' (drg no.16), Elevations and Floor Plans of 'Block B' (drg no.17), and accompanying Design and Access Statement** , it is recommended to: **Grant conditionally subject to S106 Obligation delegated authority to refuse by 23/12/09**

Conditions

CODE OF PRACTICE DURING CONSTRUCTION

(1) Prior to the commencement of the development hereby approved, a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the management plan.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22

of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CAR PARKING PROVISION

(2) The development shall not be occupied until space has been laid out within the site in accordance with the Approved plan.

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 Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CYCLE PROVISION

(3) 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 six bicycles to be parked.

Reason:

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

CYCLE STORAGE

(4) 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. in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LOADING AND UNLOADING PROVISION

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

Reason:

To enable such vehicles to be loaded and unloaded off the public highway so as to avoid:- (i) damage to amenity; (ii) prejudice to public safety and convenience; and (iii) interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

STAFF TRAVEL PLAN

(6) 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 it's implementation. From the date of (the commencement of the use)) 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 in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

NOISE LEVEL RESTRICTION

(7) The level of noise emitted from the site shall not exceed 5 dB above the current background noise at any other time, as measured on of the boundary of the site. The noise should be free from any distinct tones or other characteristics which would draw attention to it. If it contains tones or other characteristics, the measured noise level should have 5dB added to it and this higher figure used as its characteristic level.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting noise and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021)2007.

HOURS OF OPERATION

(8) No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times: 0800 - 1800 hours Monday to Saturday inclusive; nor at any time on Sundays, Bank or Public Holidays.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

NO FURTHER PLANT/MACHINERY W/O CONSENT

(9) 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 further plant or machinery shall be installed or provided on the site under or in accordance with Part 8 of Schedule 2 to that Order without the prior consent in writing of the Local Planning Authority.

Reason: To protect the residential and general amenity of the area from any harmfully polluting effects and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

FURTHER DETAILS

(10) No work shall commence on site until details of the following aspect of the development have been submitted to and approved in writing by the Local Planning Authority:

(a) Security lighting/floodlighting around the perimeter of the site or attached to any of the new buildings

(b) CCTV cameras to be used on or around the building/perimeter of the site.

The works shall conform with 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.

PROVISION FOR TREE PLANTING

(11) No works shall take place until full details of all proposed tree planting required to take place on the earth bund in the eastern corner of the site, and the proposed times of planting, have been approved in writing by the Local Planning Authority and all tree planting shall be carried out in accordance with those details and at those times.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with policy CS18 of the adopted Core Strategy.

PROTECTION OF LEAT DURING CONSTRUCTION

(12) No work shall commence on site until on site until details to indicate how the building work will avoid disturbance to the Devonport Leat have been submitted to and approved in writing by the Local Planning Authority. The works shall conform with the approved details.

Reason:

In order to preserve a locally importance archaeology feature in accordance with guidance in PPG15.

EXISTING TREE/HEDGEROWS TO BE RETAINED

(13) 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

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

Reason:

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

LAND QUALITY

(14) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved (other than that required to be carried out as part of an approved scheme of remediation) shall not commence until conditions 15 to 17 have been complied with. If unexpected contamination is found after the development hereby approved has commenced, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 18 has been complied with in relation to that contamination.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the use can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SITE CHARACTERISATION

(15) An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings shall include:

- (i) a desk study characterising the site and identifying potential risks from contamination;
 - (ii) a survey of the extent, scale and nature of contamination;
 - (iii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - (iv) an appraisal of remedial options, and proposal of the preferred option(s).
- This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SUBMISSION OF REMEDIATION SCHEME

(16) A detailed remediation scheme to bring the site to a condition suitable for the use hereby approved (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

(17) The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report

(referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out shall be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

REPORTING UNEXPECTED CONTAMINATION

(18) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with current guidance, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 16, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 17.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE - CODE OF PRACTICE DURING CONSTRUCTION

(1) The management plan required by condition 2 shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web-pages, and shall include sections on the following:

- a. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information;
- b. Construction traffic routes, timing of lorry movements, weight limitations on routes, initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, wheel wash facilities, access points, hours of deliveries, numbers and types of vehicles, and construction traffic parking; and
- c. Hours of site operation, dust suppression measures, and noise limitation measures.

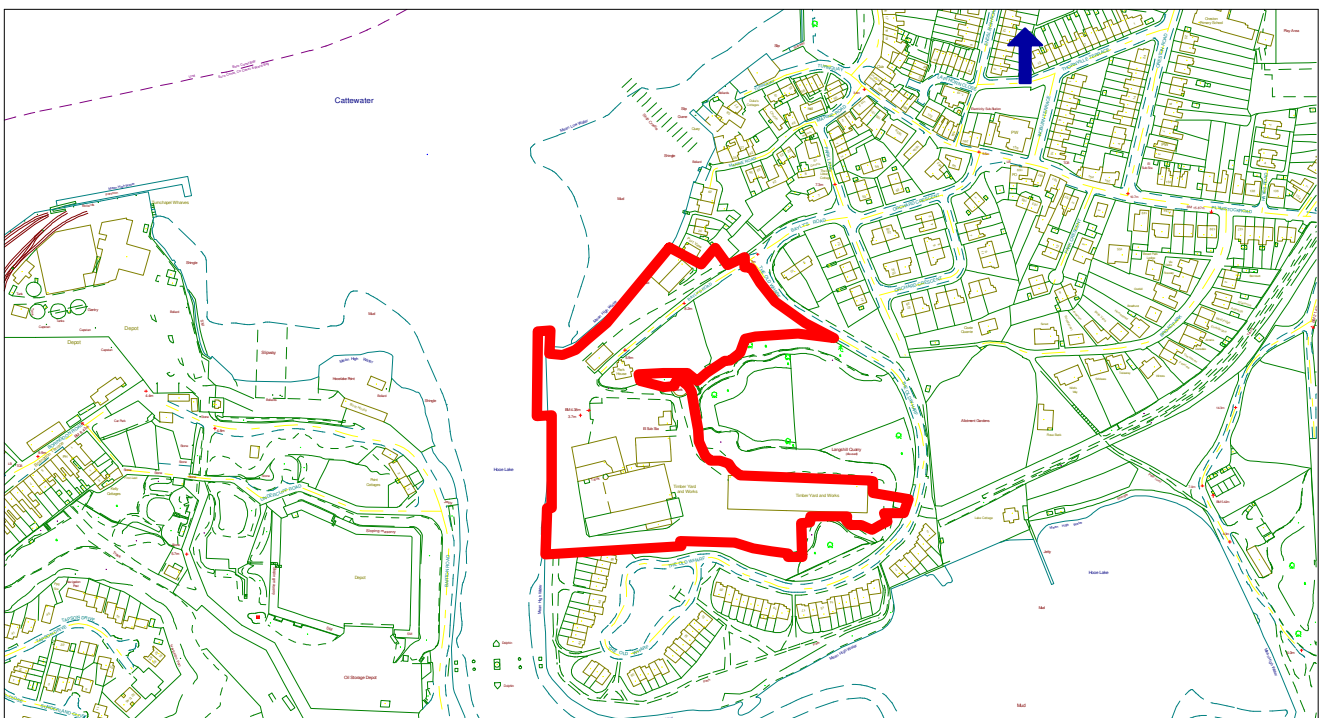
Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the impact on neighbouring amenity, the impact on the character and visual appearance of the area, the impact on conditions of highway safety, the impact on environmental and public health, and the impact on an existing/future employment site, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Planning Guidance (SPG) Notes, Government Policy Statements and Government Circulars, as follows:

- CS28 - Local Transport Consideration
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS05 - Development of Existing Sites
- CS04 - Future Employment Provision
- SO6 - Delivering the Economic Strategy Targets

ITEM: 12

Application Number:	09/01060/OUT
Applicant:	Geosa Ltd
Description of Application:	Outline application (with all matters reserved for future consideration) for the erection of 96 residential units, B1 (A and B) units, D1 units, new buildings for existing geosacceanographic business and new water taxi pontoon with ancillary café (A3).
Type of Application:	Outline Application
Site Address:	FORMER BAYLYS YARD, BAYLYS ROAD ORESTON PLYMOUTH
Ward:	Plymstock Radford
Valid Date of Application:	02/09/2009
8/13 Week Date:	02/12/2009
Decision Category:	Major Application
Case Officer :	Robert Heard
Recommendation:	Refuse
Click for Application Documents:	www.plymouth.gov.uk



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OFFICERS REPORT

Site Description

The application site is a 'C' shaped piece of land approximately 3 hectares (7.4acres) in size which wraps around the base of the former Langshill quarry / timber sawmill. Its main features are a water frontage onto Cattewater, to the west and north-west, and the steep quarry face and hill to the east north. The area between the quarry face and the quayside is relatively level, although it does rise towards the north and there are a number of undulations in the south. The sole access to the site is off Baylys Road, to the north.

The site is currently occupied by a Victorian house, a two storey office building used by Geosa, an oceanographic business; five workshop / storage buildings ranging in size from 163-1,008sqm (total circa 4,250sqm) and extensive open areas of storage of boats and assorted paraphernalia associated with its current authorised use as a boatyard. Many of the workshop and storage buildings are of basic construction, including corrugated asbestos, and are generally in a poor state of repair.

The site is situated on a promontory of coastal land between Cattewater and Hooe Lake, to the South of Oreston Village. It shares the promontory with 150 modern two/three storey terraced townhouses, known as 'The Old Wharf'. These were built in the 1990s and are accessed only from the Old Wharf Road which sweeps down from Baylys Road in an arch encompassing virtually the whole landside perimeter of the site. The top of the quarry is a small nature reserve, closed to the public.

The wider area, to the north and east, is established residential in character with local facilities clustered around Plymstock Road and Orchard Crescent in the centre of Oreston. Traffic, visiting the site, and the Old Wharf development, has to pass through narrow roads in this area, some without pavement / pedestrian refuge, to join the main road network A379, Billicombe Road, at Pophett roundabout 1km to the north.

Heavy industrial uses, including the Chevron fuel terminal and Origin (formerly IWAS) fertiliser plant, occupy the opposite shore of Cattewater to the north. They provide a gritty industrial panorama, broken only by the Sterling prize shortlisted TR2 propos building.

Proposal Description

Outline planning permission is sought for: the erection of 96 residential units, 1, 795sqm of commercial floor space and a water taxi pontoon with ancillary A3 element.

The residential development would comprise eighty six 3 bed houses (existing dwelling demolished) and ten 2 bed flats/ maisonettes. The commercial uses would be a mix of 450sqm of office space (use class B1a), 975sqm of Research and Development (use class B1b) and 370sqm of training and education (use class D1).

All matters - layout, scale, appearance, access and landscaping - are reserved for later consideration; but in line with the requirements of articles 1 & 3 of the Town & Country Planning (General Development procedure) Order 1995, as amended, a package of documents have been submitted (Design & Access Statement; Planning Statement; Commercial report; Transport Assessment; geotechnical & contamination report flood risk assessment; ecological report and statement of community involvement). These provide information on use, amount of development, indicative layout, scale parameters and indicative access points.

The indicative plans submitted with the Design and Access Statement show the existing vehicular access off Baylys Road, to the north, widened and used to provide the sole vehicular access to the site. Traffic would follow a 'spine' road around the site, ending in a cul-de-sac in the far south east. Buildings are shown massed either side of this 'spine' road. A pedestrian access is shown in the south west corner, linking with The Old Wharf water frontage and through the site to the south into Old Wharf Road. There is also an emergency vehicular access only to the east linking with a cycle track to Radford Lake and another through the nature reserve above the site.

All the proposed commercial units are concentrated mainly on the waterfront (approximately a third of the overall site area) along with a public pontoon. The remaining two thirds of the site are shown as exclusively residential with a half 'crescent' feature in the south, mirroring the contours of The Old Wharf Road. An area of public open space is indicated on the eastern side of the site close to the proposed water taxi pontoon.

The plans show the public pontoon being used as a landing stage for a new water taxi ferry service between Oreston and the Barbican / Queen Anne's Battery. Parking for this facility is proposed adjacent to the public open space.

The reports that accompany the application claim that the Geosa, oceanographic business is the only viable employment use on the site with the remainder unused / derelict and requiring uneconomic levels of investment to make it attractive to other commercial users. The constrained vehicular access – particularly for HGVs; changes to shipping /Cattewater dredging practice that make deep water berths more difficult and competition from better located employment sites are cited in support of this view. The Planning Statement goes on to claim that the capital receipt from the sale of the site for residential development is required to pay for the proposed new operational buildings for Geosa; with the alternative being to release the whole site for residential use and for the proposed capital investment to take

place in Scotland. The Statement provides a summary list of the advantages of the proposal; being-

- Providing an additional section of waterside footpath.
- Eliminating the need to serve the site via large vehicles.
- Providing an element of affordable housing.
- Contributing towards the city's housing targets.
- Improving the range of commercial facilities provided in Oreston.
- Providing a direct water taxi link to Oreston.
- Securing the attractive redevelopment of a waterside site

Relevant Planning History

08/02268/OUT - Outline application (with all matters reserved for later consideration) for the erection of 118 residential units, A2 (offices), A3 (restaurants/cafes) and B1 (business) units, water taxi pontoon and new buildings for existing GEOSA Oceanographic busines. REFUSED.

95/0366 – Erection of 51 houses. GRANTED SUBJECT TO S106.

Consultation Responses

Environment Agency

Support subject to conditions.

Highway Authority

Object, recommend refusal.

South West Water

No objections.

Public Protection Service

Support subject to conditions.

Representations

Support

One letter of support received from the National Oceanography Centre, summarised as follows:

The proposed Geosa development of workshop facilities will provide the site with a large increase in capability and increase its usability, re-emphasizing Plymouths key position in supporting maritime industries and bringing increased business to the city.

Objection

Two letters of objection from The Old Wharf Residents Association, raising the following points:

1. Poor access, caused by narrow, heavily parked roads.
2. The application would cause road safety issues, creating hazardous situations for pedestrians in particular due to a lack of footpaths in the area.
3. Poor access for emergency services.
4. The dotted blue line on the plans shows the position of the industrial security fence incorrectly put up by Mr Boston in 1998 on the wrong side of the grass banks and nature refuge.
5. The boundary of the fence encroaches significantly into the grass bank and nature refuge and over the Old Wharf development boundary.

One letter of objection from the Radford and Hooe Lake Preservation Society raising the following points:

1. Increased levels of traffic in the area will result in further congestion on local roads and add to existing parking problems.
2. Any development at the site should be for fewer, higher value properties, in the form of executive homes with moorings.

Sixty six individual letters of objection received, raising the following points as summarised below:

1. Adequacy of plans/ consultation time – Insufficient information and insufficient time has been provided upon which to base a response, comment on the proposal. The public consultation carried was a presentation of a 'fait accompli'. Local feeling and opinion has been ignored. It should be noted that these comments refer to the applicants community consultation event and not the planning application consultation period.
2. Principle/Density - The waterfront should be kept for maritime uses and not given over to residential use. The density of the proposed development is excessive and exceeds Council guidelines. The number of dwellings has not been significantly reduced from the previous application and results in over development
3. Development would expose more people to risk in the event that there was an accident at the gas depot, oil terminal or fertiliser plant (Control of Major Accident Hazards [COMAH] sites). Details of compliance with sustainability code are missing.
4. Traffic – (Note that this is the main ground of objection in all LOR's) The proposal will significantly increase traffic through Oreston Village and surrounding roads. The roads in Oreston village are of pre-war configuration. They are substandard and do not meet with the current Highways Act. They are extremely narrow and crowded. There are no pavements in places and lots of parked cars. Oreston already has congestion and parking difficulties as a result of school facilities and heavy residential parking. There is no mention of how the increased traffic is to be managed. Such a large development will bring even more congestion onto the busy and narrow roads resulting in more difficult journeys in and out of Oreston than at present, endangering the

health and safety of the local residents, particularly children at the local school and playgroup. There will also be an impact on wider roads Pophett roundabout, Billacombe Road and out towards Laira Bridge, more housing will lead to gridlock. Plymstock Road and the Quay have shops and a public house with entrances directly onto narrow sections of the road with no pavement. The increased traffic movement associated with this application would be a substantial threat to children and residents.

5. Local infrastructure capacity - Question whether the local infrastructure can sustain further development in particular the local sewage system has frequently overflowed.
6. Impact upon neighbouring residential properties - Concerned about overlooking and overshadowing. The houses should be orientated to face away from existing properties. The three storey housing will cut the amount of light to neighbouring houses. There are also security concerns associated with providing a pedestrian access into the site from The Old Warf; subsidence and disruption caused during construction.
7. Nature Reserve – the site is home to wildlife and must be protected as a nature reserve.

Please note: Whilst many of the letters of objection received raised the above points, many of them also stated support in principle for the redevelopment of the site for mixed use purposes.

Analysis

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Members will recall a previous application (08/02268/OUT) at the site, presented to the Planning Committee in March of this year (2009) and summarised above in the planning history section of this report. This was a similar application but with subtle differences. The previous application differed in that it was for 118 dwellings (this application is for 96 dwellings), it contained proposals for a 20 bed hotel (omitted and therefore not part of this application), it included a separate A3 (restaurant/café) use (this application has a small ancillary A3 use related to the proposed water taxi kiosk) and it contained proposals for B8 (storage and distribution) use (omitted and therefore not part of this application), although a small element of training and development (D1 use) is proposed as part of this planning application.

Previous Refusal Reasons

The previous application was recommended for refusal and this was supported by the planning committee. The application was refused for the following reasons:

1. Loss of marine employment
2. Additional traffic movements
3. Sub standard access
4. Loss of landscape features
5. Insufficient information on wildlife site
6. Insufficient information on habitats
7. Lack of enhancement and mitigation details
8. Satisfactory development uncertain
9. Affordable housing required
10. Education contribution required
11. Green space/play space contribution required
12. Absence of details of renewable energy production equipment.

It is considered that the same key issues are relevant in the consideration of this application and these are discussed below:

Loss of marine employment

With the exception of the nature reserves, which have little development potential, the existing use of the site is entirely employment related.

The Turnchapel, Hooe & Oreston Sustainable Neighbourhood Assessment document shows that there are insufficient employment opportunities within the area (the Job ratio is poor, 0.58 compared to Plymouth and national average) leading to above national, and above Plymouth, average travel to work patterns. Protecting local jobs and encouraging new employment opportunities is seen as a high priority in relation to Policy CS01 (Development of Sustainable Neighbourhoods).

In addition Policy CS05 (Development of Existing Sites) of the Core Strategy is clear about the value marine employment sites and the need to safeguard them it states:-

'Development of sites with existing employment uses for alternative purposes will be permitted where there are clear environmental, regeneration and sustainable community benefits from the proposal. In making this assessment the Council will have regard to the following: (4) In relation to marine employment sites, that priority will be given to safeguarding the site for marine industrial uses that genuinely require a waterfront location.'

The proposal involves a significant reduction in the amount of space used for employment purposes on the site. Effectively most of the site would be developed for residential purposes. It is claimed that this is necessary to

secure the continuing presence of Geosa on the site, which the agents claim will secure 30 jobs at the site, a significant increase on the number of existing jobs at the site, which is stated in the agents Planning Statement as being 10. Notwithstanding Policy CS05(4)'s emphasis on safeguarding marine employment sites and claims that the securing of Geosa at the site will create further jobs, there are concerns about the limited amount of land that would remain in employment use. The employment area would be tightly defined and would not allow for future expansion, or for the potential expansion needs of businesses which might take up the site in the future. It is considered that a convincing case has not been made that proposals would create a viable marine employment site or that the potential benefits do not outweigh the loss of existing employment land.

The current application does not offer any more employment land than the previous refusal and this reason is therefore still considered relevant.

Additional Traffic Movements

The conclusions of the Traffic Assessment (TA) commissioned by the applicants that the proposed development will not generate any more traffic than the existing authorised uses area not accepted. It is considered by the Councils Highways Officer that there would be a substantial increase in traffic on the local road network to the point where it would be prejudicial to public safety.

Whilst the removal of HGV trips (associated with the existing boatyard use) and the proposed new public pontoon and ferry service are attractive features of the proposal, which bring highway benefits to the area, they do not outweigh the core highway objection to the proposal, in that the significant amount of additional trips generated by the proposed development would give rise to highway safety concerns.

Sub standard access

Policy CS28 (Local Transport Considerations) and Policy CS34 (8) (Planning Application Considerations) make clear that development that does not provide for safe and satisfactory access is unacceptable.

Further to the issue of additional traffic movements, discussed above, access to the site is also a concern. The application proposes that access through the site is served by a 5.5 metre access road with a 2 metre footway on the southern side only. It would be preferable if a footway be provided on both sides of the carriageway so as to create a complete and permeable network along existing pedestrian desire lines avoiding the need for pedestrians to repeatedly cross the road.

Access to the site from the wider road network is served by narrow historic streets that connect the site with the rest of the highway network, namely Baylys Road, Orchard Crescent, Plymstock Road and Oreston Road. All of these roads contain sections that are narrow and lacking in footways, being

unsuitable to cater for significant additional traffic. They are also often heavily parked further restricting the ability of these roads to cater for additional traffic. Any intensification in their use is considered a hazard to existing users of the highway and potential users of the development. The proposed access arrangement is therefore considered unsuitable and is likely to give rise to issues of personal and highway safety and interfere with the free flow of traffic on the highway.

Loss of Landscape Features

The previous application proposed development encroaching upon land that was previously identified as a nature reserve. This current application has reduced the amount of development in the nature reserve area so that it is now retained. The application also proposes an open playspace area within the site and an area of managed woodland and grassland on the flat area that lies atop of the site. This land is in the applicant's ownership and would, together with the existing quarry face, provide a dramatic setting to the proposed residential development. The issue of loss of landscape features is therefore no longer considered relevant due to the retention of the nature reserve and new areas of open and managed woodland.

Insufficient Information on Wildlife Site

Insufficient information was provided with the previous application on protected species that maybe using the site. However, the current application has been submitted with sufficient terrestrial ecological survey work and this reason for refusal has now been satisfied and is therefore no longer relevant.

Insufficient Information on Habitats

As above, the previous application contained insufficient information on habitats present at the site and this made it difficult for a sufficient understanding of the impact of development to be gained and how this might potentially be mitigated. The application now contains appropriate information on habitats present at the site and as above this reason has been satisfied and is not longer appropriate.

Lack of Enhancement and Mitigation details

Whilst information has been forthcoming regarding wildlife and habitats that are present at the site, no details of enhancement or mitigation have been included within the current application. Policy CS19 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) requires developments to *'produce a net gain in biodiversity by designing in wildlife, and ensuring any unavoidable impacts are appropriately mitigated for.'* Whilst the application indicates a willingness to provide a management plan (which is stated will show a biodiversity gain) this has not been included with the application and therefore the application does not contain the required enhancement and mitigation details with regards to net biodiversity gain. The previous refusal reason thus remains relevant, although it is very likely that a

net gain in biodiversity could be achieved at the site, and if the relevant information was forthcoming this issue would no longer be a concern.

Satisfactory Development Uncertain

The previous application for 118 residential units proposed residential development in the south east corner of the site. This resulted in a form of development that appeared 'cramped' and it was uncertain if the development as shown could be accommodated satisfactorily. The current application removes housing from this part of the site, allocating it as a wildlife area. Thus this refusal reason is no longer relevant.

Affordable Housing and Education/Greenspace contributions

The provision of 30% (29 of the 96 dwellings) of all dwellings as 'affordable' is sought, based on a proportional mix of dwelling types and distribution across the site as required by Policy CS15 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007). The applicant has stated a willingness to provide the compulsory level (30%) of affordable housing at the site and has submitted a draft Section 106 Agreement to secure this and the necessary financial contributions required by the Plymouth Development Tariff, in order to mitigate the impact of the development and support the City's objective of developing in a sustainable way. The previous reasons for refusal about lack of provision of affordable housing and community benefits have therefore been satisfied and are not relevant to this planning application.

Renewable Energy Production Equipment

As with the previous application, this application fails to include outline details of how onsite renewable energy production equipment to off-set at least 10% of predicted carbon emissions for the periods up to 2010, (raising too 15% for the period 2010-2016) is to be provided. Considerations associated with delivering this requirement could materially alter the scheme and therefore details as to how onsite renewables will be incorporated must be brought forward before the application is determined. In the absence of such information the proposal is contrary to Policy CS20 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) which seeks to secure sustainable resource use.

Other Issues

There are a number of other issues that need consideration in the determination of this planning application that did not form part of a previous refusal reason:

Indicative Layout

The proposal has been submitted in outline with all matters reserved. The layout, height, massing and appearance of the proposed development is therefore indicative only. Access, although also indicative, is almost certain to

be off Baylys Road, to the north, and the choice of a route passing through the site to terminate in a cul-de-sac is fairly fixed. Whilst there is no doubt scope for improvement to the layout and design, especially around the relationship of the residential element to the waterfront and quarry face, the indicative layout does show a hierarchy of buildings, and individual features, such as a square and crescent, which could form the basis of a distinctive architecture.

The provision of public access to another section of waterfront and new pedestrian permeability through the site, particularly a more direct route from The Old Wharf to Oreston Neighbourhood Centre, are identifiable design strengths of the proposal. The inclusion of public open space and a wildlife area are further benefits that have been designed into the scheme since the previous application was refused and it is considered that there is no reason to doubt, at this outline stage, that the proposal would not result in an attractive environment for future occupiers.

Residential Amenity

Policy CS34 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) seeks to protect the amenity of the area, including residential amenity in terms of satisfactory daylight, sunlight outlook, privacy and soft landscaping.

Based on the indicative layout, there are significant separation distances between the existing dwellings on The Old Wharf and those proposed within the site. The impact of the proposed development on the residential amenities of nearby property occupiers on The Old Wharf would therefore be minimal and not sustainable as reasons for refusing outline planning permission for this proposal. The proposed indicative layout appears to create a design that provides a satisfactory residential arrangement that would not raise issues of residential amenity conflict between the dwellings proposed.

Letters of Representation

Of the 70 letters of representation received, 69 were objecting to the application, with 1 letter of support received.

The letters of objection received are from nearby residents who have concerns about the proposal. The reasons for objection are summarised above in the representations section of this report. These issues have already been addressed in the main Analysis section above, therefore there is no need to reconsider them.

The letter of support received is from The National Oceanography Centre, based in Southampton. They are keen to see the development approved as they hope to use the site for further research and development.

Equalities and diversities issues

This development has the potential to affect people of all ages and from all backgrounds as it proposes open market housing that will be made available for sale to the general public. It specifically affects those on lower incomes on the Councils Housing Register as it commits to make available 30% of all dwellings as affordable housing, to be managed by a Housing Association. Older people will also be specifically affected as the development, if accepted, would provide 20% of dwellings to Lifetime Homes standards. The benefits to these groups are considered to be positive.

If the application were to be accepted and recommended for approval, no negative impacts to any equality group would be anticipated. Pedestrian access would be improved through the creation of a new link through the development and the financial mitigation required by the Plymouth Development Tariff would benefit the whole community by providing additional money to be spent locally on sport and recreation, green space, transport, education, health and libraries.

Section 106 Obligations

In accordance with Policy CS15 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) the application is required to provide 30% of dwellings as affordable homes. The applicant has stated his commitment to provide this and submitted a draft Section 106 Agreement to secure the affordable housing, in the event that the application is approved. This commitment therefore addresses previous concerns regarding failure to provide (or commit to provide) the compulsory levels (30%) of affordable housing at the site.

The applicant has also, within the draft Section 106 Agreement submitted with the application, committed to provide the contributions generated by the Plymouth Development Tariff to mitigate the impacts of the proposal. Therefore previous concerns about lack of mitigation are also addressed and overcome within this proposal.

Conclusions

There are two in principle reasons why permission for this development should be refused. Firstly, it would result in significant diminution and loss of waterfront employment land. This type of land is considered to be most suitable for marine industries and related uses – one of the six sectors identified in the Council's Local Economic Strategy as being important for the city's future prosperity. Its supply is limited, and it is regularly subject to pressure for change of use to other uses, especially housing. This development proposal does not seek to retain enough of the site as employment land.

Secondly, the road system in the area is cramped and does not have the capacity to cope with the additional traffic generated by this proposal. It is

considered that if granted, due to the significant number of dwellings proposed, this application would lead to severe congestion in surrounding streets and added hazard for other road users, particularly pedestrians. Members are therefore recommended to refuse outline planning permission for this development.

Recommendation

In respect of the application dated **02/09/2009** and the submitted drawings, **1319/P2/02 (Indicative Proposed Site Plan), 1319/S/01 (Site Survey), 1319/P2/03 (Indicative Site Sections), 53196/IBRK/FIGURE5/P1, 53196/IBRK/FIGURE2/P4 and accompanying Ecological Report, Flood Risk Assessment, Geotechnical Site Investigation Report, Commercial Marketing Report, Statement of Community Involvement, Transport Assessment, Planning Statement and Design and Access Statement** , it is recommended to: **Refuse**

Reasons

LOSS OF MARINE EMPLOYMENT SITE

(1) The proposal would result in the loss of most of an existing employment site to non employment uses. The site is considered to be suitable for continued marine employment use. There are a finite number of marine employment sites in the city and safeguarding them is viewed as a priority in relation to the City's Economic Strategy. The loss of a substantive part of the site to non employment uses would be contrary to Policy CS05 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) which seeks to safeguard marine employment sites.

ADDITIONAL TRAFFIC MOVEMENTS

(2) The development hereby proposed is likely to result in an increase in the number of vehicular movements taking place at and in the vicinity of the application site. The Local Planning Authority considers that the increase in vehicular movements arising from development would give rise to conditions likely to cause:

- (a) Prejudice to public safety and convenience;
 - (b) Interference with the free flow of traffic on the highway;
 - (c) Unwarranted hazard to vehicular traffic;
- which is contrary to Policy CS28 and CS34 of the adopted City of Plymouth Local Development Framework Core Strategy adopted April 2007.

SUB STANDARD ACCESS

(3) It is considered that the proposed access arrangement is unsuitable for its intended use and is therefore likely to give rise to issues of personal and highway safety. Vehicular movements arising from the development would give rise to conditions likely to cause:

- (a) Prejudice to public safety and convenience;
 - (b) Interference with the free flow of traffic on the highway;
 - (c) Unwarranted hazard to vehicular traffic;
- which is contrary to Policy CS28 and CS34 of the adopted City of Plymouth Local Development Framework Core Strategy adopted April 2007.

LACK OF BIODIVERSITY ENHANCEMENT AND MITIGATION DETAILS

(4) No biodiversity enhancement or mitigation details have been produced to determine if the application would result in a net gain in biodiversity at the site, as required by policy CS19 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) and PPS9. The development is therefore contrary to Core Strategy Policy CS19 and PPS9.

LACK OF RENEWABLE ENERGY DETAILS

(5) The application fails to include outline details of how onsite renewable energy production equipment to off-set at least 10% of predicted carbon emissions for the periods up to 2010, (raising to 15% for the period 2010-2016 is to be provided at the site . In the absence of such information the application is contrary to Policy CS20 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007), which seeks to secure sustainable resource use.

INFORMATIVE: FURTHER INFORMATION

(1) It is likely that refusal reasons 4 and 5 could be overcome if acceptable further information is submitted with regards to biodiversity enhancement and sustainable resource use.

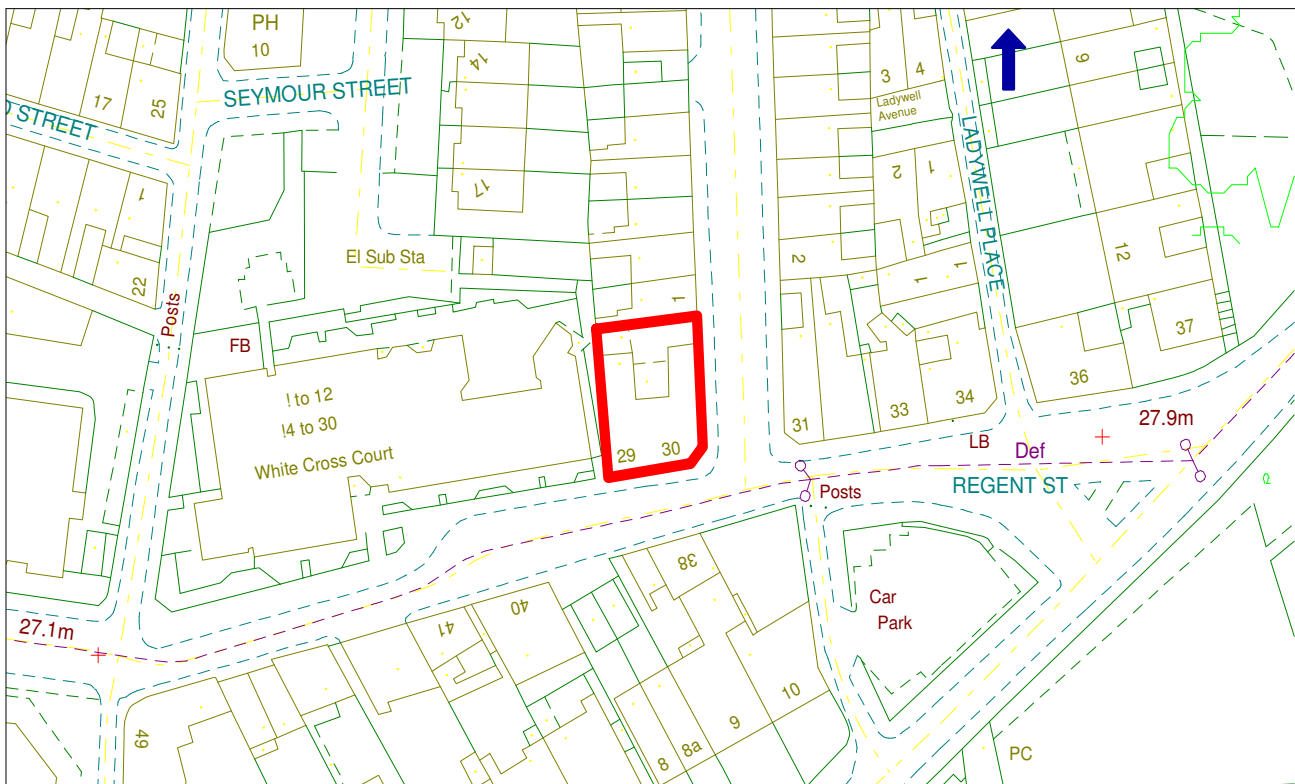
Relevant Policies

The following (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Planning Guidance (SPG) Notes, Government Policy Statements and Government Circulars, were taken into account in determining this application:

PPG13 - Transport
PPG20 - Coastal Planning
PPG25 - Flood Risk
PPS3 - Housing
PPG4 - Industrial and Commercial Development
PPS9 - Biodiversity and geological conservation
PPS1 - Delivering Sustainable Development
CS28 - Local Transport Consideration
CS33 - Community Benefits/Planning Obligation
CS34 - Planning Application Consideration
CS22 - Pollution
CS18 - Plymouth's Green Space
CS19 - Wildlife
CS20 - Resource Use
CS21 - Flood Risk
CS05 - Development of Existing Sites

CS01 - Sustainable Linked Communities
CS04 - Future Employment Provision
CS15 - Housing Provision
CS16 - Housing Sites

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ITEM: 13**Application Number:** 09/01070/FUL**Applicant:** Mr and Mrs Ian Crabb**Description of Application:** Change of use and conversion of ground floor offices with residential above to form two units of student accommodation providing 15 bedrooms in total**Type of Application:** Full Application**Site Address:** 29-30 REGENT STREET GREENBANK PLYMOUTH**Ward:** Drake**Valid Date of Application:** 29/07/2009**8/13 Week Date:** **28/10/2009****Decision Category:** Major Application**Case Officer :** Stuart Anderson**Recommendation:** Refuse**Click for Application Documents:** www.plymouth.gov.uk

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OFFICERS REPORT

Site Description

The site of the proposed development is 29-30 Regent Street. The property is currently vacant. It was previously used as offices for a lettings agency on the ground floor. The upper floors appear to have been used as a house in multiple occupancy.

Proposal Description

Change of use, conversion and second-floor rear extension of ground-floor offices with residential above to form two units of student accommodation providing 16 bedrooms in total.

The proposal would involve splitting the existing building into two, thus creating two student houses.

The proposed extension would measure 4.35m deep by 3.85m wide, and would be situated above an existing rear tenement.

Relevant Planning History

00/00447/FUL - Change of use of first and second floors to maisonette (granted)

Consultation Responses

Transport Officer – no objections in principle, but recommending cycle storage condition, and condition restricting the use of the property to student accommodation

Public Protection Service – recommending refusal, on the basis that no contaminated land study has been submitted

Representations

Six letters of representation have been received, all of which show objection to the proposal. The objections are on the grounds of:

1. Parking problems,
2. Noise and disturbance,
3. Increased amount of rubbish,
4. Poor standard of accommodation,
5. Overdevelopment,
6. Disruption while building works are being carried out,
7. No indication of fire doors or sprinkler system, or emergency lighting or alarm system, or soundproofing,

8. The proposed second floor rear extension should not be built, as the existing building is not strong enough to support the extra weight of the blocks and roof structure.

Points 1-6 are discussed further in the following report. Points 7-8 are more building regulation matters than planning matters.

Analysis

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Update -

Members will recall that this proposal was brought to the previous committee meeting with a recommendation to refuse. Committee resolved that the application be presented to the next committee meeting, in order to consider a revised proposal. Amended plans have been submitted which show the removal of the previously proposed second floor rear extension. Therefore, the issue of loss of light to the neighbouring properties is cancelled out, and refusal reason 1 of the previous recommendation is now deleted.

With regard to refusal reason 2 of the previous recommendation, discussions with the applicant's planning consultant have taken place, and revised drawings showing a symmetrical front (south) elevation are expected. If these are not received, refusal reason 2 will remain (it is reason 1 in the recommendation below).

With regard to refusal reason 3 of the previous recommendation, it is noted that the proposal no longer relies upon the construction of a rear extension to provide additional floorspace to provide one of the bedrooms. Also, information has been provided by the City Council's Housing Department to show the minimum allowable room sizes for student accommodation. For a single student bedroom, this is 6.5 square metres of floorspace. The smallest rooms in the proposed development exceed this figure (the smallest room is 9 square metres). Therefore, it is considered that the proposal no longer results in over-intensive occupation.

With regard to previous refusal reason 4, discussions with the City Council's Legal Department are continuing on the issue of tariff payments and an update on this aspect will be the subject of an addendum report. In this report, this forms a second refusal reason in the recommendation below.

The relevant policies are CS15, CS28, CS33, and CS34 of the Core Strategy. The relevant issues are discussed below.

THE PRINCIPLE OF THE PROPOSED DEVELOPMENT

It is necessary to consider whether the proposed development is compatible with its surroundings. Student property and subdivided properties are common in this area.

A change of use to provide student accommodation is considered to be acceptable in principle.

The City Centre Area Vision Strategy acknowledges in paragraph 5.23 that:-

With the rapid expansion of the university there is a need for more student accommodation. This is an issue for the area and surrounding community.

This is further amplified and explained in paragraph 5.25 of the 'Approach' section which states:-

The Council will take a positive approach to promoting development of key opportunity sites that can help deliver a step change in the quality of the city centre and the services and facilities it provides. These will include:-

- *The provision of student dwellings in and around the city centre and university area in accordance with the university's strategy for delivering accommodation. Such development needs to be managed such that there is appropriate integration with existing communities*

The university's strategy for delivering accommodation is set out in *University of Plymouth Accommodation Strategy*. It identifies a critical shortage of appropriate property for students as numbers continue to expand to 19,912 full time equivalent 2007-2008 - boosted partly by 1,150 transfers from Exmouth campus in 2008-2009 to at least 21,062 in Sept. 2008. This expansion, and consolidation on the main Plymouth campus, has resulted in a significant shortfall between the number of university managed bed spaces available (University Managed bed spaces 1,760, plus University allocated spaces 347 [Unite building]) and strong ongoing demand from students which is not satisfied by current provision. In Sept. 2007 the university received 3,468 applications from new incoming students 90% of whom had expressed a preference for managed allocated bed spaces – over 1,000 were disappointed. In relation to future provision the Strategy states:-

The university would like to offer new incoming students a place in a managed or allocated property for at least their first year of study. To achieve this aim would require future provision of at least 1,000 bed spaces in either managed or allocated scheme. There is a marked preference for large cluster flats studio developments

The application site is located within 5 minutes walk of the main university campus and its change of use to provide specialist student accommodation

would clearly help meet the demand identified in the university's accommodation strategy.

Tensions between residents and students are not always easy to reconcile; but a key issue here is whether, on balance, the proposal helps deliver a sustainable community in accordance with Core Strategy Policy CS01 (Development of Sustainable linked Communities) and Policy CS15 (Overall Housing Provision). It is considered that the principle of student accommodation here is acceptable in terms of these policies, for the reasons given above.

STANDARD OF ACCOMMODATION.

The proposal seeks to provide eight student rooms in each of the two newly created student cluster units. One communal lounge and kitchen are to be provided within each new student cluster unit. On the face of it, it seems that there is insufficient space within the building to satisfactorily provide the number of student bed spaces proposed. In particular, on the ground floor of one of the proposed cluster units, two student rooms are proposed which would measure only 2 metres in width. However, information provided by the City Council's Housing Department shows that the smallest rooms in the property exceed the minimum allowable size for a single student bedroom, which is 6.5 square metres, and are not so narrow that a bed cannot be accommodated, plus the rooms would have reasonable outlook and natural lighting. The proposal is therefore considered to be satisfactory to policy CS15.

IMPACT ON AMENITY

In terms of privacy, there is considered to be no impact on the surrounding properties. There is a side window in the neighbouring property to the west, White Cross Court, but this window is unlikely to serve a habitable room. On this basis, and as the previously proposed extension has been deleted, the proposal is now considered to be satisfactory to policies CS15 and CS34 of the Core Strategy.

IMPACT ON STREETSCENE

The existing property has been in commercial use for some time. Its elevation to Regent Street is very symmetrical – its shopfront style windows at ground floor level being balanced with the arrangement of windows at first and second floor levels. The proposed conversion, and the associated subdivision into individual rooms, appears to necessitate the installation of new windows which would completely spoil the balanced appearance of the front elevation – contrary to Core Strategy Policy CS34 (sub paras 3 and 4) .

HIGHWAYS/PARKING

Subject to the imposition of conditions recommended by the Transport Officer, the proposal would be considered satisfactory in highways/car parking terms.

TARIFF CONTRIBUTIONS

The proposed scheme is liable to make tariff contributions in accordance with Core Strategy CS33 and the LDF Planning Obligations and Affordable Housing SPD. The applicant has refused to make any such contributions.

Equalities and diversities issues

None.

Section 106 Obligations

See above

Conclusions

The principle of providing student accommodation in this property is acceptable. However, on the basis of the visual impact of the front elevation, and the absence of tariff payments, the proposal continues to be recommended for refusal.

Recommendation

In respect of the application dated **29/07/2009** and the submitted drawings, **Site location plan, 32:01:09, 32:02:09, 32:03:09, 32:04:09, 32:05:09, 32:06:09A, 32:07:09, 32:08:09B, and accompanying Design and Access Statement, Amended description** , it is recommended to: **Refuse**

Reasons

TARIFF PAYMENTS

(1) The application attracts payments under the tariff system, due to the number of bedrooms being proposed. In the absence of any contribution being made, the proposal is contrary to policy CS33 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

VISUAL IMPACT

(2) The proposed south (front) elevation of the building lacks symmetry and appears imbalanced, due to the uneven proposed positioning of the windows. The Local Planning Authority considers that this would result in a negative visual impact that would be unacceptable, and is thus contrary to policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Relevant Policies

The following (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Planning Guidance (SPG) Notes, Government Policy Statements and Government Circulars, were taken into account in determining this application:

- CS28 - Local Transport Consideration
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS15 - Housing Provision

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PLANNING COMMITTEE

Decisions issued for the following period: 5 October 2009 to 2 November 2009

Note - This list includes:

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

Item No 1

Application Number: 08/01810/TPO **Applicant:** Mr Jones
Application Type: Tree Preservation
Description of Development: Tree/woodland management works
Site GREAT WOODFORD QUARRY, GREAT WOODFORD DRIVE
PLYMOUTH
Case Officer:
Decision Date: 22/10/2009
Decision: Grant Conditionally

Item No 2

Application Number: 09/00285/FUL **Applicant:** Cavanna Homes Ltd
Application Type: Full Application
Description of Development: Revisions to previously approved scheme for 17 units (Planning Permission notice no 05/01023/FUL) including creation of an additional residential unit on plot 8 with associated design revisions; and revisions to parking arrangements, cycle stores and bin stores throughout the site
Site LAND AT NORMANDY WAY PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 19/10/2009
Decision: Grant Subject to S106 Obligation - Full

Item No 3

Application Number: 09/00286/FUL **Applicant:** Mr Fred Keeling
Application Type: Full Application
Description of Development: Extension at second floor level
Site 83 to 85 CITADEL ROAD THE HOE PLYMOUTH
Case Officer: Jon Fox
Decision Date: 19/10/2009
Decision: Refuse

Item No 4

Application Number: 09/00287/LBC **Applicant:** Mr Fred Keeling
Application Type: Listed Building
Description of Development: Extension at second floor level
Site 83 to 85 CITADEL ROAD THE HOE PLYMOUTH
Case Officer: Jon Fox
Decision Date: 19/10/2009
Decision: Refuse

Item No 5

Application Number: 09/00340/LBC **Applicant:** Sigma Marketing and Advertising
Application Type: Listed Building
Description of Development: Lowering of ground floor ceiling
Site 64 CREMYLL STREET STONEHOUSE PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 19/10/2009
Decision: Grant Conditionally

Item No 6

Application Number: 09/00352/FUL **Applicant:** Mr and Mrs S Cooke
Application Type: Full Application
Description of Development: Erection of a detached bungalow and garage incorporating a 'granny flat'
Site LAND OFF BURROW HILL PLYMOUTH
Case Officer: Janine Warne
Decision Date: 19/10/2009
Decision: Application Withdrawn

Item No **7**

Application Number: 09/00427/FUL **Applicant:** Mr Dave Woolly
Application Type: Full Application
Description of Development: Change of use and conversion of workshop to form
dwellinghouse with integral private motor garage
Site 17 HAROLDSLEIGH AVENUE PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 06/10/2009
Decision: Refuse

Item No **8**

Application Number: 09/00453/LBC **Applicant:** Miss Hilary Phillips
Application Type: Listed Building
Description of Development: Internal and external alterations including replacement of windows
and thermal insulation works
Site 7 THE ESPLANADE PLYMOUTH
Case Officer: Janine Warne
Decision Date: 29/10/2009
Decision: Refuse

Item No **9**

Application Number: 09/00648/FUL **Applicant:** Mr M Ward-Edwards
Application Type: Full Application
Description of Development: Use of site for car sales with ancillary workshop, valet area and
sales office.
Site SPEEDY HIRE, BREAKWATER ROAD ORESTON PLYMOUTH

Case Officer: Jon Fox
Decision Date: 09/10/2009
Decision: Grant Conditionally

Item No 10

Application Number: 09/00697/FUL **Applicant:** Mr & Mrs Shirley
Application Type: Full Application
Description of Development: Construction of single-storey dwellinghouse (with rooms in the roof) incorporating front dormer windows, rooflights, integral private motor garage and rear conservatory (revisions to previously approved scheme 04/00811)
Site ADJ (SOUTH OF) LAKE HOUSE, RADFORD PARK ROAD PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 09/10/2009
Decision: Grant Conditionally

Item No 11

Application Number: 09/00830/TCO **Applicant:** Mr Ian Jary
Application Type: Trees in Cons Area
Description of Development: Hedge tree management works
Site 265 STUART ROAD PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 09/10/2009
Decision: Grant Conditionally

Item No 12

Application Number: 09/00832/FUL **Applicant:** Brook Street Properties Ltd
Application Type: Full Application
Description of Development: Erection of 12 sheltered/supported residential flats comprising 4 No 2-bedroom units and 8 No 1-bedroom units and associated parking and external works, including bin store and cycle store
Site WOODLAND TERRACE LANE PLYMOUTH
Case Officer: Jon Fox
Decision Date: 20/10/2009
Decision: Grant Conditionally

Item No 13

Application Number: 09/00837/FUL **Applicant:** Mr Victor Collins
Application Type: Full Application
Description of Development: Change of use of private amenity space to residential curtilage to be used as extension to existing garden space including the erection of log cabin, greenhouse and sheds.
Site 2D WEST DOWN ROAD PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 08/10/2009
Decision: Refuse

Item No 14

Application Number: 09/00841/OUT **Applicant:** Alston Homes (Plymouth) Ltd
Application Type: Outline Application
Description of Development: Outline application to develop site of disused tennis courts by erection of two dwellings
Site 1 PLYMBRIDGE ROAD PLYMPTON PLYMOUTH
Case Officer: Jon Fox
Decision Date: 19/10/2009
Decision: Grant Conditionally

Item No 15

Application Number: 09/00852/FUL **Applicant:** Piety
Application Type: Full Application
Description of Development: Three-storey front extension to include new entrance to place of assembly building, and first and second floor extensions, and internal alterations
Site 19 GREENBANK AVENUE PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 28/10/2009
Decision: Grant Conditionally

Item No 16

Application Number: 09/00872/FUL **Applicant:** Domino Pizza Group Ltd
Application Type: Full Application
Description of Development: Change of use of public house cellar/storage area to form hot food takeaway (class A5), with single storey front extension, shopfront and extract ducting.
Site THE ABBOTTS WAY, PENDEEN CRESCENT PLYMOUTH
Case Officer: Janine Warne
Decision Date: 06/10/2009
Decision: Grant Conditionally

Item No 17

Application Number: 09/00931/FUL **Applicant:** Mr A Burnard
Application Type: Full Application
Description of Development: Two storey side extension and single storey rear extension
Site 24 DOWNHAM GARDENS PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 26/10/2009
Decision: Grant Conditionally

Item No 18

Application Number: 09/00941/FUL **Applicant:** Mr D Matthews
Application Type: Full Application
Description of Development: Proposed residential development comprising 48 units, roads, sewers, car parking and associated landscaping at Boundary Service Station, Tavistock Road
Site BOUNDARY SERVICE STATION 443 TAVISTOCK ROAD PLYMOUTH
Case Officer: Robert Heard
Decision Date: 20/10/2009
Decision: Grant Subject to S106 Obligation - Full

Item No 19

Application Number: 09/00962/FUL **Applicant:** Mrs L Davey
Application Type: Full Application
Description of Development: Two-storey side extension and formation of rooms in roofspace including provision of rear dormer
Site 24 LONGACRE PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 29/10/2009
Decision: Grant Conditionally

Item No 20

Application Number: 09/00963/FUL **Applicant:** Mr M Penney-Cousins and
Application Type: Full Application
Description of Development: Detached two-storey house, double garage with office/store above, shared drive with access onto Finches Close (Plot 3)
Site STOKENHAM, STATION ROAD ELBURTON PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 29/10/2009
Decision: Grant Conditionally

Item No 21

Application Number: 09/00978/FUL **Applicant:** Mrs Margaret Pope
Application Type: Full Application
Description of Development: Walls in front of property (existing hedge to be removed)
Site 47 VERNA ROAD PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 06/10/2009
Decision: Grant Conditionally

Item No 22

Application Number: 09/00979/TCO **Applicant:** C/o Defence Estates Operations
Application Type: Trees in Cons Area
Description of Development: Tree Maintenance works
Site STONEHOUSE BARRACKS, DURNFORD STREET PLYMOUTH

Case Officer: Chris Knapman
Decision Date: 16/10/2009
Decision: Grant Conditionally

Item No 23

Application Number: 09/00988/FUL **Applicant:** Mr & Mrs Harris
Application Type: Full Application
Description of Development: Erection of three storey dwelling for use as student accommodation (11 bedrooms)
Site 3/5 WELLINGTON STREET GREENBANK PLYMOUTH

Case Officer: Jon Fox
Decision Date: 30/10/2009
Decision: Refuse

Item No 24

Application Number: 09/01006/CAC **Applicant:** Mr A Dawe
Application Type: Conservation Area
Description of Development: Demolition of rear garden wall, adjacent to lane (to create parking area)
Site 3 ST JAMES PLACE EAST PLYMOUTH

Case Officer: Kate Saunders
Decision Date: 21/10/2009
Decision: Grant Conditionally

Item No 25

Application Number: 09/01037/FUL **Applicant:** Mrs L Thoms
Application Type: Full Application
Description of Development: First-floor rear balcony with associated French doors (existing box window, doors and balcony to be removed)
Site 52 THE OLD WHARF PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 02/11/2009
Decision: Refuse

Item No 26

Application Number: 09/01043/FUL **Applicant:** Co-operative Food
Application Type: Full Application
Description of Development: Temporary HGV trailer park (for 24 months)
Site 3 BELL CLOSE NEWNHAM INDUSTRIAL ESTATE PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 15/10/2009
Decision: Grant Conditionally

Item No 27

Application Number: 09/01049/FUL **Applicant:** Dr Peter Hickling
Application Type: Full Application
Description of Development: Replacement of window at first floor level with upvc window
Site 46 THORN PARK PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 12/10/2009
Decision: Grant Conditionally

Item No 28

Application Number: 09/01059/FUL **Applicant:** Miss C Trumfield
Application Type: Full Application
Description of Development: Conservatory on north elevation
Site 83 KITTER DRIVE STADDISCOMBE PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 12/10/2009
Decision: Grant Conditionally

Item No 29

Application Number: 09/01061/PRD **Applicant:** Mr Sibiril
Application Type: LDC Proposed Develop
Description of Development: Extension to side and rear
Site 44 COMPTON AVENUE PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 07/10/2009
Decision: Refuse to Issue Cert - (Ex)

Item No 30

Application Number: 09/01064/FUL **Applicant:** Noahs Ark Childcare Centres
Application Type: Full Application
Description of Development: Change of use, conversion and single-storey rear extension of dwelling to form pre-school nursery for babies, toddlers, pre-school and holiday groups, with enclosure and roofing of redundant swimming pool to form play area, relocation and enlargement of parking area and general landscaping improvements.
Site TANGLEWOOD, PLYMBRIDGE ROAD GLENHOLT PLYMOUTH
Case Officer: Janine Warne
Decision Date: 15/10/2009
Decision: Refuse

Item No 31

Application Number: 09/01065/FUL **Applicant:** Mr T Purdy
Application Type: Full Application
Description of Development: Demolition of former plant hire building and erection of 6 two storey light industrial workshop units, extension to existing factory and provision of associated vehicle parking and turning areas, pedestrian entrance and alterations to access from Oreston Road.
Site 52A ORESTON ROAD PLYMOUTH
Case Officer: Jon Fox
Decision Date: 23/10/2009
Decision: Application Withdrawn

Item No 32

Application Number: 09/01068/FUL **Applicant:** Walton Development and
Application Type: Full Application
Description of Development: One new detached industrial building (use classes B1 (b) and (c) B2 and B8) divided into two units (Plot 5) (revision to previous approved scheme 01/01524)
Site 5E FORRESTERS BUSINESS PARK ESTOVER PLYMOUTH
Case Officer: Jon Fox
Decision Date: 28/10/2009
Decision: Grant Conditionally

Item No 33

Application Number: 09/01075/FUL **Applicant:** Tamarside Community College
Application Type: Full Application
Description of Development: Erection of 2.4 metre high security paladin fencing around school campus (including playing fields)
Site TAMARSIDE COMMUNITY COLLEGE, TREVITHICK ROAD ST BUDEAUX PLYMOUTH
Case Officer: Janine Warne
Decision Date: 20/10/2009
Decision: Refuse

Item No 34

Application Number: 09/01076/FUL **Applicant:** South West Water Ltd
Application Type: Full Application
Description of Development: Erection of sludge cake barn
Site ERNESETTLE WASTE WATER TREATMENT WORKS,
ERNESETTLE LANE ERNESETTLE PLYMOUTH
Case Officer: Janine Warne
Decision Date: 21/10/2009
Decision: Grant Conditionally

Item No 35

Application Number: 09/01077/FUL **Applicant:** Mrs Miu
Application Type: Full Application
Description of Development: Single storey rear extension
Site 3 NELSON AVENUE STOKE PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 14/10/2009
Decision: Grant Conditionally

Item No 36

Application Number: 09/01078/FUL **Applicant:** Mr John Morrison
Application Type: Full Application
Description of Development: Single storey rear extension
Site 6 PENLEE WAY STOKE PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 15/10/2009
Decision: Grant Conditionally

Item No 37

Application Number: 09/01081/REM **Applicant:** Taylor Wimpey (George Wimpey)
Application Type: Reserved Matters
Description of Development: Application of approval of reserved matters for the erection of 110 dwellings and associated highways and parking pursuant to outline planning permission 05/01085/OUT
Site LAND PARCEL 1A, OFF CLITTAFORD ROAD SOUTHWAY PLYMOUTH
Case Officer: Robert McMillan
Decision Date: 19/10/2009
Decision: Grant Conditionally

Item No 38

Application Number: 09/01085/FUL **Applicant:** Maison Terry Property
Application Type: Full Application
Description of Development: Change of use of ground floor from offices to hairdressing salon
Site 6 DRAKE CIRCUS PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 29/10/2009
Decision: Grant Conditionally

Item No 39

Application Number: 09/01086/FUL **Applicant:** Mr J Gill
Application Type: Full Application
Description of Development: Erection of detached dwellinghouse
Site LAND BETWEEN 1 RAILWAY COTTAGES AND 9 LAWSON GROVE ORESTON PLYMOUTH
Case Officer: Jon Fox
Decision Date: 21/10/2009
Decision: Grant Conditionally

Item No 40

Application Number: 09/01094/FUL **Applicant:** Mrs M Coombs
Application Type: Full Application
Description of Development: Change of use and conversion from Barbers shop (A1) to health, wellbeing and beauty clinic (sui generis) including single storey extension to provide toilet and shower room
Site 60A FORD PARK ROAD MUTLEY PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 28/10/2009
Decision: Grant Conditionally

Item No 41

Application Number: 09/01095/ADV **Applicant:** Mrs M Coombs
Application Type: Advertisement
Description of Development: GRANT Non illuminated fascia sign.
REFUSED Non illuminated projecting sign.
Site 60A FORD PARK ROAD MUTLEY PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 28/10/2009
Decision: Refuse

Item No 42

Application Number: 09/01096/FUL **Applicant:** Mr W Williamson
Application Type: Full Application
Description of Development: Formation of two additional car parking spaces (with vehicle crossovers and crash barrier extension) on grass amenity space (between 28 and 30 Hallerton Close).
Site LAND ADJ 28 HALLERTON CLOSE PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 20/10/2009
Decision: Refuse

Item No 43

Application Number: 09/01107/FUL **Applicant:** Leigham Manor Management
Application Type: Full Application
Description of Development: New entrance security gates (for pedestrians and vehicles).
Site MANOR PARK LEIGHAM MANOR DRIVE PLYMOUTH
Case Officer: Janine Warne
Decision Date: 29/10/2009
Decision: Grant Conditionally

Item No 44

Application Number: 09/01109/TCO **Applicant:** Mr J Doidge
Application Type: Trees in Cons Area
Description of Development: 2 Lime trees - crown reduce by 20%
Site 142 WINGFIELD ROAD STOKE PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 16/10/2009
Decision: Grant Conditionally

Item No 45

Application Number: 09/01110/FUL **Applicant:** Mr K Riggs
Application Type: Full Application
Description of Development: Single storey side extension (existing store to be removed), front porch and formation of parking area.
Site 26 TILLARD CLOSE PLYMPTON PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 12/10/2009
Decision: Application Withdrawn

Item No 46

Application Number: 09/01116/FUL **Applicant:** Midas Homes & Westco
Application Type: Full Application
Description of Development: Erection of 12 houses (5x2 bedroom and 7x3 bedroom) together with associated landscaping
Site 49-83 DUKE STREET DEVONPORT PLYMOUTH
Case Officer: Jeremy Guise
Decision Date: 27/10/2009
Decision: Grant Conditionally

Item No 47

Application Number: 09/01117/FUL **Applicant:** Mr & Mrs Rogers
Application Type: Full Application
Description of Development: Front Porch
Site 38 TANGMERE AVENUE ERNESETTLE PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 19/10/2009
Decision: Refuse

Item No 48

Application Number: 09/01119/FUL **Applicant:** Mr E Arekelians
Application Type: Full Application
Description of Development: Change of use, conversion and alteration of ground floor shop (use class A1) to hot food takeaway (use class A5), including alterations to shopfront and rear extractor unit.
Site 78 EBRINGTON STREET PLYMOUTH
Case Officer: Janine Warne
Decision Date: 21/10/2009
Decision: Refuse

Item No 49

Application Number: 09/01122/FUL **Applicant:** Mr G Briggs
Application Type: Full Application
Description of Development: Change of use from class A3 (resturant/café) to class A5 (hot food takeaway) including provision of external flue.
Site 72 HYDE PARK ROAD PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 14/10/2009
Decision: Refuse

Item No 50

Application Number: 09/01129/FUL **Applicant:** Mr Mark Allen
Application Type: Full Application
Description of Development: Porch on east elevation and insertion of window to replace existing front door
Site 1 CLYDE STREET PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 05/10/2009
Decision: Grant Conditionally

Item No 51

Application Number: 09/01130/FUL **Applicant:** Mr Richard Woodley
Application Type: Full Application
Description of Development: Continue use of former annex as detached dwellinghouse
Site 114 BILLACOMBE ROAD PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 12/10/2009
Decision: Grant Conditionally

Item No 52

Application Number: 09/01133/FUL **Applicant:** Mr & Mrs R Wraighte
Application Type: Full Application
Description of Development: Four-storey side extension, front entrance porch and replacement fire escape to side of residential home, change of use, conversion and two storey front extension to dwellinghouse (owners' accommodation) to form day care centre, and works to alter vehicular accesses, provide additional parking and replace front boundary
Site 38/48 MERAFIELD ROAD PLYMOUTH
Case Officer: Jon Fox
Decision Date: 05/10/2009
Decision: Refuse

Item No 53

Application Number: 09/01137/PRD **Applicant:** Mrs Julia Banfield
Application Type: LDC Proposed Develop
Description of Development: Alterations to existing dwelling and alteration/conversion of garage to form additional living accommodation
Site 18 WEIR CLOSE PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 21/10/2009
Decision: Issue Certificate - Lawful Use

Item No 54

Application Number: 09/01138/PRD **Applicant:** Mr & Mrs R.D. Woliter
Application Type: LDC Proposed Develop
Description of Development: Side dormer
Site 5 VAPRON ROAD PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 06/10/2009
Decision: Issue Certificate - Lawful Use

Item No 55

Application Number: 09/01140/TPO **Applicant:** Miss Joanne Nicholson
Application Type: Tree Preservation
Description of Development: Multi-stemmed sycamore - Thin by 15% & Reduce bt 30%
Site 24 POWDERHAM ROAD PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 16/10/2009
Decision: Refuse

Item No 56

Application Number: 09/01143/FUL **Applicant:** Mrs Linda Harris
Application Type: Full Application
Description of Development: Change of use and conversion of lower ground floor to form self-contained flat, with provision of parking space alongside existing garage.
Site 53 PEVERELL PARK ROAD PLYMOUTH
Case Officer: Jon Fox
Decision Date: 06/10/2009
Decision: Grant Conditionally

Item No 57

Application Number: 09/01145/FUL **Applicant:** Clare Rodd
Application Type: Full Application
Description of Development: Retention of rear conservatory and revised timber decking, and front porch
Site 40 RASHLEIGH AVENUE PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 06/10/2009
Decision: Grant Conditionally

Item No 58

Application Number: 09/01146/FUL **Applicant:** Mr M Uddin
Application Type: Full Application
Description of Development: Single-storey rear extension with balcony / roof terrace over and formation of rooms in roofspace including rear dormer
Site 67 NORTH ROAD EAST PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 30/10/2009
Decision: Refuse

Item No 59

Application Number: 09/01147/ADV **Applicant:** Mr Dipak Dhakal
Application Type: Advertisement
Description of Development: Illuminated fascia sign
Site 15 BEAUMONT ROAD PLYMOUTH
Case Officer: Jon Fox
Decision Date: 07/10/2009
Decision: Refuse

Item No 60

Application Number: 09/01148/FUL **Applicant:** Mr Dipak Dhakal
Application Type: Full Application
Description of Development: Change of use and alteration of shop (class A1) to hot food takeaway (class A5)
Site 15 BEAUMONT ROAD PLYMOUTH
Case Officer: Jon Fox
Decision Date: 07/10/2009
Decision: Refuse

Item No 61

Application Number: 09/01151/FUL **Applicant:** WPS Insurance Brokers
Application Type: Full Application
Description of Development: Replacement aluminium doors and windows and insertion of new window in west elevation of entrance lobby.
Site GREVILLE HOUSE, BUDSHEAD WAY PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 14/10/2009
Decision: Grant Conditionally

Item No 62

Application Number: 09/01156/FUL **Applicant:** Mr Gary Brokenshire
Application Type: Full Application
Description of Development: Two storey side and single storey rear extension to provide double private motor garage with bedroom over, formation of rooms in new and existing roofspace including rear dormer, and rear conservatory
Site 42 COLESDOWN HILL PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 29/10/2009
Decision: Grant Conditionally

Item No 63

Application Number: 09/01158/FUL **Applicant:** Mr & Mrs C Griffiths
Application Type: Full Application
Description of Development: Change of use, conversion and alterations to dwellinghouse to form two flats, with formation of parking space.
Site 78 DESBOROUGH ROAD PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 08/10/2009
Decision: Grant Conditionally

Item No 64

Application Number: 09/01159/FUL **Applicant:** Mr & Mrs Wood
Application Type: Full Application
Description of Development: Side dormer and loft conversion
Site 23 ASHBURNHAM ROAD PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 07/10/2009
Decision: Refuse

Item No 65

Application Number: 09/01161/FUL **Applicant:** Mrs Sandra Hendy
Application Type: Full Application
Description of Development: Detached private motor garage with storeroom over (existing sheds to be removed)
Site 8 ROLLIS PARK ROAD PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 09/10/2009
Decision: Refuse

Item No 66

Application Number: 09/01162/ADV **Applicant:** Mr Oliver McGuinness
Application Type: Advertisement
Description of Development: Three internally illuminated gable signs and one internally illuminated freestanding dual pole sign
Site LAND ADJACENT TO TOWERFIELD DRIVE AND WOOLWELL CRESCENT PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 07/10/2009
Decision: Grant Conditionally

Item No 67

Application Number: 09/01164/FUL **Applicant:** Mr Rose
Application Type: Full Application
Description of Development: First floor side extension and single storey extension of private motor garage with balcony above
Site 40 BURNETT ROAD PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 09/10/2009
Decision: Grant Conditionally

Item No 68

Application Number: 09/01165/ADV **Applicant:** Mr Steven Hudson
Application Type: Advertisement
Description of Development: Replacement signage (approved) and digital "clock" sign to front elevation (refused)
Site 2 to 4 BRETONSIDE PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 21/10/2009
Decision: Advertisement Split Decision

Item No 69

Application Number: 09/01167/FUL **Applicant:** The Co-operative Bank
Application Type: Full Application
Description of Development: Installation of ATM (cashpoint machine), slip box, security light and bollards
Site HOEGATE HOUSE, HOEGATE STREET PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 14/10/2009
Decision: Grant Conditionally

Item No 70

Application Number: 09/01168/FUL **Applicant:** Mr M Drewry
Application Type: Full Application
Description of Development: First floor rear extension
Site 5 RUTHVEN CLOSE EGGBUCKLAND PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 12/10/2009
Decision: Grant Conditionally

Item No 71

Application Number: 09/01179/FUL **Applicant:** Tamar Housing Society
Application Type: Full Application
Description of Development: Replacement of existing timber windows and doors with PVCu (black external) double glazed windows and doors
Site JOHN SPARKE HOUSE, NEW STREET PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 12/10/2009
Decision: Grant Conditionally

Item No 72

Application Number: 09/01181/FUL **Applicant:** Mr Henderson
Application Type: Full Application
Description of Development: Single-storey side extension
Site 130 LYNWOOD AVENUE PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 06/10/2009
Decision: Grant Conditionally

Item No 73

Application Number: 09/01183/FUL **Applicant:** Mr & Mrs T Heath
Application Type: Full Application
Description of Development: Detached private motor garage
Site 53 BROOKWOOD ROAD ELBURTON PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 06/10/2009
Decision: Grant Conditionally

Item No 74

Application Number: 09/01184/FUL **Applicant:** Mr & Mrs Blackwell
Application Type: Full Application
Description of Development: Projecting ground floor front bow bay window and replacement windows
Site 42 BRIARLEIGH CLOSE PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 13/10/2009
Decision: Grant Conditionally

Item No 75

Application Number: 09/01185/FUL **Applicant:** BD Diagnostic Preanalytical
Application Type: Full Application
Description of Development: Proposed extension to existing building to provide additional sterilisation facility including modifications to existing access road and loading bays
Site BD DIAGNOSTICS PREANALYTICAL SYSTEMS BD
 DIAGNOSTICS PREANALYTICAL SYSTEMS BELLIVER INDUSTRIAL ESTATE
 BELLIVER WAY PLYMOUTH
Case Officer: Carly Francis
Decision Date: 28/10/2009
Decision: Grant Conditionally

Item No 76

Application Number: 09/01186/FUL **Applicant:** Mr K Wood
Application Type: Full Application
Description of Development: Single-storey rear extension
Site 52 CANTERBURY DRIVE PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 14/10/2009
Decision: Refuse

Item No 77

Application Number: 09/01187/FUL **Applicant:** British Telecommunications PLC
Application Type: Full Application
Description of Development: Replacement of concrete cladding panels (on east elevation of building fronting Exeter Street) with Portland stone Ashlar.
Site PLYMOUTH TELEPHONE EXCHANGE VIADUCT HOUSE,
 EASTLAKE STREET PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 29/10/2009
Decision: Grant Conditionally

Item No 78

Application Number: 09/01188/FUL **Applicant:** Mrs C Matthews
Application Type: Full Application
Description of Development: Two-storey rear extension (existing single-storey structure to be removed) and single-storey private motor garage on side of dwelling
Site 43 HAYE ROAD SOUTH PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 13/10/2009
Decision: Grant Conditionally

Item No 79

Application Number: 09/01189/FUL **Applicant:** Team Conqueror
Application Type: Full Application
Description of Development: Paladin security fencing to prevent encroachment and to provide secure area for storing vehicles and plant
Site 5C AND 5D FORRESTERS BUSINESS PARK ESTOVER
PLYMOUTH
Case Officer: Janine Warne
Decision Date: 14/10/2009
Decision: Grant Conditionally

Item No 80

Application Number: 09/01190/FUL **Applicant:** Mr J Evans
Application Type: Full Application
Description of Development: Rear extension
Site 18 UNDERLANE PLYMSTOCK PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 15/10/2009
Decision: Grant Conditionally

Item No 81

Application Number: 09/01192/FUL **Applicant:** HSBC PLC
Application Type: Full Application
Description of Development: Removal of entrance steps to facilitate disabled access, with replacement entrance door and internal alterations
Site 4 OLD TOWN STREET PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 12/10/2009
Decision: Grant Conditionally

Item No 82

Application Number: 09/01194/TPO **Applicant:** Mrs J Robinson
Application Type: Tree Preservation
Description of Development:
Site 30 WESTWOOD AVENUE PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 30/10/2009
Decision: Application Withdrawn

Item No 83

Application Number: 09/01195/FUL **Applicant:** Miss Melissa Swift
Application Type: Full Application
Description of Development: Widen front driveway, form access ramp to front garden, level off rear garden, remove rear conservatory, erect single-storey rear extension and convert garage to kitchen (including raising of roof)
Site 10 HIGHER PARK CLOSE PLYMPTON PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 06/10/2009
Decision: Grant Conditionally

Item No 84

Application Number: 09/01197/FUL **Applicant:** Mr E Kamaie
Application Type: Full Application
Description of Development: Develop vacant land by erection of detached dwelling
Site LAND ADJ TO FREEDOM HOUSE,45 GREENBANK TERRACE
PLYMOUTH
Case Officer: Jon Fox
Decision Date: 16/10/2009
Decision: Refuse

Item No 85

Application Number: 09/01198/LBC **Applicant:** Plymouth High School For Girls
Application Type: Listed Building
Description of Development: Conversion of store cupboard into a male WC
Site PLYMOUTH HIGH SCHOOL FOR GIRLS, ST LAWRENCE ROAD
PLYMOUTH
Case Officer: Jon Fox
Decision Date: 13/10/2009
Decision: Grant Conditionally

Item No 86

Application Number: 09/01203/FUL **Applicant:** Mr Fox
Application Type: Full Application
Description of Development: Front conservatory
Site 46 CANTERBURY DRIVE PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 28/10/2009
Decision: Grant Conditionally

Item No 87

Application Number: 09/01204/FUL **Applicant:** Dr Frances McCormick
Application Type: Full Application
Description of Development: Single storey basement extension to rear and installation of window to front serving basement
Site 43 THORN PARK PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 14/10/2009
Decision: Grant Conditionally

Item No 88

Application Number: 09/01205/FUL **Applicant:** Mrs Davies
Application Type: Full Application
Description of Development: Two-storey rear extension and enlargement of existing garage
Site 15 EARLS MILL ROAD PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 16/10/2009
Decision: Refuse

Item No 89

Application Number: 09/01206/FUL **Applicant:** Mr C Mitchell
Application Type: Full Application
Description of Development: Single storey rear extension
Site 75 BUDSHEAD ROAD PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 16/10/2009
Decision: Grant Conditionally

Item No 90

Application Number: 09/01207/FUL **Applicant:** Mr F Scobling
Application Type: Full Application
Description of Development: Two-storey extension to widen existing single private motor garage with store below, to provide double private motor garage with stores below
Site 36 SHERFORD ROAD PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 19/10/2009
Decision: Refuse

Item No 91

Application Number: 09/01208/FUL **Applicant:** Mr N Churcher
Application Type: Full Application
Description of Development: Two storey side extension with integral garage
Site 48 TREVENEAGUE GARDENS PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 19/10/2009
Decision: Refuse

Item No 92

Application Number: 09/01209/LBC **Applicant:** Ms S Palmer
Application Type: Listed Building
Description of Development: Internal alterations to form bathrooms
Site FLAT 1 133 WINGFIELD ROAD PLYMOUTH
Case Officer: Janine Warne
Decision Date: 29/10/2009
Decision: Grant Conditionally

Item No 93

Application Number: 09/01211/FUL **Applicant:** Mr A Burchell
Application Type: Full Application
Description of Development: Two storey rear extension (existing single storey extension to be removed)
Site 23 WESLEY PLACE MUTLEY PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 19/10/2009
Decision: Grant Conditionally

Item No 94

Application Number: 09/01213/FUL **Applicant:** Mrs W J Horswill
Application Type: Full Application
Description of Development: Pitched roofs to replace existing flat roofs
Site 9 SECOND AVENUE BILLACOMBE PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 20/10/2009
Decision: Grant Conditionally

Item No 95

Application Number: 09/01214/FUL **Applicant:** The Leverton Trust
Application Type: Full Application
Description of Development: Development of site by erection of 4 dwellings, with new access road and protection and enhancement of surrounding landscape as a biodiversity site.
Site LITTLE ASH FARM NORMANDY HILL PLYMOUTH
Case Officer: Carly Francis
Decision Date: 15/10/2009
Decision: Application Withdrawn

Item No 96

Application Number: 09/01215/CAC **Applicant:** Dr F McCormick
Application Type: Conservation Area
Description of Development: Minor demolitions associated with proposed rear single storey extension
Site 43 THORN PARK PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 15/10/2009
Decision: Grant Conditionally

Item No 97

Application Number: 09/01217/FUL **Applicant:** Mrs Yvonne Gruitt
Application Type: Full Application
Description of Development: Single storey rear extension (existing store to be removed).
Site 54 ST PETERS ROAD PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 21/10/2009
Decision: Grant Conditionally

Item No 98

Application Number: 09/01221/FUL **Applicant:** Mr Andrew Ford
Application Type: Full Application
Description of Development: Single storey side extension
Site 17 GEORGE LANE PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 20/10/2009
Decision: Grant Conditionally

Item No 99

Application Number: 09/01222/FUL **Applicant:** Mr M Swan
Application Type: Full Application
Description of Development: Front porch
Site 9 FRASER SQUARE PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 16/10/2009
Decision: Grant Conditionally

Item No 100

Application Number: 09/01225/FUL **Applicant:** Mr R Cogan
Application Type: Full Application
Description of Development: Side conservatory
Site 41 ROW LANE PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 22/10/2009
Decision: Grant Conditionally

Item No 101

Application Number: 09/01226/FUL **Applicant:** Piety
Application Type: Full Application
Description of Development: Change of use from offices Class (B1) and community centre (D2) to use as religious meeting place (D1) with secular community activity (D2).
Site 19 GREENBANK AVENUE PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 21/10/2009
Decision: Grant Conditionally

Item No 102

Application Number: 09/01228/FUL **Applicant:** Mr M Bell
Application Type: Full Application
Description of Development: Part two storey, part single storey rear extension and single storey side extension.
Site 1 5 MARISTOW CLOSE PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 21/10/2009
Decision: Grant Conditionally

Item No 103

Application Number: 09/01229/ADV **Applicant:** Ocean BMW
Application Type: Advertisement
Description of Development: Illuminated fascia sign
Site ST MODWEN HOUSE, LONGBRIDGE ROAD PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 22/10/2009
Decision: Grant Conditionally

Item No 104

Application Number: 09/01231/FUL **Applicant:** Mr Francis Jones
Application Type: Full Application
Description of Development: Formation of bay window to front
Site 4 ST JOSEPHS CLOSE PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 23/10/2009
Decision: Grant Conditionally

Item No 105

Application Number: 09/01232/TPO **Applicant:** Mr N Stonecliffe
Application Type: Tree Preservation
Description of Development: Macrocarpa - fell
Site SUNNYSIDE, CROSSWAY PLYMOUTH
Case Officer: Jane Turner
Decision Date: 13/10/2009
Decision: Grant Conditionally

Item No 106

Application Number: 09/01233/FUL **Applicant:** Mr A Oriolowo
Application Type: Full Application
Description of Development: Change of use, conversion and alteration of second floor flat and roofspace (including rear dormer and front rooflights) to form two self contained flats. (Three flats and one maisonette in total in whole property).
Site 4 FORD PARK ROAD PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 23/10/2009
Decision: Grant Conditionally

Item No 107

Application Number: 09/01234/FUL **Applicant:** Mr Edwin Arekelians
Application Type: Full Application
Description of Development: Change of use from A1 (retail) to A3 (restaurant) with associated alterations to shop front and provision of extraction equipment including external flue
Site 182 ALBERT ROAD PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 27/10/2009
Decision: Grant Conditionally

Item No 108

Application Number: 09/01236/FUL **Applicant:** Mr S Perry
Application Type: Full Application
Description of Development: Part single storey, part two storey rear extension.
Site 153 BILLACOMBE ROAD PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 27/10/2009
Decision: Refuse

Item No 109

Application Number: 09/01242/FUL **Applicant:** Cognitita Schools Limited
Application Type: Full Application
Description of Development: Installation of three temporary buildings to north east, south east and south of school building to provide classroom/WC's, store and music room.
Site KINGS SCHOOL HARTLEY ROAD MANNAMEAD PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 26/10/2009
Decision: Application Withdrawn

Item No 110

Application Number: 09/01244/FUL **Applicant:** Mr & Mrs David Boon
Application Type: Full Application
Description of Development: Erection of detached bungalow with integral garage (amendments to previous approval under application 07/00320/FUL)
Site 62 LARKHAM LANE PLYMOUTH
Case Officer: Jon Fox
Decision Date: 23/10/2009
Decision: Application Withdrawn

Item No 111

Application Number: 09/01251/ADV **Applicant:** Pets at Home Ltd
Application Type: Advertisement
Description of Development: Two internally illuminated fascia signs
Site PETS AT HOME UNIT A2 FRIARY RETAIL PARK EXETER
STREET PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 28/10/2009
Decision: Refuse

Item No 112

Application Number: 09/01264/ADV **Applicant:** The John David Group plc
Application Type: Advertisement
Description of Development: Internally illuminated fascia sign
Site 11 NEW GEORGE STREET PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 28/10/2009
Decision: Grant Conditionally

Item No 113

Application Number: 09/01266/31 **Applicant:** Mr R Chendlik
Application Type: GPDO PT31
Description of Development: Town and Country Planning (General Permitted Development Order) 1995 Section 31. Notice of proposed demolition (prior approval) for demolition of two storey semi detached building and single garage.
Site 31- 33 MERRIVALE ROAD BEACON PARK PLYMOUTH
Case Officer: Carly Francis
Decision Date: 13/10/2009
Decision: Prior approval not req PT24

Item No 114

Application Number: 09/01267/FUL **Applicant:** Mr Gliddon
Application Type: Full Application
Description of Development: Replacement UPVC windows
Site 31 HAWTHORN WAY PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 30/10/2009
Decision: Grant Conditionally

Item No 115

Application Number: 09/01268/FUL **Applicant:** Mr Frank Phillips
Application Type: Full Application
Description of Development: Retention of safety rail on roof and four additional private car parking spaces.
Site 163 - 191 STUART ROAD PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 30/10/2009
Decision: Grant Conditionally

Item No 116

Application Number: 09/01269/FUL **Applicant:** Mr & Mrs M Johnson
Application Type: Full Application
Description of Development: Two-storey side extension
Site 38 SUMMERLANDS GARDENS PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 30/10/2009
Decision: Refuse

Item No 117

Application Number: 09/01273/FUL **Applicant:** Mrs Bryony Chalcraft
Application Type: Full Application
Description of Development: Second-floor extension above existing two-storey extension
Site 10 LYNHER STREET ST BUDEAUX PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 02/11/2009
Decision: Grant Conditionally

Item No 118

Application Number: 09/01274/ADV **Applicant:** The Co-Operative Pharmacy
Application Type: Advertisement
Description of Development: Non illuminated fascia sign and non illuminated projecting sign.
Site 34 DEVONPORT ROAD PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 30/10/2009
Decision: Grant Conditionally

Item No 119

Application Number: 09/01285/FUL **Applicant:** Mr Kevin Ryder
Application Type: Full Application
Description of Development: Two-storey side extension
Site 14 MOUNT BATTEN WAY PLYMSTOCK PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 28/10/2009
Decision: Grant Conditionally

Item No 120

Application Number: 09/01289/TPO **Applicant:** Mr R Prowse
Application Type: Tree Preservation
Description of Development: Various tree management works
Site GLENHOLT PARK PLYMOUTH
Case Officer: Jane Turner
Decision Date: 13/10/2009
Decision: Grant Conditionally

Item No 121

Application Number: 09/01303/FUL **Applicant:** Mr D Wraight
Application Type: Full Application
Description of Development: Enlargement of front dormer
Site 17 BURNISTON CLOSE PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 29/10/2009
Decision: Grant Conditionally

Item No 122

Application Number: 09/01311/TCO **Applicant:** Mr S Sutherland
Application Type: Trees in Cons Area
Description of Development: 2 Holm Oak - remove (fire damaged)
1 Holm Oak - reduce by 2m over Nelson Avenue
2 Lime - remove - leaning
2 Lime - reduce crown by 2m
Site ASTOR HALL, DEVONPORT ROAD PLYMOUTH
Case Officer: Jane Turner
Decision Date: 20/10/2009
Decision: Grant Conditionally

Item No 123

Application Number: 09/01357/TCO **Applicant:** Mr & Mrs Coope
Application Type: Trees in Cons Area
Description of Development: Tree pruning works
Site 3 THE SQUARE MILLFIELDS PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 15/10/2009
Decision: Grant Conditionally

The following decisions have been made by the Planning Inspectorate on appeals arising from decisions of the City

Application Number **08/01184/FUL**
Appeal Site **18 LAIRA AVENUE PLYMOUTH**
Appeal Proposal Erection of detached dwelling
Case Officer Jon Fox

Appeal Category
Appeal Type Written Representations
Appeal Decision Dismissed
Appeal Decision Date 28/10/2009
Conditions
Award of Costs

Awarded To

Appeal Synopsis

Inspector agreed that proposals do not accord with policies to site development away from flood risk areas (She referred to PPS25 but not Core Strategy policy). Inspector added that development would have been crammed on the site.

Application Number **08/01518/FUL**
Appeal Site **96 BARNE ROAD ST BUDEAUX PLYMOUTH**
Appeal Proposal Formation of double vehicle hardstanding in front garden
Case Officer Kirsty Barrett

Appeal Category
Appeal Type Written Representations
Appeal Decision Dismissed
Appeal Decision Date 01/09/2009
Conditions
Award of Costs

Awarded To

Appeal Synopsis

Inspectorate agreed that the removal of the frontage walling and the elevated nature of the parking area would be a discordant feature in the streetscene and would detract significantly from the existing front garden and intrude excessively on the front elevation. Concluded that the development would unacceptably harm the character and appearance of the streetscene and would be contrary to the objectives of CS34 and of the SPG to protect and promote the quality of local environments.

Application Number **08/01854/FUL**
Appeal Site **NUTLEY LODGE 43 SHERFORD ROAD ELBURTON PLYMOUTH**
Appeal Proposal Two-storey side extension to residential care home to provide two additional bedrooms
Case Officer Janine Pomphrey

Appeal Category REF
Appeal Type Written Representations
Appeal Decision Allowed
Appeal Decision Date 01/09/2009
Conditions
Award of Costs

Awarded To

Appeal Synopsis

The inspector concluded that the site circumstances would not lead to the proposed extension appearing dominant or overbearing from the neighbouring property, No. 37. The inspector notes the 3-metre dense boundary hedge and driveway which distance and shield the neighbouring property from the proposal. In addition the inspector considers that the majority of the open aspect currently enjoyed by the neighbouring bay window will remain and the extension will occupy only a minor portion of the shared boundary. Furthermore the use of a condition to ensure obscure glazing in the first-floor side window will prevent a loss of privacy. The inspector therefore concludes that the proposal is not contrary to CS34.

Application Number **08/02097/FUL**
Appeal Site **51A NORTH DOWN ROAD BEACON PARK PLYMOUTH**
Appeal Proposal Retention of external staircase and first floor roof terrace
Case Officer

Appeal Category
Appeal Type
Appeal Decision Dismissed
Appeal Decision Date 13/10/2009
Conditions
Award of Costs

Awarded To

Appeal Synopsis

The inspector dismissed the appeal and agreed with the Authority that the proposal would have a significant impact on both neighbouring amenity and the character of the area.

Application Number **08/02198/24**
Appeal Site **JUNCTION OF KENSINGTON ROAD AND QUEENS ROAD ST JUDES PLYMOUTH**
Appeal Proposal Determination as to whether prior approval is required for the siting and appearance of a 12.5m high column with 3 integral antennas with 1 ground based equipment cabinet and ancillary
Case Officer Stuart Anderson

Appeal Category
Appeal Type Written Representations
Appeal Decision Dismissed
Appeal Decision Date 23/10/2009
Conditions
Award of Costs

Awarded To

Appeal Synopsis

Inspector noted that the proposal would be seen from the windows of some neighbouring dwellings, but considered that the existing outlook is likely to be dominated by the surrounding buildings, roads, and to a lesser extent the existing street furniture. All of these features contribute to a rather compact urban scene. The proposal would be set back from the nearest windows and any loss of outlook is likely to be limited.

Inspector noted the height of the monopole and its sizeable girth and utilitarian appearance. He concluded that it would appear as a very conspicuous and prominent addition to the streetscenes of Kensington Road, Southern Terrace and Queens Road. The development would unacceptably intrude into the existing urban scene and considerably detract from the townscape qualities of the area, and be at odds with local planning policies aimed at protecting the character and appearance of the area.

Application Number **09/00331/FUL**
Appeal Site **COPPER BEECHES CARE HOME 90/92 PLYMSTOCK ROAD PLYMSTOCK PLYMOUTH**
Appeal Proposal Part two-storey, part single storey, extension to residential care home, extensions to enlarge day room and provision of overspill car parking (for day use only) (amended scheme)
Case Officer Jon Fox

Appeal Category
Appeal Type Written Representations
Appeal Decision Dismissed
Appeal Decision Date 13/10/2009
Conditions
Award of Costs Awarded To

Appeal Synopsis

The inspector agreed that the visual impact of the scheme would be harmful to the neighbour's living conditions contrary to policy CS34 of the Core Strategy. He did not agree that noise and disturbance would occur.

Application Number **09/00360/FUL**
Appeal Site **19 VICTORIA ROAD ST BUDEAUX PLYMOUTH**
Appeal Proposal Develop land at rear by erection of two-storey dwellinghouse (amended scheme)
Case Officer Carly Francis

Appeal Category
Appeal Type Written Representations
Appeal Decision Allowed
Appeal Decision Date 13/10/2009
Conditions
Award of Costs Awarded To

Appeal Synopsis

The Inspector agrees with the policies used and the weight afforded to them however does not accept that the proposed development would set a precedent for the development of the rear gardens of the terraced houses to the north. He states that although Barne Lane provides rear access to the properties along this side of Victoria Road, it is more than a service lane and the proposed dwelling would be part of the group of buildings making up this mixed use area, distinct from the terraced houses and their gardens to the north. The Inspector does not consider that the proposed development would harm the character or appearance of the area and therefore allows the appeal subject to conditions to secure the proposed car parking spaces and for the removal of selective permitted development rights to protect the living conditions of adjoining occupiers.

Application Number **09/00527/FUL**
 Appeal Site **8 ROSEWOOD CLOSE PLYMSTOCK PLYMOUTH**
 Appeal Proposal First-floor side extension above existing garage
 Case Officer Simon Osborne

Appeal Category
 Appeal Type Written Representations
 Appeal Decision Allowed
 Appeal Decision Date 13/10/2009
 Conditions
 Award of Costs

Awarded To

Appeal Synopsis

The inspector considered that the non-subordinate side extensions already in the street do not cause significant harm. Therefore the proposal would have no significant effect on the character or appearance of the existing pair of semi-detached dwellings and the street within which they are located.

Application Number **09/00543/24**
 Appeal Site **JUNCTION OF KENSINGTON ROAD AND LONGFIELD PLACE GREENBANK PLYMOUTH**
 Appeal Proposal Determination as to whether prior approval is required for the siting and appearance of a 15m high column with three integral antennas with 1 ground based cabinet and ancillary
 Case Officer Stuart Anderson

Appeal Category
 Appeal Type Written Representations
 Appeal Decision Allowed
 Appeal Decision Date 23/10/2009
 Conditions
 Award of Costs

Awarded To

Appeal Synopsis

Inspector concluded that setting of Listed prison building would not be affected, as the slim line nature of the pole would ensure that the development does not obscure any important views of the building. The development would also be set well away from this building. Also, the inspector noted that the proposed development would be seen from the windows of some neighbouring dwellings. However, the existing outlook from these windows is likely to be dominated by the surrounding buildings, roads, and to a much lesser extent the existing street furniture. All of these features contribute to a rather compact urban scene. The proposal would be set back from the nearest windows and any loss of outlook is likely to be limited.

Inspector discusses need for the proposal and states that this is an important consideration that must be weighed in the overall balance when assessing the merits of the development. There is nothing to show that the Council undertook this necessary balancing exercise when it considered the application.

Inspector also addresses health concerns, but notes the guidance in PPG8, and bearing in mind that there is little objective evidence to support local fears, and that the emissions from the mast would be well within the ICNIRP guidelines, local residents health concerns are insufficient to justify withholding approval.

Application Number **09/00797/FUL**
Appeal Site **19 TITHE ROAD PLYMOUTH**
Appeal Proposal First-floor front extension (above existing porch)
Case Officer Kate Saunders

Appeal Category
Appeal Type **Written Representations**
Appeal Decision **Dismissed**
Appeal Decision Date **18/09/2009**
Conditions
Award of Costs **Awarded To**

Appeal Synopsis

The inspector agreed that the proposal would be harmful to the character and appearance of the streetscene and therefore dismissed the appeal.

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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