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PLANNING COMMITTEE

DATE: THURSDAY 7 JANUARY, 2010
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, Nicholson, Roberts, Stevens,
Thompson, Tuohy, Vincent and Wheeler.

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

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

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 - 6)

The Committee will be asked to confirm the minutes of the meeting held on 10 December, 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 7 - 8)

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 LAND REAR OF 12 ELFORD DRIVE, ORESTON, (Pages 9 - 12)
PLYMOUTH 09/01681/FUL**

Applicant: Mr. Peter Tracey and Ms. Julie McDonagh
Ward: Plymstock Radford
Recommendation: Grant Conditionally

**6.2 LAND REAR OF 10 ELFORD DRIVE, ORESTON, (Pages 13 - 16)
PLYMOUTH 09/01682/FUL**

Applicant: Mr. Peter Tracey and Ms. Julie McDonagh

- Ward: Plymstock Radford
Recommendation: Grant Conditionally
- 6.3** 35 LYNWOOD AVENUE, PLYMPTON, PLYMOUTH 09/01712/FUL **(Pages 17 - 20)**
- Applicant: Mr. N. Harman
Ward: Plympton St. Mary
Recommendation: Grant Conditionally
- 6.4** 34 DOWNHAM GARDENS, TAMERTON FOLIOT, PLYMOUTH 09/01696/FUL **(Pages 21 - 24)**
- Applicant: Mr. K. Pethick
Ward: Southway
Recommendation: Grant Conditionally
- 6.5** WIDEWELL PRIMARY SCHOOL, LULWORTH DRIVE, PLYMOUTH 09/01496/PRDE **(Pages 25 - 28)**
- Applicant: Mr. James Welsh
Ward: Southway
Recommendation: Grant Conditionally
- 6.6** DRIFT COTTAGE, BORINGDON ROAD, TURNCHAPEL, PLYMOUTH 09/01293/FUL **(Pages 29 - 40)**
- Applicant: Mr. M. Wixey
Ward: Plymstock Radford
Recommendation: Grant Conditionally
- 6.7** DRIFT COTTAGE, BORINGDON ROAD, TURNCHAPEL, PLYMOUTH 09/01294/CAC **(Pages 41 - 44)**
- Applicant: Mr. M. Wixey
Ward: Plymstock Radford
Recommendation: Grant Conditionally
- 6.8** LAND AT PLEASURE HILL CLOSE, PLYMOUTH 09/01235/FUL **(Pages 45 - 54)**
- Applicant: Donson Ltd.
Ward: Plymstock Radford
Recommendation: Refuse
- 6.9** LAND AT 1-56 RAGLAN ROAD, PLYMOUTH 09/01565/FUL **(Pages 55 - 68)**
- Applicant: Risesign Ltd.
Ward: Devonport
Recommendation: Refuse

6.10 1 ST. LAWRENCE ROAD AND 14 HOUNDISCOMBE ROAD, PLYMOUTH 09/01302/FUL (Pages 69 - 78)

Applicant: Mr. Dave Hendy
Ward: Drake
Recommendation: Grant Conditionally subject to S106 Obligation

7. PLANNING APPLICATION DECISIONS ISSUED (Pages 79 - 92)

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 10 December to 18 December, 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 93 - 94)

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

Planning Committee

Thursday 10 December, 2009

PRESENT:

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

Apologies for absence: Councillor Roberts.

The meeting started at 2.30 p.m and finished at 5.15 p.m.

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.

60. WELCOME

The Chair welcomed Councillor Thompson as a new Committee Member.

61. DECLARATIONS OF INTEREST

The following declarations of interest were made in accordance with the Code of Conduct in relation to items under discussion at this meeting –

Name	Minute No. and Subject	Reason	Interest
Councillors Stevens, Tuohy and Wheeler	65.2 – Car Park, Woodside, Plymouth 09/01443/FUL	Know the applicant's agent	Personal

62. MINUTES

Resolved that the minutes of the meeting held on 12 November, 2009, be confirmed as a correct record.

63. CHAIR'S URGENT BUSINESS

Speaking at Committee

The Chair reminded Committee Members of the need to ensure their microphones were switched on when speaking as it had been difficult to hear some of their comments at the last meeting. He also reminded those members of the public who were in attendance to speak that they must adhere to the 5-minute time limit and that he would be strictly enforcing the new procedure.

(In accordance with Section 100(B)(4)(b) of the Local Government Act, 1972, the Chair brought forward the above item of business because of the need to inform Committee Members and members of the public).

64. QUESTIONS FROM MEMBERS OF THE PUBLIC

In accordance with Part Two, Paragraph 10, of the Constitution, the following question was submitted –

Question No. 1 09/10

Question By Mr. Woolley LLB MA (Hons)
--

<p>Since April 2007, has the PC (or officer(s) under delegated powers) refused development permission [i] for student accommodation (purpose-built or HMO-conversion) in Mutley/Greenbank wholly or partly because this conflicted with the CS aim of providing a sustainable or balanced community[ii]; (b) if not is this aim applicable to Mutley/Greenbank?</p> <p>[i] i.e. any permission that the Committee has power to grant [ii] see Strategic Objective 10.1 p 113 CS and para 10.33 lines 19 to 23</p>
<p>Response:</p>
<p>A detailed analysis of all applications granted since April 2007 has not been possible in the timeframe, but officers are unaware of an application for purpose built student accommodation being refused based on Core Strategy Policy CS01 (Sustainable Linked Communities). The reference to the Core Strategy referred to in the question relates to HMOs rather than student accommodation. The Local Planning Authority does not have control over occupation of a house by students unless it takes it outside the Use Class C3 use (ie a dwelling house). Applications for self contained student accommodation are looked at on their own merits and particular reference should be made to the Development Guidelines SPD (Consultation draft) paragraph 2.170. The SPD supports purpose built student accommodation provided it is well designed and suitably located to minimise any negative impacts on residential amenity. This will be particularly relevant in the Mutley/Greenbank area where the amount of family accommodation is being eroded by conversions into student accommodation without the need for planning permission. The provision of self contained student accommodation is one way to redress this problem.</p>

Resolved that the written response be passed to the elector.

65. **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 Conservation Areas) Act, 1990.

Addendum reports were submitted in respect of minute numbers 65.1, 65.2, 65.3, 65.4 and 65.5.

- 65.1 FORMER CARDINAL SERVICE STATION, WOLSELEY ROAD, SEGRAVE ROAD, PLYMOUTH 09/01375/FUL**
(Brook St. Properties Ltd.)
Decision:
Application **GRANTED** conditionally, subject to S106 Obligation, Delegated Authority to refuse in event of S106 not signed by 23 December, 2009.

(Councillors Stevens, Tuohy and Wheeler declared personal interests in respect of the above item).

(At the invitation of the Chair, the Committee heard representations against the application).

- 65.2 CAR PARK, WOODSIDE, PLYMOUTH 09/01443/FUL**
(Mr. Essy Kamie)
Decision:
Application **GRANTED** conditionally, subject to S106 Obligation, and inclusion of an additional informative to ensure new residents would not receive residents' parking permits, Delegated Authority to refuse in event of S106 not signed by 23 December, 2009.

(At the invitation of the Chair, the Committee heard from Councillor Ricketts, Ward Member, speaking against the application).

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

65.3 FORMER TOTHILL SIDINGS, LAND SOUTH OF KNIGHTON ROAD, PLYMOUTH 09/01409/OUT

(Reliant Building Contractors Ltd.)

Decision:

Application **REFUSED** for the reasons set out in the report and the additional reasons contained within the addendum report (conditions 11 and 12).

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

(Councillor Nicholson's proposal to defer for further consideration, having been seconded by Councillor Stevens, was put to the vote and declared lost).

65.4 29-30 REGENT STREET, GREENBANK, PLYMOUTH 09/01070/FUL

(Mr. and Mrs. Ian Crabb)

Decision:

Committee Members were of the opinion that there was insufficient space within the building to satisfactorily provide the number of student bed spaces proposed. As a result of this, the rooms would be of an inadequate size, and unable to accommodate the items usually held by students in full-time education, and unable to provide a satisfactory standard of amenity for future occupiers. Therefore, the proposal was contrary to policy CS15 (sub-paragraph 5) of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Application **REFUSED** for being contrary to Policy CS15 (sub-paragraph 5).

(At the invitation of the Chair, the Committee heard from Councillor Ricketts, Ward Member, speaking against the application).

(At the invitation of the Chair, the Committee heard representations against the application).

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

65.5 1 ST. LAWRENCE ROAD AND 14 HOUNDISCOMBE ROAD, PLYMOUTH 09/01302/FUL

(Mr. Dave Hendy)

The Committee was advised that, in addition to the comments contained in the addendum report, a further letter of representation had been received from Linda Gilroy MP.

Decision:

Application **DEFERRED** for a site visit under criteria 1.

(At the invitation of the Chair, the Committee heard from Councillor Ricketts, Ward Member, speaking against the application).

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

(Councillor Nicholson's proposal to defer for a site visit under criteria 1, having been seconded by Councillor Wheeler, was put to the vote and declared carried).

66. PLANNING APPLICATION DECISIONS ISSUED

The Committee received a report of the Assistant Director of Development (Planning Services) on decisions issued for the period 3 to 30 November, 2009, including –

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

Resolved that the report be noted.

67. **APPEAL DECISIONS**

The Committee received a schedule of decisions made by the Planning Inspectorate on appeals arising from the decisions of the City Council.

Resolved that the report be noted.

68. **EXEMPT BUSINESS**

There were no items of exempt business.

VOTING SCHEDULE

PLEASE NOTE

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

PLANNING COMMITTEE

DATE OF MEETING – 10 December, 2009

SCHEDULE OF VOTING

Minute No.	Voting For	Voting Against	Abstained	Excluded from voting due to Interests Declared	Absent
6.1 Former Cardinal Service Station, Wolseley Road, Segrave Road, Plymouth 09/01375/FUL Officer recommendation	Unanimous				
6.2 Car Park, Woodside, Plymouth 09/01443/FUL Officer recommendation	Councillors Mrs. Bowyer, Delbridge, Michael Foster, Lock, Nicholson, Mrs. Stephens, Stevens, Thompson, Tuohy, Vincent and Wheeler	Councillor Fox			
6.3 Former Tothill Sidings, Land south of Knighton Road, Plymouth 09/01409/OUT Proposal to Defer Officer recommendation	Councillors Nicholson and Stevens Councillors Mrs. Bowyer, Delbridge, Fox, Michael Foster, Lock, Mrs. Stephens, Thompson, Tuohy, Vincent and Wheeler	Councillors Mrs. Bowyer, Delbridge, Fox, Michael Foster, Lock, Mrs. Stephens, Thompson, Tuohy, Vincent and Wheeler	Councillors Nicholson and Stevens		
6.4 29-30 Regent Street, Greenbank, Plymouth 09/01070/FUL Officer recommendation	Councillors Lock, Nicholson, Mrs. Stephens and Thompson	Councillors Mrs. Bowyer, Delbridge, Fox, Michael Foster, Stevens, Tuohy, Vincent and Wheeler			
6.5 1 St. Lawrence Road and 14 Houndiscombe Road, Plymouth 09/01302/FUL Proposal to Defer Officer recommendation	Unanimous N/A				Councillor Vincent

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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
- Objector
- Supporter

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

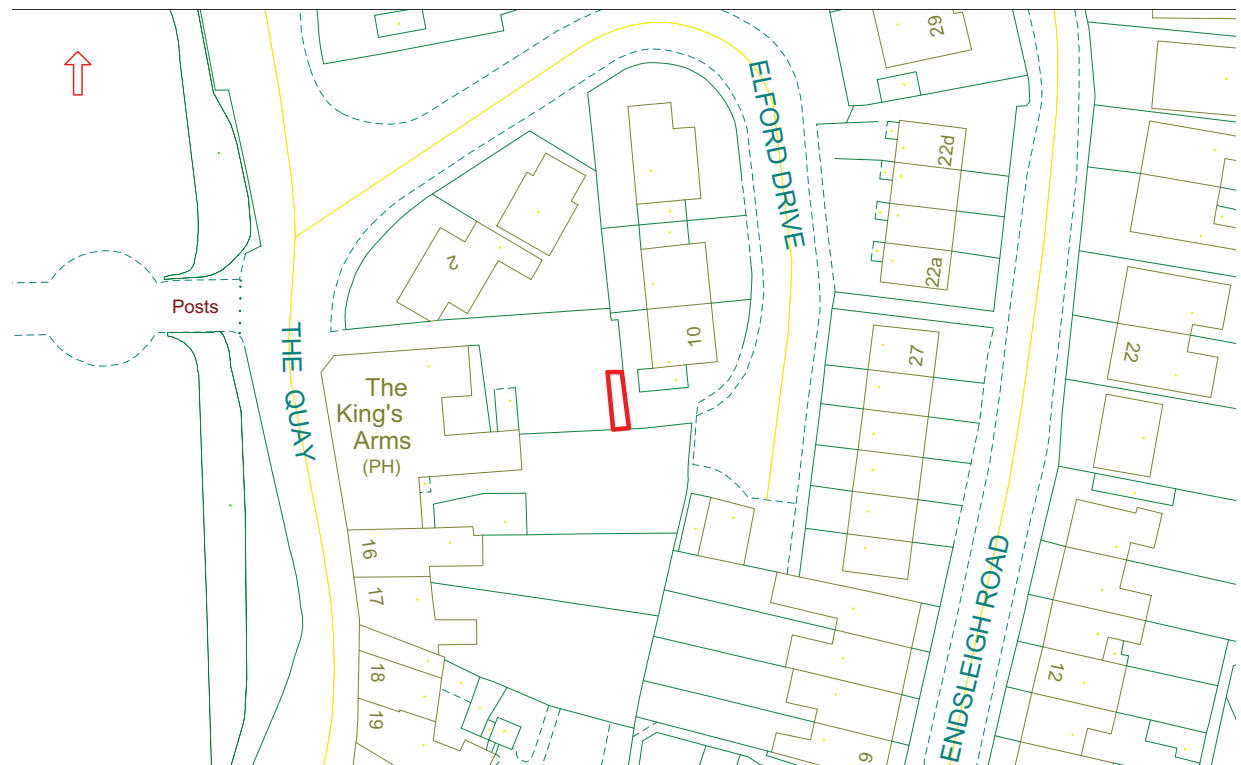
1. If a decision is to be made contrary to the Head of Planning and Regeneration recommendation, then the Committee will give full reasons for the decision, which will be minuted.
2. In the event that the Committee are minded to grant an application contrary to Officers recommendation then they must 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:

Application Number:	09/01681/FUL
Applicant:	Mr Peter Tracey and Ms Julie McDonagh
Description of Application:	Continue use of public house garden as part of garden of 12 Elford Drive with associated retaining wall and fence
Type of Application:	Full Application
Site Address:	LAND REAR OF 12 ELFORD DRIVE PLYMOUTH
Ward:	Plymstock Radford
Valid Date of Application:	19/11/2009
8/13 Week Date:	14/01/2010
Decision Category:	Member/PCC Employee
Case Officer :	Kate Saunders
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk

Insert map for committee.



OFFICERS REPORT

Site Description

The site is a small parcel of land measuring approximately 6 metres wide by 1.5 metres deep, which has been incorporated into the garden of No.12 Elford Drive. The land was formerly part of the curtilage of the adjacent Kings Arms Public House. The area is predominantly residential with the land sloping down towards the river to the south.

Proposal Description

Continue use of public house garden as part of garden of 12 Elford Drive with associated retaining wall and fence

Relevant Planning History

07/01307/FUL - Develop side garden by erection of dwellinghouse attached to side of existing house (existing parking space to be retained, existing garage to be removed) – Granted conditionally

09/01682/FUL - Continue use of public house garden as part of garden of 10 Elford Drive with associated retaining wall and fence – Under consideration

Consultation Responses

Health and Safety Executive – No objections

Representations

One letter of representation received from No. 4 Elford Drive. The letter raises various points relating to the land previously, the construction of the house and the surrounding area. The only point which really needs to be considered as part of the proposal is that the fence is considered to be overbearing and to cause a loss of winter sun from the rear garden of No. 4.

Analysis

This application is being brought before Planning Committee as one of the applicants is a Plymouth City Council employee.

The main issues to consider as part of this proposal are: the effect on the amenities of neighbouring properties and the impact on the character of the area.

The principle of the change of use is considered acceptable. The proposal only involves a small area of land and the public house retains a large amenity and parking area. The change of use does not prejudice the character of the area.

The main issue to consider is the impact of the retaining wall and fence associated with the change of use on surrounding residential properties. The wall and fence were required as the land slopes away to the south. The retaining wall measures approximately 2.3 metres high with the fence adding an additional 1.2 metres in height. The wall and fence are a noted addition to

the area particularly when viewed from the rear gardens of Nos. 2 and 4 Elford Drive. The garden of the property previously was relatively open with little boundary screening; the proposal does therefore limit overlooking of surrounding dwellings.

The retaining wall is particularly unsightly at present as it has not been rendered. If the wall was finished to a higher standard this would vastly improve the overall look of the structure. It is noted that the application forms state that the wall will be rendered and painted to match the house. A condition could be imposed to ensure this was done within a certain period of time.

The fence associated with No.12 is located some distance from the rear garden of No.4, approximately 10 metres away; this could not therefore be considered overbearing. The fence at No. 10 is considered more closely with regards to its impact on No.4 in the report for this site.

The fence is similar in design to the fence associated with the neighbouring public house beer garden and therefore does not appear out of character.

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 & Diversities issues

No equality and diversity issues to be considered

Conclusions

The proposal will not be detrimental to neighbours' amenities or the residential quality of the area and is therefore recommended for approval.

Recommendation

In respect of the application dated **19/11/2009** and the submitted drawings, **Location plan, Plan "A", Photograph 1, Photograph 2, Photograph 3, and accompanying Design and Access Statement** , it is recommended to:
Grant Conditionally

Conditions

FINISHING OF WALL

(1) The retaining wall hereby approved shall be rendered and painted to match the house within 3 months of the date of this decision notice.

Reason:

In order to protect the residential amenity of the area in accordance with Policy CS34 of the adopted City of Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Statement of Reasons for Approval and Relevant Policies

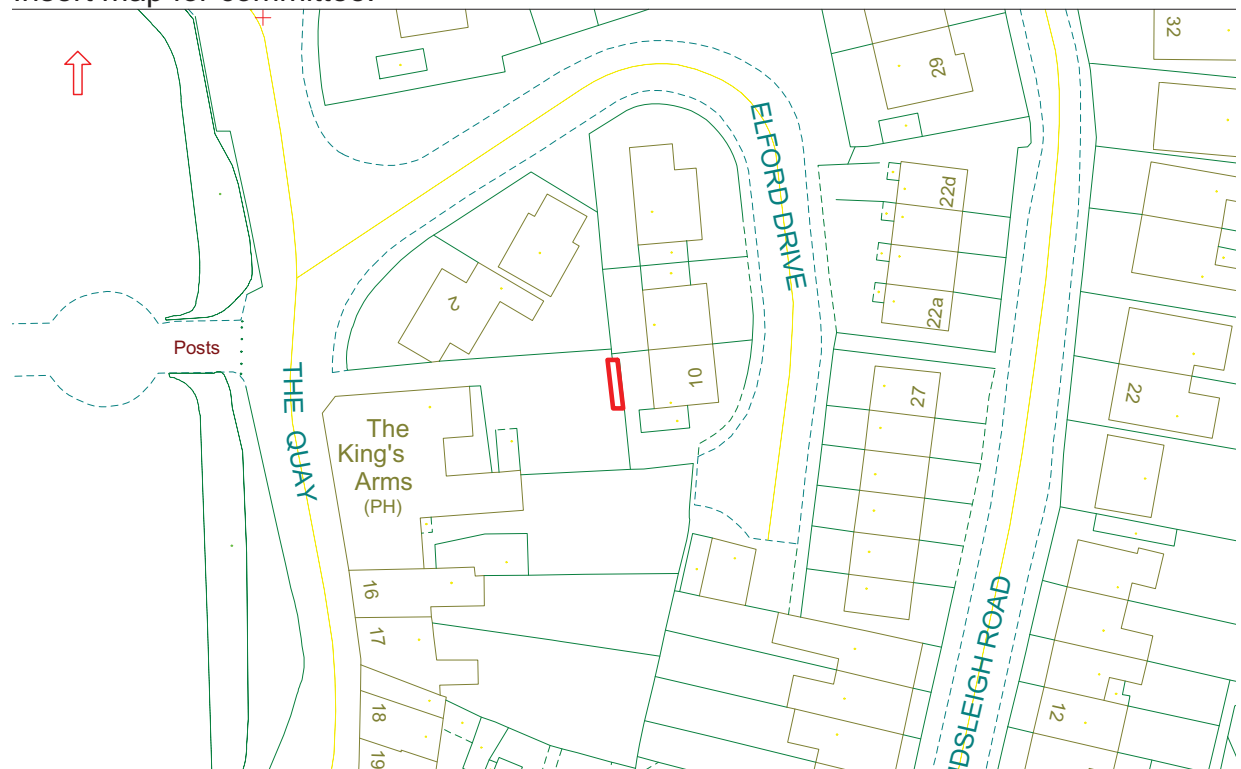
Having regard to the main planning considerations, which in this case are considered to be: effect on neighbouring properties and the residential amenity of the area, the development is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified condition, the development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning 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 Government Policy Statements and Government Circulars, as follows:

CS34 - Planning Application Consideration
SPD1 - Development Guidelines

ITEM: 2

Application Number:	09/01682/FUL
Applicant:	Mr Peter Tracey and Ms Julie McDonagh
Description of Application:	Continue use of public house garden as part of garden of 10 Elford Drive with associated retaining wall and fence
Type of Application:	Full Application
Site Address:	LAND REAR OF 10 ELFORD DRIVE ORESTON PLYMOUTH
Ward:	Plymstock Radford
Valid Date of Application:	19/11/2009
8/13 Week Date:	14/01/2010
Decision Category:	Member/PCC Employee
Case Officer :	Kate Saunders
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk

Insert map for committee.



OFFICERS REPORT

Site Description

The site is a small parcel of land measuring approximately 6 metres wide by 1.5 metres deep, which has been incorporated in to the garden of No.10 Elford Drive. The land was formally part of the curtilage of the adjacent Kings Arms Public House. The area is predominantly residential with the land sloping down towards the river to the south.

Proposal Description

Continue use of public house garden as part of garden of 10 Elford Drive with associated retaining wall and fence

Relevant Planning History

07/01307/FUL - Develop side garden by erection of dwellinghouse attached to side of existing house (existing parking space to be retained, existing garage to be removed) – Granted conditionally

09/01681/FUL - Continue use of public house garden as part of 12 Elford Drive with associated retaining wall and fence – Under consideration

Consultation Responses

Health and Safety Executive – No objections

Representations

One letter of representation received from No.4 Elford Drive. The letter raises various points relating to the land previously, the construction of the house and the surrounding area. The only point which really needs to be considered as part of the proposal is that the fence is considered to be overbearing and to cause a loss of winter sun from the rear garden of No.4.

Analysis

This application is being brought before Planning Committee as one of the applicants is a Plymouth City Council employee.

The main issues to consider as part of this proposal are: the effect on the amenities of neighbouring properties and the impact on the character of the area.

The principle of the change of use is considered acceptable. The proposal only involves a small area of land and the public house retains a large amenity and parking area. The change of use does not prejudice the character of the area.

The main issue to consider is the impact of the retaining wall and fence associated with the change of use on surrounding residential properties. The wall and fence were required as the land slopes away to the south. The retaining wall measures approximately 2.3 metres high with the fence adding an additional 1 metre in height. The wall and fence are a noted addition to the area particularly when viewed from the rear gardens of Nos. 2 and 4 Elford

Drive. The garden of the subject property previously was relatively open with little boundary screening; the proposal does therefore limit overlooking of surrounding dwellings.

The retaining wall is particularly unsightly at present as it has not been rendered. If the wall was finished to a higher standard this would vastly improve the overall look of the structure. It is noted that the application forms state that the wall will be rendered and painted to match the house. A condition could be imposed to ensure this was done within a certain period of time.

The fence associated with No.10 is located within 3 to 4 metres of the rear garden of No. 4 Elford Drive. The fence and wall are a notable addition and made all the more prominent at present by the poor quality finish of the wall. No.4 is situated at a far lower ground level than No.10 Elford Drive due to the sloping nature of the site. The rear garden of No.4 feels fairly enclosed due to the surrounding higher level properties, which already limits the amount of light the garden receives. Even if the fence were to be removed in its entirety, which would be likely to raise overlooking issues, the new house at No.12 Elford Drive does limit light, and furthermore the yard is north-facing. Therefore, although the fence does add to the confined nature of the garden, its impact is not considered significant enough to warrant refusal of the application.

The fence is similar in design to the fence associated with the neighbouring public house beer garden and therefore does not appear out of character. Although a lattice work fence may be less dominating, the existing fence is in keeping and creates a more uniformed appearance.

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 & Diversities issues

No equality and diversity issues to be considered

Conclusions

The proposal will not be detrimental to neighbours' amenities or the residential quality of the area and is therefore recommended for approval.

Recommendation

In respect of the application dated **19/11/2009** and the submitted drawings, **Location plan, Plan "A", Photograph 1, Photograph 2, Photograph 3, and accompanying Design and Access Statement** , it is recommended to:
Grant Conditionally

Conditions

FINISHING OF WALL

(1) The retaining wall hereby approved shall be rendered and painted to match the house within 3 months of the date of this decision notice.

Reason:

In order to protect the residential amenity of the area in accordance with Policy CS34 of the adopted City of Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Statement of Reasons for Approval and Relevant Policies

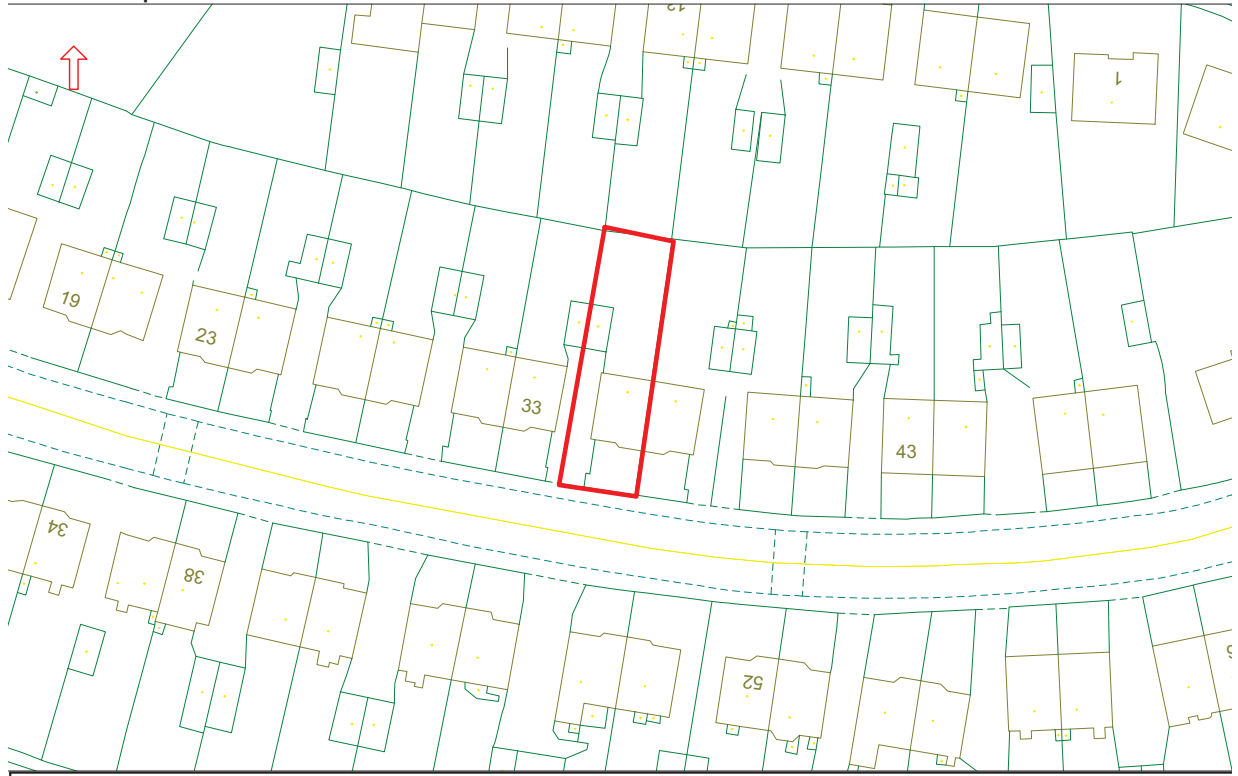
Having regard to the main planning considerations, which in this case are considered to be: effect on neighbouring properties and the residential amenity of the area, the development is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified condition, the development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning 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 Government Policy Statements and Government Circulars, as follows:

CS34 - Planning Application Consideration
SPD1 - Development Guidelines

ITEM: 3

Application Number:	09/01712/FUL
Applicant:	Mr N Harman
Description of Application:	Single storey rear extension
Type of Application:	Full Application
Site Address:	35 LYNWOOD AVENUE PLYMPTON PLYMOUTH
Ward:	Plympton St Mary
Valid Date of Application:	25/11/2009
8/13 Week Date:	20/01/2010
Decision Category:	Member/PCC Employee
Case Officer :	Kate Saunders
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk

Insert map for committee.



OFFICERS REPORT

Site Description

35 Lynwood Avenue is a semi-detached property located in the Woodford area of the City. The property is situated on a sloping site that runs downwards from north to south. The property is therefore set up from road level by approximately 2-3 metres and is bounded by neighbouring dwellings to the east, west and rear.

Proposal Description

Single-storey rear extension to form "sun room".

Relevant Planning History

No relevant background planning history

Consultation Responses

No external consultations requested or received

Representations

No letters of representation received at time of report preparation

Analysis

This application is being brought before planning committee as both the applicant and agent are Plymouth City Council employees.

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

The proposed single-storey rear extension will measure approximately 4 metres deep and will span the entire width of the property, extending along the boundary with the adjoining property No.37 Lynwood Avenue. The extension will have a simple lean-to roof which will extend from a height of 2.5 metres to a maximum height of 3.5 metres.

The rear garden of the property is well contained with 2-metre high fence panels. The boundary fence will screen the majority of the proposal from the adjoining property; therefore, although the proposal breaks the 45-degree guidance, in this case it will have a negligible effect on the adjoining property. The properties are north-facing at the rear so there will be no significant loss of light, privacy will be unaffected and outlook will be relatively unaltered, although the roof will be visible above the fence.

The proposal will cause no harm to No.33 Lynwood Avenue. The extension will result in no loss of light or outlook. A window and door will face No.33; however, the window will serve a WC and the door will be a secondary entrance to the property and will not prejudice existing privacy levels.

The properties to the rear are sited at a higher ground level and will be unaffected by the proposal.

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 & Diversities issues

No equality and diversity issues to be considered

Conclusions

The proposal will cause no harm to neighbours' amenities and is therefore recommended for approval.

Recommendation

In respect of the application dated **25/11/2009** and the submitted drawings, **01, 02, 03, 04, 05, 06** , 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 neighbouring properties, 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 and Supplementary Planning 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 Government Policy Statements and Government Circulars, as follows:

CS34 - Planning Application Consideration

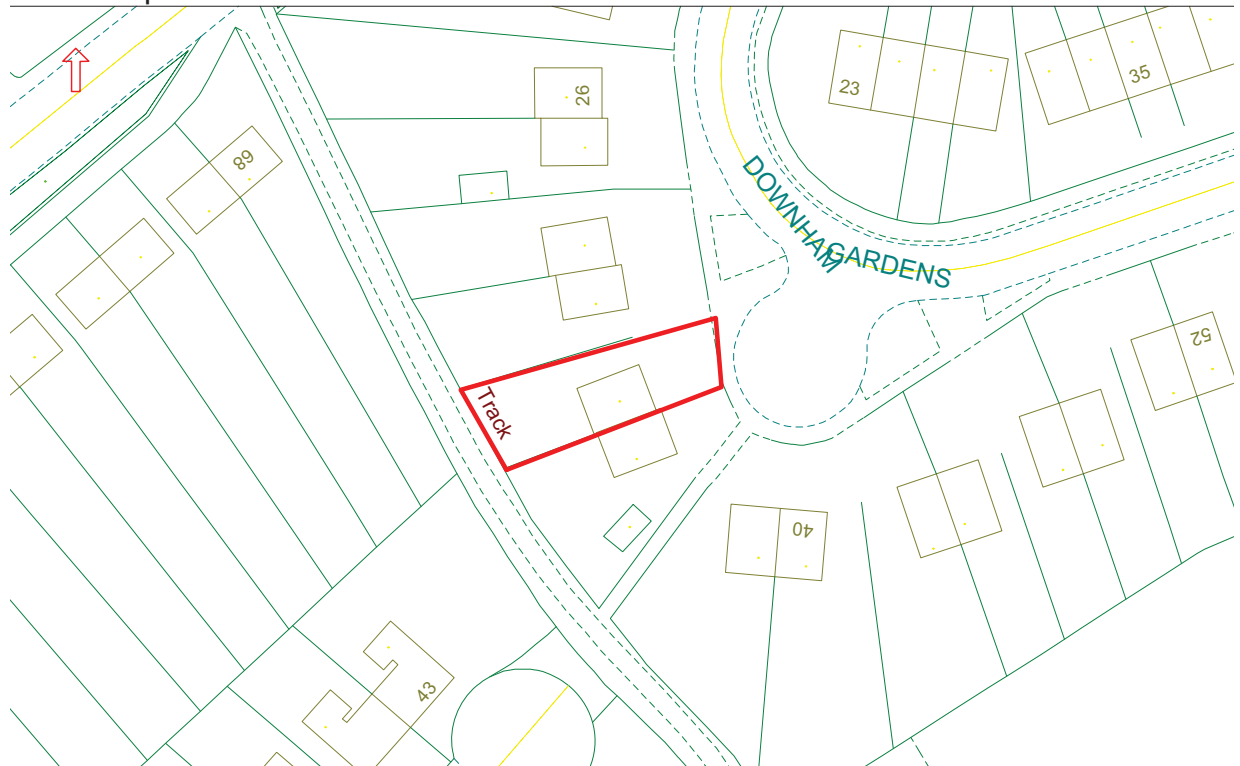
SPD1 - Development Guidelines

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ITEM: 4

Application Number:	09/01696/FUL
Applicant:	Mr K Pethick
Description of Application:	Part two storey, part single storey side and front extension including private motor garage (existing side extension to be removed)
Type of Application:	Full Application
Site Address:	34 DOWNHAM GARDENS TAMERTON FOLIOT PLYMOUTH
Ward:	Southway
Valid Date of Application:	20/11/2009
8/13 Week Date:	15/01/2010
Decision Category:	Member/PCC Employee
Case Officer :	David Jeffrey
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk

Insert map for committee.



OFFICERS REPORT

Site Description

34 Downham Gardens is a two storey, semi-detached residential property in the Tamerton Foliot area of the city.

Proposal Description

This application has been brought to the Planning Committee because the agent is an employee of the Council.

The proposal is for a part two storey, part single storey side and front extension including private motor garage. The extension is to add an enlarged kitchen and garage at ground floor level and a further bedroom at first floor level.

Relevant Planning History

There is no relevant planning history associated with this application

Consultation Responses

Transport - Comments awaited

Representations

No letters of representation have been received

Analysis

This application turns on policy CS34 of the Plymouth Core Strategy 2007 and consultation draft Supplementary Planning Document 1 'Development Guidelines'. The primary planning considerations are the impacts on the character and appearance of the area, residential amenity and parking.

Visual Appearance

The proposed side extension is set back 1 metre from the existing front elevation at first floor level and the ridge line is set down approximately 0.5 metres. The two storey side extension appears sufficiently subordinate to the main dwellinghouse and is therefore compliant with guidance set out in the Council's consultation draft Supplementary Planning Document 1 'Development Guidelines'. However, as part of this application a garage is proposed which will project approximately 2.7 metres from the front of the side extension taking it out 1.7 metres in front of the existing building line.

Although the garage is set forwards from the existing building line it is well integrated into the original design and is not considered to be demonstrably harmful. The proposed materials and fenestration are acceptable. It is noted that numbers 38 and 42 to have built similar extensions to that proposed by the applicant.

The case officer considers that the proposed side extension will appear adequately subordinate in design terms and will constitute a sympathetic addition to the existing streetscene.

Residential Amenity

The proposed side extension will have no significant impacts on neighbouring properties in terms of overlooking. No windows are included in the side elevation of the proposed extension protecting the privacy of neighbours. A condition is considered necessary to prevent any windows being added to the side elevation at a later date as a permitted development.

The applicant property is set at a significantly lower level than its neighbour at No. 32, therefore making any impact in terms of loss of light or outlook negligible.

Parking

There will be no loss of off-street parking as a result of this proposal. The application will therefore have no implications in terms of parking and highway safety.

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 & Diversities issues

None

Section 106 Obligations

Not applicable in this instance

Conclusions

This application is recommended for approval

Recommendation

In respect of the application dated **20/11/2009** and the submitted drawings, **drawings 1; 2; 3; 4; 5 and 6** , 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.

RESTRICTION ON PERMITTED DEVELOPMENT

(2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no windows or other openings shall at any time be placed in the north, side-facing elevation of the side extension hereby permitted unless, upon application, planning permission is granted for the development concerned.

Reason:

In order to protect the privacy of adjacent neighbours, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Statement of Reasons for Approval and Relevant Policies

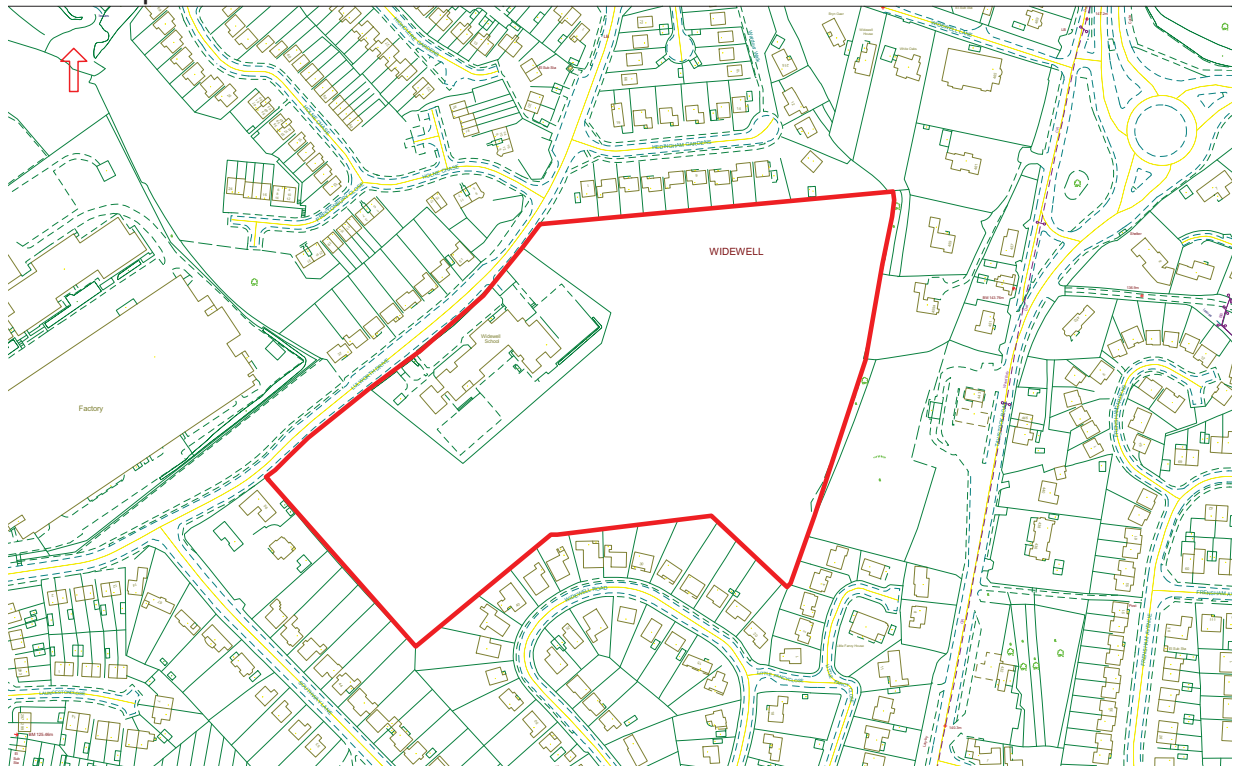
Having regard to the main planning considerations, which in this case are considered to be: residential amenity, the character and appearance of the area and parking the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition 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 and Supplementary Planning 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 Government Policy Statements and Government Circulars, as follows:

CS34 - Planning Application Consideration
SPD1 - Development Guidelines

ITEM: 5

Application Number:	09/01496/PRDE
Applicant:	Mr James Welsh
Description of Application:	Provision of fence 8 metres from the public highway in Lulworth Drive (application for LDC for proposed development)
Type of Application:	LDC Proposed Development
Site Address:	WIDEWELL PRIMARY SCHOOL, LULWORTH DRIVE PLYMOUTH
Ward:	Southway
Valid Date of Application:	17/11/2009
8/13 Week Date:	12/01/2010
Decision Category:	Member Referral
Case Officer :	Karen Gallacher
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk

Insert map for committee.



OFFICERS REPORT

Site Description

The site is part of the playing fields adjacent to Lulworth Drive.

Proposal Description

The application is to establish whether planning permission is required for the erection of a 1.8m high fence, set back 8m from the highway to enclose the playing field by adjoining to existing means of enclosure.

Relevant Planning History

09/00645/FUL – erection of 1.8m high fence adjacent to highway – REFUSED

Consultation Responses

Legal services – Awaited.

Representations

Representations were received in respect of this application, but the objections related to planning considerations and were not relevant to this application. The people who sent in these letters have been advised of this.

Analysis

This is not a planning application. It is an application seeking a lawful development certificate ie it is a formal process seeking a legal opinion as to whether planning permission is required.

The only consideration is whether the proposed fence would require the submission of a planning application. The Town and Country Planning (General Permitted Development) Order 1995 allows for a 1.8m high fence to be erected without the need for the submission of a planning application providing it is erected as a means of enclosure and it is not adjacent to a highway used by vehicular traffic.

The proposed fence is shown to enclose a part of the playing field, and so the main consideration is therefore whether the fence is considered to be adjacent to a highway used by vehicular traffic.

It has been long held that there is no set distance that can be applied to determine whether a fence is adjacent to a highway. It is one of those matters that is considered by fact and degree. It is therefore necessary to consider case law to come to a judgement. There are a large number of cases relating to this matter and the case officer has considered more than 20 in coming to an opinion in this case.

One of the main issues, highlighted by case law, has been whether the land between the fence and the road/pavement is adopted highway ie highway maintainable at public expense (HMPE). Where this land has been part of the adopted highway, distances of up to 10m have been considered to be adjacent. Where this land is in private ownership, and not therefore part of the highway, distances of between 45cm and 5m have not been considered as

adjacent. In this application the area of grass between the fence and the pavement is not highway

Another significant consideration has been whether there is any feature between the fence and the highway. Where there has been a ditch, or partial planting or fencing on the intervening land, the proposed fencing has been more likely to be considered as NOT adjacent. In this application there is an existing chain link fence and hedge along a significant section of the land between the fence and the pavement.

In some of the cases judgements have been made about whether a specific distance is adjacent. In one case the inspector considered that 1.8m was sufficient distance for it not to be adjacent, whereas another considered arms length to be far enough. The closest case to be uncovered involved a distance of 45cm, which an inspector considered to be far enough away to not need permission. At the other end of the spectrum a distance of 6m was considered to be adjacent because in the open countryside 6m was not a significant distance. It is not clear cut, however, as one inspector held a 2m gap to be adjacent.

On balance, in a suburban setting, where the fence is a distance of 8m from the highway, where the intervening land is not HMPE and there are other features on the land, the case law that has been considered would indicate that the proposed fence is not adjacent to the highway and that permission is not required for the fence. Of the cases considered there are no directly comparable circumstances to conflict with this view. However, the opinion of Legal Services has not yet been received and will be reported in an addendum to the planning committee.

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.

Conclusions

The main consideration in this case is whether the proposed fence is considered to be adjacent to the highway. The case officer has considered the case law for a number of similar cases where this matter was under consideration, and at the time of writing the report is of the opinion that the fence would not require the submission of a planning application. However, the consultation response from Legal services is awaited and will be reported to planning committee in an addendum report.

Recommendation

In respect of the application dated **17/11/2009** and the submitted drawings, **location plan received on 17th November 2009**, it is recommended to:
Grant Conditionally

Conditions

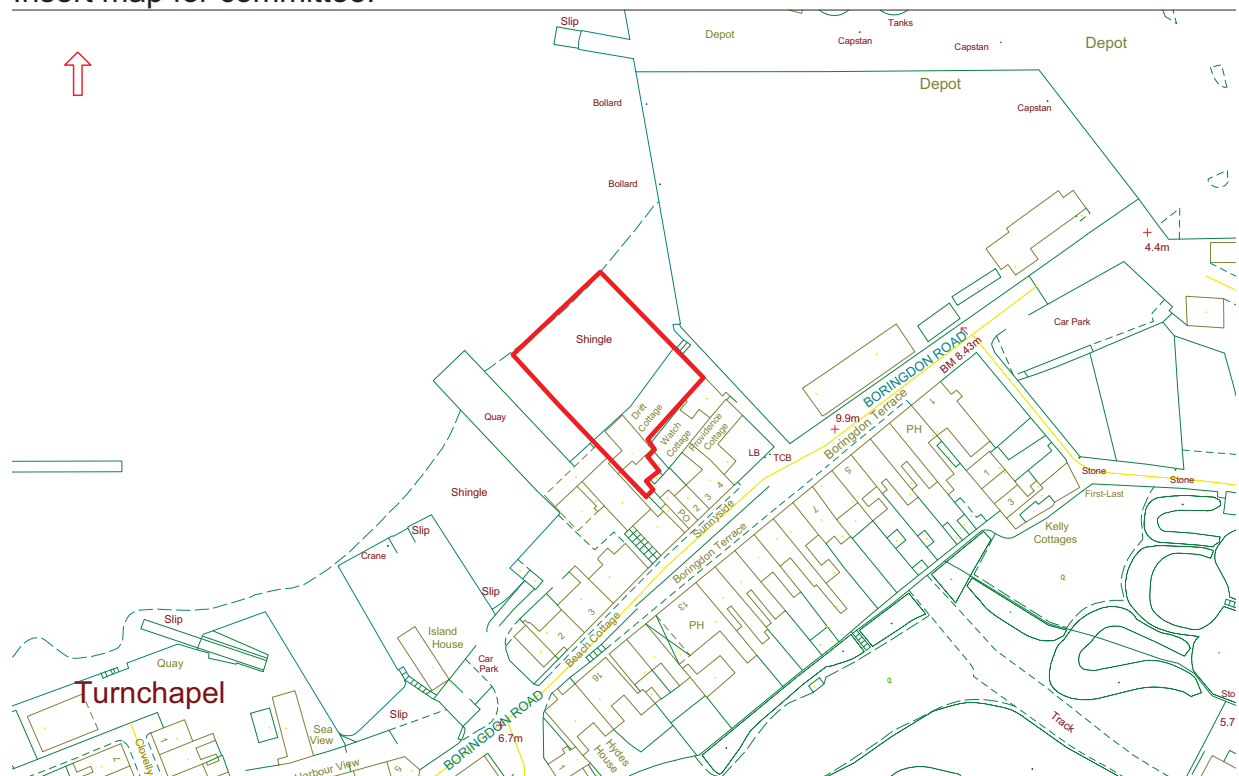
LAWFUL DEVELOPMENT

The proposed development complies with Class A of Part 2 of the Schedule to The Town and Country Planning (General Permitted Development) Order 1995. The proposal is therefore permitted development and a Certificate of Lawfulness is hereby issued.

ITEM: 6

Application Number:	09/01293/FUL
Applicant:	Mr M Wixey
Description of Application:	Erection of dwelling, bridge linked to existing cottage whose upper floor will form an annexe to the proposal and lower floor will be stores and workshop (existing outbuildings to be removed)
Type of Application:	Full Application
Site Address:	DRIFT COTTAGE, BORINGDON ROAD TURNCHAPEL PLYMOUTH
Ward:	Plymstock Radford
Valid Date of Application:	06/11/2009
8/13 Week Date:	01/01/2010
Decision Category:	Assistant Director of Development Referral
Case Officer :	Jon Fox
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk

Insert map for committee.



Planning Committee: 07 January 2010

OFFICERS REPORT

Site Description

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

Proposal Description

Erection of dwelling, bridge linked to existing cottage whose upper floor will form an annexe to the proposal and lower floor will be stores and workshop (existing outbuildings to be removed).

Relevant Planning History

The most recent application at the site is 08/00744 - The proposal was to erect residential accommodation on the existing garden and piers at Drift Cottage and to convert the existing accommodation in Drift Cottage to annex accommodation with a workshop and stores on the ground floor with 2 bedrooms, a lounge, a bathroom and a shower room at first floor level. The two areas of accommodation would have been connected via a pedestrian link. The proposal also included a small car parking and amenity area.

The proposed dwelling comprised 2, linked, metal clad, buildings, each measuring 12.62m (excluding 1.3m balcony) by 4.71 m. The new building would for the most part have been sited on the existing piers; the balcony would have extended 1.3m over the water. It would have extended back into the existing garden for approximately 3.6m. Materials were to be zinc with black aluminium windows. The proposed building was single storey with a varying roof height.

This application was dismissed at appeal. The Inspector stated that:-
'In summary, whilst it is apparent that a lot of thought has gone into designing this proposal, my assessment is that the building would be too striking for its context, thereby detracting from the appearance and character of the Turnchapel Conservation Area. This proposal would not reinforce or enhance Turnchapel's identity, local distinctiveness and heritage in an appropriate way. The aims of Government guidance and of Core Strategy Policies CS02, CS03, CS20 and CS34 would not be met by this proposal, in my judgement.'

Other planning history is as follows:-

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

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

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

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

04/02271 - Erection of dwellinghouse, bridge linked to existing cottage whose upper floor will form annexe to the proposal and lower floor will be stores and workshop (outbuildings to be removed). (Full) – REFUSED because of impact on neighbour - APPEAL Dismissed.

05/00621 – Erection of dwellinghouse bridge-linked to existing cottage whose upper floor would form annex to the proposal and lower floor will be stores and workshop – GRANTED. The applicants have confirmed that this scheme does not now meet the floor level requirements for flooding for a 100 year life design.

07/01282 – Erection of new dwelling – WITHDRAWN.

Consultation Responses

Queen's Harbour Master

No objections.

Public Protection Service

No objections subject to conditions relating to code of practice, noise and land quality.

Transport

The property has been the subject of numerous planning applications and this latest application is similar to the previous in that it utilises the existing car parking and the new build will form an annexe to the existing property. The access to the parking area is Highway Maintainable at Public Expense and does not, at present, have any restrictions which would prevent cars from using it. As such there are no objections to the proposal and previous conditions should be re-iterated.

Environment Agency

The EA reiterate previous comments, which state that their flood risk objection to this application can be removed, provided that the LPA is able to ensure (either by condition or legal agreement) that:

- The two units are not occupied as separate dwellings
- An access between the two is permanently retained

Representations

Seven letters were received. The objections and concerns are based on the following grounds:-

1. The development is out of character in the village of Turnchapel and would set a precedent.
2. The modernistic design would be alien to the area. The proposed materials would make it stand out; the timber façade would be unsuitable for the Village.
3. The site is at risk from flooding.
4. Concern that the height could be amended at a future date.
5. There would be overlooking and a loss of privacy to a bedroom in the proposed development, from watch Cottage, and vice versa.
6. The timber façade would be damaged by contact with the water.
7. The red line has been drawn around part of a neighbour's freehold property.
8. The gate opens onto the public highway.

There is concern regarding the delivery of materials and equipment to the site. The access lane is a public right of way and not a vehicular access and should be for pedestrian use only.

One of the letters states that the design is more sympathetic to the conservation Area and that it is less intrusive to the neighbour and less intrusive when viewed from the river. However, this letter also expresses concern with the sole vehicular access being from the public access to the slipway, and that the amount of accommodation proposed will result in unacceptable pressure on parking facilities and access to the property via the narrow approach road and that there are concerns over excessive pressure on limited street parking in Turnchapel.

Analysis

This application turns on policies CS02, CS03 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007 and the main issues are the impact on the character and appearance of the Turnchapel Conservation Area and residential amenity.

This application proposes a curved, bridge-linked adjunct to the existing Drift Cottage buildings and is situated on the quay. Unlike the previous proposal it does not extend over the piers or the water. The proposed building is single-storey, supported on legs. In this respect the development is considered to be significantly less prominent on the waterfront. The curved design is also considered to reduce its visual impact when viewed from the north. The openness of the bridge link allows views of Drift Cottage to be maintained and in this respect the design does not occlude buildings on the waterfront that contribute to the character of the conservation area. The timber frame is also considered to be more in keeping with the marine setting, although it would be important for the timber to be in a traditional oak rather than cedar cladding etc or douglas fir or chestnut. The proposed sedum roof is considered to be

appropriate to the historic palette of materials in the area and is considered to be more suitable than a metal roof, which is likely to be overly striking in this context. Overall the proposed siting, design and scale of the development is considered to be a significant and positive departure from the previous proposal, which preserves and enhances the character and appearance of the Turnchapel Conservation Area. The proposals are therefore considered to be in accordance with policies CS02, CS03 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

With regard to residential amenity, the main property affected by the development is Watch Cottage. The height of the proposed building and its proximity to that property is not considered to be harmful to its outlook. The potential for overlooking between the window in Watch Cottage and proposed bedroom window, as raised in the neighbour's letter, is not considered to be significant because the angle of view of the proposed window, and the position of the timber frame, adjacent, is considered to prevent unreasonable overlooking, in either direction, to occur.

With regard to flooding, the Inspector did not cite that as a reason for dismissing the appeal and overall the current proposals are considered to be at less risk from flooding due to their siting wholly on the quay.

With regard to parking, the amount of parking provided, and access to it is considered appropriate. Regarding concerns that the accessway should be for pedestrians only, the access road is adopted highway and there is no lawful impediment to its use for vehicular access to the site.

With regard to concerns that the building height could be amended, the height could not be altered without an application for planning permission being submitted, which would be considered on its merits.

With regard the Environment Agency's comments, the ancillary status of the proposed development can be secured by way of a planning condition.

With regard to the gate, the applicant has stated that there are two gates. The smaller gate opens inwards the property and the larger one is currently fixed shut with extra wood along the bottom of it so that it acts as a fence.

With regard to the red line including a neighbour's ownership, the applicant has confirmed that the plan at a scale of 1:1250, submitted with the above application, accurately shows, by red line, the land under the applicant's sole ownership. The other plan at a scale of 1:500, also submitted with the application, which includes an additional right of way, should be deleted from the application.

Equalities & Diversities issues

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

Section 106 Obligations

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

Conclusions

The proposals are considered to be fundamentally different to previous proposals and the scale, design and use of materials is considered to be visually contained by the surrounding buildings and not a striking departure. On this basis the development would preserve and enhance the Conservation Area and is in accordance with policies CS02 and CS03 of the Core Strategy of Plymouth's Local Development Framework 2007. The impact on residential amenity is not significant and the proposals are in accordance with policies CS15 and CS34 of the Core Strategy. Subject to conditions it is recommended that planning permission be granted.

Recommendation

In respect of the application dated **06/11/2009** and the submitted drawings, **1:1250 OS location plan, 1:500 site plan, DC0906-01 (received 26/10/09), DC0906-02 (received 26/10/09), DC0906-03 (received 06/11/09), DC0906-04 (received 06/11/09), DC0906-05 (received 26/10/09), DC0906-06 (received 26/10/09) and accompanying design and access statement** , 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.

EXTERNAL MATERIALS

(2) 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.

ROOFLIGHTS

(3) No works shall commence until details of the proposed rooflights have been submitted to and approved in writing by the Local Planning Authority. The rooflights shall be of a flush fitting conservation type. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DOOR AND WINDOW DETAILS

(4) No works shall commence until details of the proposed new doors and windows have been submitted to and approved in writing by the Local Planning Authority. The said details shall include the design, method of construction, material and finish of the proposed doors and windows and the door and window furniture to be used. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

MAINTENANCE OF SEDUM ROOF

(5) The height of the growth on the sedum roof hereby permitted shall at all times be maintained in accordance with details and a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason:

In order to protect the amenities enjoyed by the occupiers of the adjacent dwelling in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

OCCUPATION RESTRICTION (ANCILLARY)

(6) The use of the development hereby permitted shall at all times be ancillary to the use of Drift Cottage as a single dwellinghouse and the two shall not be occupied independently of one another.

Reason:

Whilst the proposal for such ancillary use is acceptable to the Local Planning Authority, the independent use of different parts of the premises would be likely to produce conditions unacceptable to the Local Planning Authority and contrary to Policies CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, namely prejudicial to highway safety and convenience, residential amenity and the character and appearance of the Turnchapel Conservation Area.

CAR PARKING PROVISION

(7) The building shall not be occupied until the car parking area shown on the approved plans has been drained and surfaced (or such other steps as may be specified)(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 policy CS28 of the Core Strategy of Plymouth's Local Development Framework April 2007.

CODE OF PRACTICE DURING CONSTRUCTION

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

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

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

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policies CS22 and CS34 of the adopted Core Strategy of Plymouth's Local Development Framework April 2007.

LAND QUALITY

(9) 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 10 to 13 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 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, in accordance with policy CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

SITE CHARACTERISATION

(10) 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'.

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 Core Strategy of Plymouth's Local Development Framework 2007.

SUBMISSION OF REMEDIATION SCHEME

(11) 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, in accordance with policy CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

(12) 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, in accordance with policy CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

REPORTING OF UNEXPECTED CONTAMINATION

(13) 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 10, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 11, 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 12.

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 Core Strategy of Plymouth's Local Development Framework 2007.

LONG TERM MONITORING AND MAINTENANCE

(14) A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of [x] years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the

effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must 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 Core Strategy of Plymouth's Local Development Framework 2007.

NO FURTHER WINDOWS OR DOORS

(15) 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 Class A of Part 1 of Schedule 2 to that order, no further windows, external doors or other external openings (additional to those hereby approved) shall at any time be provided in the dwelling hereby permitted.

Reason:

In order to protect the privacy enjoyed by the occupiers of the adjacent dwelling in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

RESTRICTIONS ON PERMITTED DEVELOPMENT

(16) 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 Turnchapel Conservation Area, in accordance with Policies CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE - GOOD ROOM CRITERIA

(1) The applicant is advised that in order to protect the residents from unwanted noise, after occupation of the building, the development should be built in such a way that the living rooms meet BS8233:1999 Good Room criteria.

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 the character and appearance of the Turnchapel Conservation Area and residential amenity, 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 and Supplementary Planning 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 Government Policy Statements and Government Circulars, as follows:

- CS28 - Local Transport Consideration
- CS34 - Planning Application Consideration
- CS21 - Flood Risk
- CS03 - Historic Environment
- CS02 - Design
- CS15 - Housing Provision

OFFICERS REPORT

Site Description

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

Proposal Description

Demolition of outbuildings.

Relevant Planning History

The most recent application at the site is 08/00744 - The proposal was to erect residential accommodation on the existing garden and piers at Drift Cottage and to convert the existing accommodation in Drift Cottage to annex accommodation with a workshop and stores on the ground floor with 2 bedrooms, a lounge, a bathroom and a shower room at first floor level. The two areas of accommodation would have been connected via a pedestrian link. The proposal also included a small car parking and amenity area. REFUSED – DISMISSED AT APPEAL.

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

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

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

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

04/02271 - Erection of dwellinghouse, bridge linked to existing cottage whose upper floor will form annexe to the proposal and lower floor will be stores and workshop (outbuildings to be removed). (Full) – REFUSED because of impact on neighbour - APPEAL Dismissed.

05/00621 – Erection of dwellinghouse bridge-linked to existing cottage whose upper floor would form annex to the proposal and lower floor will be stores and workshop – GRANTED. The applicants have confirmed that this scheme does not now meet the floor level requirements for flooding for a 100 year life design.

07/01282 – Erection of new dwelling – WITHDRAWN.

Consultation Responses

None.

Representations

None.

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 demolition of the 'lean-to' outbuildings currently occupying part of the proposed development footprint is welcomed. These outbuildings are detrimental to the character of the conservation area.

Equalities & Diversities issues

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

Section 106 Obligations

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

Conclusions

The proposed demolition would enhance the character and appearance of the Turnchapel Conservation Area and is in accordance with policy CS03 of the Core Strategy of Plymouth's Local Development Framework 2007. It is therefore recommended that conservation area consent (CAC) be granted subject to a contract for carrying out the works of redevelopment on the site.

Recommendation

In respect of the application dated **06/11/2009** and the submitted drawings, **1:1250 OS location plan, 1:500 site plan, DC0906-01 (received 26/10/09), DC0906-02 (received 26/10/09), DC0906-03 (received 06/11/09), DC0906-04 (received 06/11/09), DC0906-05 (received 26/10/09), DC0906-06 (received 26/10/09) and accompanying design and access statement**, it is recommended to: **Grant Conditionally**

Conditions

TIME LIMIT FOR COMMENCEMENT

(1) The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason:

To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

Statement of Reasons for Approval and Relevant Policies

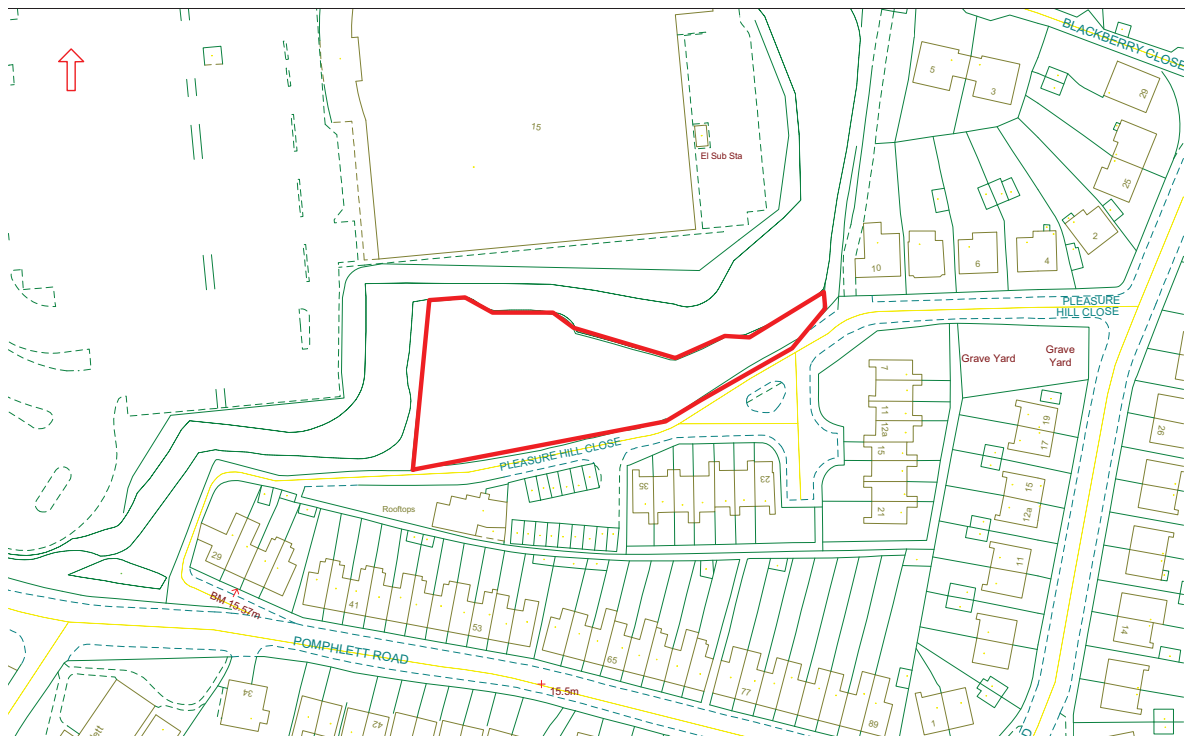
Having regard to the main planning considerations, which in this case are considered to be: the effect on the Conservation Area, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed works are acceptable and comply with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy and (b) relevant Government Policy Statements and Government Circulars, as follows:

CS03 - Historic Environment

ITEM: 8

Application Number:	09/01235/FUL
Applicant:	Donson Ltd
Description of Application:	Development of site by erection of 11 terraced houses
Type of Application:	Full Application
Site Address:	LAND AT PLEASURE HILL CLOSE PLYMOUTH
Ward:	Plymstock Radford
Valid Date of Application:	22/10/2009
8/13 Week Date:	21/01/2010
Decision Category:	Major Application
Case Officer :	Jon Fox
Recommendation:	Refuse
Click for Application Documents:	www.plymouth.gov.uk

Insert map for committee.



Site Description

The site is situated on top of the limestone cliff above, and to the south and east of, the old Pomphlett Quarry, which is now occupied by Morrisons Superstore. The site is bounded to the south by Pleasure Hill Close, which serves a number of dwellings situated on the south side of the road.

The site appears to have been left to vegetate naturally over the years on a limestone base. The presence of a metal container and items of equipment, near the entrance, is evidence of small scale storage use of the site.

Proposal Description

Development of site by erection of 11 terraced houses. The layout proposes five terraced houses aligned approximately north/south, the rear elevations of which face westward over the quarry cliff with the supermarket car park below. There are six houses in the other terrace. Four of these are aligned east/west, facing Pleasure Hill Close. The rear elevations of these houses overlook the supermarket building; the western two houses in this terrace are aligned north/south, although the ground floor entrances face west.

There are six different house types proposed; house types 1, 2, 5 and 6 are two storeys, types 3 and 4 are three storeys. The terrace of five houses consists of all four type 1 houses with the single type 5 house at its southern end. The second terrace has the single type 2 house at its eastern end, then the two type 6 houses, the single type 3 house and finishing off with the two type 4 houses that are aligned north/south.

Vehicular access is from Pleasure Hill Close, between the two terraces. 15 car parking spaces are proposed; eight of these are situated to the front of the dwellings, three are grouped together on the northern side of the site and a further four spaces are grouped beyond the second terrace, at the narrow, eastern end of the site. A 1.2 metre wide footway is proposed on the road frontage.

The application was originally for open market housing. However, a recent letter from the applicant's agent confirms that the scheme will now consist of 10 affordable houses and one private dwelling. In this respect the agent states that an agreement has now been reached between his client and a housing association.

Relevant Planning History

There were a number of applications relating to the supermarket development in the old quarry. The Section 106 agreements associated with these approvals include a clause that requires a management plan to retain the application site as natural grassland and also seeks to avoid access by the public.

Consultation Responses

Highway Authority

Have no objections subject to conditions, including the provision of highway improvement works, and the adoption of part of the site access road.

Public Protection Service

The 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.

Police Architectural Liaison officer

The Devon and Cornwall Constabulary are not opposed to the granting of planning permission for this application. The proposals have been fully consulted at the pre application stage and the design and layout is supported.

Housing

Subject to contractual confirmation Housing would strongly support this application if it can deliver affordable housing.

Representations

16 letters were received. One letter supports the application on the grounds that the site would be tidied up and not fly-tipped anymore, and the estate would enhance the value of existing properties with the barbed wire fence removed and the provision of a nice pavement. The other letters raise objections and concerns on the following grounds:-

1. The proposed houses would make the area congested. The 11 houses would be crammed on such a small site. The number of houses should be reduced.
2. The houses appear to dominate the area and are far too high and will intrude on the privacy of houses opposite. The Close would be hemmed in and dark. There could be loss of sunlight.
3. The proposed bin store at the western end of the site would be an eyesore and create noise when being used as well as producing bad odours and encouraging flies.
4. Loss of pleasant open and rural feeling to the area.
5. The development would be out of character and built on the sightline.
6. The additional cars would worsen existing problems and prejudice safety and the proposed speed hump is not necessary. Emergency vehicles would be impeded due to traffic congestion.
7. There are not enough parking spaces proposed. Where would they all park, including visitors?
8. The parking spaces (12 to 15) at the eastern end of the site will take away existing parking.
9. Prejudicial to health and safety due to the cliff top location. The excavations could weaken the quarry rock face and danger from Danger from falling stones and possible instability of the ground and proposed wall.

10. Danger from contractor's vehicles and disruption to parking during construction.
11. The existing road is too narrow to accommodate the additional traffic and consequent parking. The existing garage block is mostly empty.
12. Loss of natural habitat for birds and wild creatures, including slow worms and dormice.
13. There would be no area for new children to play.
14. The intended seating area will attract groups of youths and lead to anti-social behaviour.

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 application turns on policies CS15, CS18, CS19, CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007 and the main issues are the impact of the development on:-

1. The nature conservation value of the land.
2. The character and appearance of the area.
3. The layout of housing and parking areas.
4. Traffic generation and highway safety and parking/congestion in the area.
5. Residential amenity.

With regard to nature conservation interests and the aim to retain the application site as natural grassland (as set out in previous legal agreements), this application requires a Phase 1 Habitat Survey to be carried out and protected species surveys (as necessary). There are records of slow worm at the site and bats close by. There is also several Devon Notable plant species recorded on site as well as bluebell (protected by the wildlife and countryside act). The site is also a biodiversity network feature and the integrity and functionality of this site for ecology should be maintained in accordance with policy CS18.

The ODPM circular 06/2005 'Biodiversity and Geological Conservation' specifies that a planning authority must have due regard to the impact of a development on a protected species prior to permission being granted as protected species are a material planning consideration. This information should then be used to determine how development impacts can be avoided, mitigated and ensure the development results in a net gain in biodiversity as required by PPS9 and policy CS19. Sensitive lighting and SUDS should also be included within the scheme where possible in order to gain maximum enhancement for wildlife.

To enable the application to be considered from a nature conservation point of view the following information is required:

- a) A Phase 1 Habitat Survey (and further protected species surveys as necessary)
- b) A mitigation and enhancement strategy for wildlife both during and post-construction. This should also demonstrate biodiversity net gain through provision of a 'biodiversity budget' (CS19) and the maintenance of the integrity of the biodiversity network feature for ecology (CS18).

In the absence of this information, and given the aim to preserve the site at the time of the supermarket development, it is considered that there is insufficient justification for loss of potentially significant nature conservation interests at the site, which is contrary to policies CS18 and CS19.

With regard to the character and appearance of the area, the amount and layout of development is considered to be inappropriate. The terrace of five houses that back onto the cliff overlooking the supermarket car park are at the most approximately seven metres from the cliff edge and as near as 5.7 metres. The northern, end house in this terrace is closer still. Despite the height of the quarry cliff the proximity of the dwellings to the cliff edge would appear unduly intrusive and would detract from the openness of the quarry edge, which at present provides a degree of visual separation between the supermarket and surrounding development. The proposals are therefore considered to be harmful to the visual qualities of the area, contrary to policies CS15 and CS34.

The south facing terrace of six houses includes four different house types. House type 2, at the eastern end of the terrace has no windows at ground floor level facing the road and has multiple set backs in this elevation, which, when combined with its proximity to the proposed 1.2 metre footway, as near as 600mm, is considered to be a bland and contrived building that would appear incongruous and intrusive in the street scene. In addition the scale of this terrace, which includes two, three storey buildings; its overtly irregular pattern of designs and ridge lines and its proximity to the road, is considered to result in a built form that is overly dominant and out of character with the scale and nature of the majority of surrounding development in Pleasure Hill Close. The proposals are therefore considered to be harmful to the character and appearance of the area, contrary to policies CS02, CS15 and CS34.

With regard to character and the layout of the site, the number and size of proposed dwellings results in a cramped form of development in terms of its relationship with the site boundaries. This has resulted in rear garden spaces that are considered to be too small and out of proportion within each property. This amount of development has also resulted in four of the car parking spaces being situated at the eastern end of the site where they are not well overlooked from the proposed houses. This could result in these spaces being underused. However, whilst this may not be the case, the location of these spaces is less than desirable and is a further indication of the overdevelopment of the site. The proposals are therefore considered to be contrary to policies CS15 and CS34.

With regard to traffic generation and highway safety and parking/congestion, many of the representations received object on the basis of inadequate parking and access issues. However, the level of off-street car parking provision is considered acceptable and the provision of a new footway, and adoptable first section of access road, is considered to provide an appropriate highway infrastructure for this number of dwellings. The proposals are therefore considered to be in accordance with policies CS28 and CS34 (as it relates to transport).

With regard to residential amenity, the proposed house at the southern end of the first terrace, which faces 'Rooftops', has few windows at ground floor level and none higher up and consequently is not considered to result in significant overlooking of that property. However, Nos. 31, 33 and 35 Pleasure Hill Close are all set below the level of the road and given the proximity of the proposed dwellings opposite, it is considered that existing residents would experience an unwarranted degree of visual intrusion and a significant perception of being overlooked. The proposals are therefore contrary to policies CS15 and CS34.

With regard to the stability of the cliff face and other health and safety concerns, including falling, these are not considered to be planning matters.

Equalities & Diversities issues

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

Section 106 Obligations

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

Conclusions

Providing the nature conservation interests do not prove to be a block, the site is considered capable of being developed for residential purposes. However, the current scheme proposes too many dwellings, which would result in a cramped and overdeveloped site with buildings being too close to the road frontage in Pleasure Hill Close and the cliff face overlooking the supermarket; the plots would suffer from minimal garden space and the impact on residential amenity and the character and appearance of the area would be demonstrably harmful. The proposal to make all but one of the dwellings affordable is welcomed but is not considered to be so significant as to outweigh the identified planning objections. The proposals are therefore contrary to policies CS15, CS18, CS19 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007 and it is recommended that the application be refused.

Recommendation

In respect of the application dated **22/10/2009** and the submitted drawings, **99, Amended Block plan, 101, 102, 103, 104, 105, 106, 107, 108, 108a, 109, 110, 111, 112, 113, 114 and accompanying design and access statement**, it is recommended to: **Refuse**

Conditions

HARMFUL TO NATURE CONSERVATION INTERESTS

(1) The Local Planning Authority must have due regard to the impact of a development on a protected species prior to permission being granted as protected species are a material planning consideration. This information should then be used to determine how development impacts can be avoided, mitigated and ensure the development results in a net gain in biodiversity. A Phase 1 Habitat Survey (and further protected species surveys as necessary) and a mitigation and enhancement strategy for wildlife both during and post-construction should be submitted that demonstrates biodiversity net gain through provision of a 'biodiversity budget' and the maintenance of the integrity of the biodiversity network feature for ecology. In the absence of this information, and given the aim to preserve the site at the time of the supermarket development, it is considered that there is insufficient justification for the loss of potentially significant nature conservation interests at the site. The proposals are therefore contrary to policies CS18 and CS19 of the Core Strategy of Plymouth's Local Development Framework 2007 and Planning Policy Statement 9 (Biodiversity and Geological Conservation).

PROXIMITY OF DWELLINGS TO CLIFF EDGE

(2) Despite the height of the quarry cliff the proximity of the dwellings to the cliff edge would appear unduly intrusive and would detract from the openness of the quarry edge, which at present provides a degree of visual separation between the supermarket and surrounding development. The proposals are therefore considered to be harmful to the visual qualities of the area, contrary to policies CS15 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

INAPPROPRIATE DESIGN, PROMINENT AND OUT OF CHARACTER

(3) The south facing terrace of six houses includes four different house types. House type 2, at the eastern end of the terrace has no windows at ground floor level facing the road and has multiple set backs in this elevation, which, when combined with its proximity to the proposed 1.2 metre footway, as near as 600mm, is considered to be a bland and contrived building that would appear incongruous and intrusive in the street scene. In addition the scale of this terrace, which includes two, three storey buildings; its overtly irregular pattern of designs and ridge lines and its proximity to the road, is considered to result in a built form that is overly dominant and out of character with the scale and nature of the majority of surrounding development in Pleasure Hill Close. The proposals are therefore considered to be harmful to the character and appearance of the area, contrary to policies CS02, CS15 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

CRAMPED FORM OF DEVELOPMENT/INTRUSIVE BIN STORE LOCATION

(4) With regard to character and the layout of the site, the number and size of proposed dwellings results in a cramped form of development in terms of its relationship with the site boundaries. This has resulted in rear garden spaces that are considered to be too small and out of proportion within each property. This amount of development has also resulted in four of the car parking

spaces being situated at the eastern end of the site where they are not well overlooked from the proposed houses. This could result in these spaces being underused. However, whilst this may not be the case, the location of these spaces is less than desirable and, together with the prominent and visually intrusive location of the bin store near the road, is a further indication of the overdevelopment of the site. The proposals are therefore considered to be contrary to policies CS15 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

VISUAL INTRUSION AND OVERLOOKING

(5) Nos. 31, 33 and 35 Pleasure Hill Close are all set below the level of the road and given the proximity of the proposed dwellings opposite, it is considered that existing residents would experience an unwarranted degree of visual intrusion and a significant perception of being overlooked. The proposals are therefore contrary to policies CS15 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007..

ADVERSE COMMUNITY INFRASTRUCTURE IMPACT

(6) In the opinion of the Local Planning Authority, the proposed development does not make adequate provision to mitigate the adverse community infrastructure impacts of the development. The development thereby conflicts with Policies CS15 and CS33 of the adopted City of Plymouth Local Development Framework Core Strategy 2007 and the adopted Plymouth City Council Planning Obligations and Affordable Housing Supplementary Planning Document 2008.

Relevant Policies

The following (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning 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 Government Policy Statements and Government Circulars, were taken into account in determining this application:

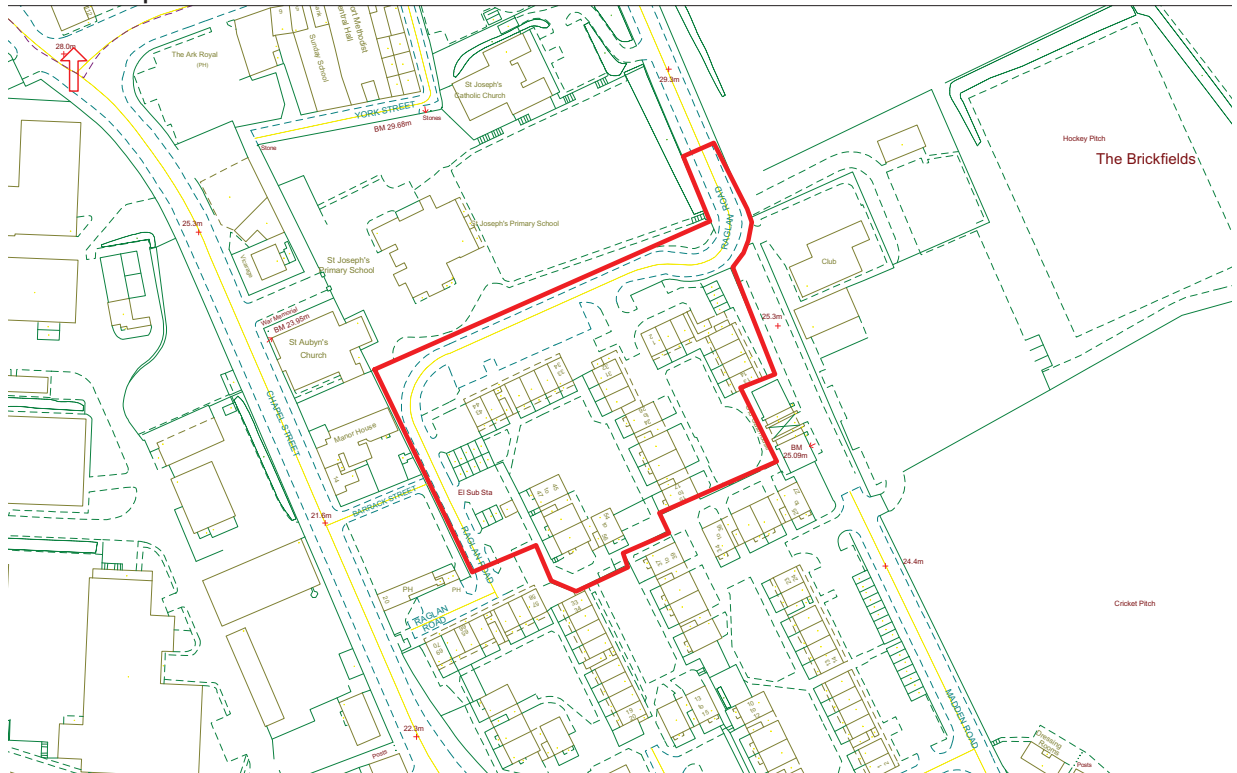
CS28 - Local Transport Consideration
CS34 - Planning Application Consideration
CS22 - Pollution
CS18 - Plymouth's Green Space
CS19 - Wildlife
CS22 - Pollution
CS15 - Housing Provision

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ITEM: 9

Application Number:	09/01565/FUL
Applicant:	Risesign Ltd
Description of Application:	Erection of three blocks containing a total of 14 two bedroom flats with associated landscaping changes, parking facilities and refuse storage facilities.
Type of Application:	Full Application
Site Address:	LAND AT 1-56 RAGLAN ROAD PLYMOUTH
Ward:	Devonport
Valid Date of Application:	27/10/2009
8/13 Week Date:	26/01/2010
Decision Category:	Major Application
Case Officer :	Carly Francis
Recommendation:	Refuse
Click for Application Documents:	www.plymouth.gov.uk

Insert map for committee.



OFFICERS REPORT

Site Description

Located within the Devonport area of the City, the site comprises a 1960s development of 56 flats in total arranged in 5 blocks of three and four storey buildings, with communal garden areas and parking on the northern and western sides. The site is accessed from Raglan Road to the north. From the south, access is closed to vehicles in front of the Listed Gatehouse adjoining the south-east corner of the site. The site adjoins St Joseph's Primary School to the north; historic buildings including St Aubyn Church, Manor House, former barrack wall and public house are situated to the west; residential flats are to the south; and the Listed Gatehouse and Brickfields sports area beyond are to the east.

Proposal Description

Erection of three blocks containing a total of 14 two bedroom flats with associated landscaping changes, parking facilities and refuse storage facilities.

The proposed development would have a net density of approximately 57 dwellings to the hectare. All blocks would be four storeys high and Blocks A and B would each have 4 two-bed apartments and Block C would have 6 two-bed apartments. Block C would accommodate a store, as well as bicycle storage for the development and garaging for four cars.

Relevant Planning History

09/00547/FUL Erection of 3 blocks containing a total of 14 two bedroom flats with associated landscaping changes, parking facilities and refuse storage-REFUSED.

This application was refused for the five reasons summarised below:

- 1) Absence of infrastructure contributions
- 2) No affordable housing provision
- 3) Inadequate information regarding the risk of contaminated land
- 4) Detrimental to residential amenity
- 5) No improvement to the range and quality of housing

Reasons 4 and 5 were additional reasons added by members at Planning Committee. The reasons added by members were as below:

RESIDENTIAL AMENITY

The Local Planning Authority considers that the development would be detrimental to the amenity of residents of existing properties and would fail to provide sufficient levels of amenity for future occupiers. The proposal is therefore considered to be contrary to point 5 of Policy CS15 of the Local Development Framework Core Strategy (adopted 2007).

RANGE AND QUALITY OF HOUSING

The Local Planning Authority considers that the proposal does not improve the range and quality of housing in the area and is therefore contrary to Area Vision 1 of the Local Development Framework Core Strategy (adopted 2007) and Chapter 5 'Improving Housing' of the Devonport Area Action Plan (adopted 2007).

05/00834/FUL Three four-storey buildings providing a total of 16 flats -
REFUSED

This application was refused for 9 reasons as summarised below:

- 1) Inadequate parking provision for the parking of vehicles
- 2) Inadequate street details; unacceptable provision for secure storage of cycles, poor pedestrian links to the wider footway network, inadequate street lighting details
- 3) Overdevelopment
- 4) Creation of areas of unsafe/ insecure environment
- 5) Loss of/ impact on amenity areas
- 6) Loss of amenity and outlook to the adjoining dwellings
- 7) Loss of / inadequate provision of refuse and storage facilities
- 8) Loss of protected trees
- 9) Impact on public sewage infrastructure

This applicant appealed this decision and the appeal was dismissed.

Despite the range of refusal reasons given by the Council, the Inspector only dismissed the appeal on the basis that Block C would result in the loss of formal amenity space and would have a detrimental impact on the outlook from neighbouring flats (Nos. 39-44).

Consultation Responses

Highway Authority- no objections, however recommend that conditions regarding car parking provision, cycle provision and a Traffic Regulation Order be attached to any grant of planning permission.

South West Water- no objections.

Public Protection Service- no objections providing conditions regarding a code of practice and noise and a contamination study be attached to any grant of planning permission.

Police Architectural Liaison Officer- no objections in principle, however recommends that conditions regarding window and door fittings, lighting and gates to the footpath, be attached to any grant of planning permission.

South West Water- no objections.

Representations

10 letters of objection, objecting on the basis of:

- Loss of green space and other facilities
- Overdevelopment
- Detrimental to amenity of residents
- Inadequate parking provision
- Would overshadow existing flats
- Loss of 'The Anchor' area
- Impact of building work
- Would affect property value
- Inadequate/ Poor access to refuse storage area
- Creation of dark and dangerous pathways/ no thought to crime level
- The flats would be poorly managed
- Inadequate sewerage system
- Less secure site/ unsafe for children
- New flats are not in keeping
- Not in line with Devonport Area Vision Policy
- Reduce amenity space
- No thought given to landscaping

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 follows a recent application for three residential blocks that was refused in August this year. Prior to this another scheme was refused in 2005; details of these previous decisions are given in the planning history section of the report.

The main issues for consideration for this proposal are the impact on surrounding residential properties, on the amenities of the community, on the highway and on trees.

The main policies relevant to this application are CS01, CS02, CS15, CS16, CS18, CS20, CS28, CS32, CS33 and CS34 from the adopted Core Strategy.

The Devonport Area Action Plan 2006-2021, 'Planning Obligations and Affordable Housing' and 'Development Guidelines' Supplementary Planning Documents are also relevant.

This proposal remains exactly the same as in the previous application. The difference with this application is that some additional information has now been submitted. A contaminated land assessment has now been carried out and some additional information regarding the trees on site has been included.

This proposal, as with the previous application, is for 14 flats, the 2005 application was for 16 flats. The differences between this application when compared to the 2005 application is that Blocks A and B have slight differences in position and design, and the main difference is that Block C has been relocated. It is no longer proposed in the internal courtyard/ central amenity area but would be located on a hard surfaced parking area. It is proposed that the parking area be re-configured so that parking spaces are retained.

The planning history holds significant weight in determining this application as this proposal largely reflects the previous applications that were refused. The Planning Inspectorate disregarded many of the Council's previous refusal reasons in the 2005 application and therefore it is inappropriate to reiterate these reasons in subsequent applications. The Inspector's findings are therefore referred to throughout this report.

Layout, Scale and Design

The introduction of these three residential blocks is still considered to result in overdevelopment and to create a cramped appearance. However apart from the concern expressed about Block C the Inspector concluded in the 2005 application that the defining characteristic of the estate was one of enclosure and the overall effect of the proposed development would be to reinforce this enclosure. He did not consider that the development would appear cramped and hence it is not considered that the application should be refused on these grounds.

The buildings would not impact on the setting of any listed building; they are a sufficient distance away and are within the envelope of the site where there are existing blocks of flats. It appears that some screening would be provided to Block C by trees, and a road and boundary wall would separate the block from the adjacent Manor House.

The scale of the blocks has remained unchanged; none of the buildings would be higher than the adjacent existing blocks and therefore the scale is considered appropriate in accordance with policies CS15 and CS34 as was deemed by the inspector previously.

The floor areas of the units are slightly different in each block. In Block A they are approximately 57.6 m², in Block B 60 m² and in Block C 56 m². The floor

areas are considered to be adequate and all of the units proposed would have adequate amenities and natural lighting to all habitable rooms.

The design of the blocks in this application and the previous application has remained largely unchanged from the 2005 application; however the drawings do show a greater level of detail. The Inspector's comments regarding the design were that, while the proposed design was unremarkable, the blocks would integrate sympathetically and unobtrusively with the simple form and proportions of existing development. This opinion is supported; the design could not be considered outstanding, however it is deemed acceptable in this case and would accord with policy CS02.

The materials to be used have not been detailed and therefore if permission is granted a condition would need to be attached to ensure that these details are agreed before works commence. The materials used should be sympathetic to those used in the existing residential blocks.

Overlooking/ loss of light

Block A is joined to the east of flats 5 and 6 with a core link block and the high level deck access fits into the upper level of the new core. There are no windows on the adjacent blocks that would be affected by Block A and therefore there would be no loss of privacy, light or outlook as a result of this block.

Residents have raised concerns regarding the proposed position of Block B. Block B would be no greater in height, than as proposed by the 2005 application, although its footprint has been slightly enlarged. The building would be closer to the garden areas of the adjacent flats and, while it is considered that this would exacerbate the impact of the building on the amenity areas of the adjacent flats, it would only be one metre closer than as proposed in the 2005 application. This is not deemed substantially different enough to deem refusal. It may also affect access to some residents' sheds which are sited directly opposite the proposed block. It is noted that this block would have some impact on the amenity of residents and may result in some loss of light, however its impact would not be significantly different to that in the previous 2005 application and therefore it is not considered that the application could be refused on this basis.

Block C does not create any concerns of overlooking, there are no windows on the side elevation of the existing building that would face Block C and the windows proposed on the east elevation of Block C are in a position that would ensure that rear amenity areas and balconies of existing flats could not be overlooked. Some degree of overlooking may be possible from the windows on the south elevation of Block C to the balcony and amenity areas of the adjacent building; however the nature of these buildings means that a degree of overlooking already exists, the development would not create any new overlooking concerns. Although ground levels vary, plans show Block C in relation to the adjacent existing block, and the block would be no higher than the adjacent block and windows would be at the same levels.

Refuse Storage

A new bin store will be provided adjacent to Raglan Road. This will be constructed of brick and timber and will serve the entire development. A second for bin storage will be provided adjacent to Block C, due south of it. These will replace the existing accommodation for bins which would be demolished to make way for Block A. These will become the communal refuse collection points. There is also surplus storage space within the ground floor of Block C. Residents have raised concerns that the bin storage proposed is inadequate. Although the developer is proposing replacement bin storage, the amount of bin storage is still considered to be inadequate considering the increase in residents. The position of the bin stores would also involve the residents carrying refuse some way across the site. Therefore it is not considered that the proposal would accord with Policy CS15, Policy CS34 or the new Development Guidelines SPD. The Development Guidelines SPD, although not yet adopted, is a material consideration and sets guidance for refuse storage standards which this proposal does not comply with. This SPD had not been published when the other applications were considered. Concerns regarding inadequate refuse storage formed the basis of a refusal reason in the 2005 application where even less bin storage was proposed. This refusal reason was not upheld by the Inspector at appeal and therefore given the reduced number of units and additional storage areas in this application it is not deemed that this would hold substantial weight as a refusal reason.

Amenity Areas

As a result of the buildings proposed, some areas would be lost which the local community say are utilised by children playing. The residents object to the position of Block B as it would involve the loss of a planting area and 'the anchor' (a piece of street art). It is not considered the loss of this area would be a strong ground of refusal as the inspector previously commented that the loss of this area along with the area lost to Block A contribute little to the estate in terms of amenity space. He was concerned, however, at the loss of the formal amenity space where Block C was proposed. The Inspector was previously concerned that 'Block C would significantly reduce the size of one of these courtyards, thereby reducing the amount of amenity space whilst simultaneously increasing the number of residents.' While it is appreciated that the amenity space is still being reduced and the residential units increased, less residential units are being proposed in this application and the revised position of Block C means that less of the formal amenity area would be encroached upon. Approximately 150m² would be lost to the proposed parking area in this application; in the previous application a further 120m² would have been lost to Block C. While the loss of any amenity space is not encouraged, the amenity space would not be 'significantly' reduced and therefore it is not considered that the loss of this space could warrant refusal. The new position of Block C would also make the site feel more open than as previously proposed. It was considered that the block in its previous position would have had a harmful impact to neighbouring dwellings due to its scale and proximity and the physical presence it would have. It was also deemed by the Council and the Inspector that it would have an oppressive and overbearing effect on the outlook from adjacent flats. These concerns have

been removed and the proposal would now accord with Policies CS15 and CS34.

Safety and Security

Residents have raised safety concerns, and it is considered that from the proposed layout some unsafe spaces would be created. Some of the safety concerns raised relate to the passageways that would be formed, such as that between Block B and the existing buildings. Other concerns include the removal of the fence that currently secures the central amenity area (in order to make space for the parking area).

The Police Architectural Liaison Officer has commented that the Devon and Cornwall Constabulary is not opposed in principle to the granting of planning permission, but he has referred back to the comments made for the previous applications. One of the grounds for refusal for the 2005 application was that the proposals would create an unsafe and insecure environment. It was considered that the resulting environment did not take sufficient account of the need to safeguard personal safety and crime prevention which would cause demonstrable harm to the amenities of both future and existing residents within the estate. The Police Architectural Liaison Officer cannot see what measures the developer has taken to address these issues. He also comments that it does not appear that there is any natural surveillance to the proposed car parking areas. The applicants has responded by saying that it is necessary to comply with secure by design principles advised by the Police Liaison Officer in this case, because they are willing to agree that lighting would meet British Standard BS 5489 and that the door and window fittings would meet British Standard PAS024. The applicant thinks that this is satisfactory in ensuring safety and security, particularly as the Inspector did not consider it to be a matter of concern in the 2005 application. The Police Architectural Liaison Officer has subsequently requested that, should the application be approved, the above measures be conditioned along with a condition to ensure that the footpath below Block B be fitted with gates to prevent any unauthorised access.

While safety and security concerns remain and it is not deemed that the proposal accords with policy CS32, the applicant has resisted providing additional information such as lighting proposals. This was not considered significant grounds on which to uphold the appeal last time and therefore despite the differences in the applications, it is not felt that an Inspector would support such grounds of refusal in this case either.

Landscaping

A tree survey has been submitted with this application and a further drawing provided to clarify the trees on site that would be lost. It is not considered that any tree of intrinsic value would be lost as a result of the development. The applicant has still not provided planting details to mitigate against the loss of trees. Therefore in order to ensure that the proposal accords with policy CS18; it would be necessary for conditions to be attached to any grant of approval to ensure protection of those trees to be retained during construction, and a details of replanting to mitigate for those trees lost.

Drainage & Sewerage

A reason for refusal in the 2005 application and a concern raised by residents relates to the fact that Block B will be built over a public sewer. The applicants have again failed to provide sufficient information to demonstrate that the drainage, waste water and sewerage infrastructure capacity is maintained and where necessary enhanced, which is contrary to policy CS34. However no objections have been raised by South West Water and in light that this refusal reason in the 2005 application was again not upheld it is not considered that this should form a refusal reason. Such infrastructure requirements are covered by alternate legislation and therefore it is considered that the best way of highlighting these concerns in this instance would be by attaching an informative to the decision notice.

Contaminated Land

The previous application was refused on the grounds that insufficient information was provided to assess the risk of contaminated land or the risk of pollution to controlled waters. A more comprehensive contaminated land assessment has now been submitted with the application and the Council's Public Protection Department is satisfied that the application can be approved subject to conditions. The proposal is therefore considered to comply with policy CS22.

Highway Considerations

Transport and highway reasons formed part of the refusal of planning permission for the 2005 application; however these reasons were again not upheld at appeal. It is for this reason they did not form the basis for refusal of planning application 09/00547.

The car parking layout shown is similar to that shown in planning application 09/00547, indicating an overall off-street car parking ratio of 1:1. Spaces along the south side of the street have a second parking space behind, double banked (in tandem that would equate to 1:1.3 overall), they may only be counted as one parking space due to tenancy agreements that may include a restrictive covenant whereby any tenant or occupier may only park one car within the private car parking spaces. Such restrictive covenants rather than reduce demand are only likely to encourage second cars to be parked on the highway. The application also indicates that additionally there would be 4 parking spaces provided within a garage area below block 'C'.

It has already been established that the two existing car parking spaces numbered 11 & 12 on the application plan are within the turning head of the public highway. There may also be some doubt in relation to the extent of parking space number 10 on the application plan that may also impinge upon the public highway. The two car parking spaces within the public highway turning head must be discounted, as they have been unlawfully marked and allocated and need to be removed. However even if the three car parking spaces were to be lost, out of the overall total, the loss of three spaces may not be sufficiently material in the determination of this application, particularly given the previous view of the Planning Inspector. It could however be

conditioned that the developer be required to replace the two lost car parking spaces.

The Transport Officer advises that to assist in overcoming undesirable and indiscriminate car parking that would obstruct the function of the public turning head, Double Yellow Lines (DYL's) on the bend should be extended into and around the adjacent public turning head. This should be a condition in any grant of planning permission along with requirement for the applicant to remove the offending allocated car parking spaces and markings 11 & 12 from the public highway turning head, restore the surface of the highway, and replace the lost two spaces elsewhere within the private land of the application site, details of which should be submitted to the Local Planning Authority.

A car parking ratio of one space per flat is in accordance with national planning guidance, that does not require a minimum number of spaces to be provided, but rather prescribes a maximum of 1.5 parking spaces per dwelling or flat. It may be considered that this is reflected in the previous appeal decision associated with application 05/00834 where the inspector failed to support the view that a slightly higher car parking ratio in the order of 1:1.3 would be required to meet the likely car parking demand associated with the flats.

The application indicates that adequate provision would be made for the storage of refuse bins and cycle parking, with 16 cycle parking spaces being provided for the proposed new residential units, which is welcomed. It would however be preferable had the developer demonstrated a stronger commitment to encouraging sustainable transport, by working toward providing cycle storage for all of the residential units within the application site. Additional cycle storage provision across the site at a rate of one space per two dwellings should be encouraged, extending the opportunity for cycling as a sustainable means of travel across the application site, which on balance would seem reasonable given that the off-street car parking ratio would be reduced overall across the application site.

The Design & Access Statement accepts, as did the Planning Inspector, that the site is insular by design and therefore not as permeable for pedestrians as might otherwise be expected and this application does not offer any improvement to that, although further encouraging cycling by providing cycle storage facilities across the whole of the site may be considered to help mitigate this to some extent.

Although the Highway Authority would not support the proposal in principle, a recommendation of refusal would not be a viable option or sustainable position due to the earlier Planning Inspector's decision.

Sustainable Resource Use

The proposal does not propose any sustainability measures to meet the requirements of Policy CS20. Point 3 of Policy CS20 requires 'new residential

development of 10 or more units (whether new build or conversion) 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'. This again was not a material consideration in the original application, however the Core Strategy was adopted in 2007 and proposals should now make sustainable provision. The proposal is therefore deemed to be contrary to the aims of CS20 and it is proposed that the application be refused on this basis.

Section 106 Obligations

This development is required to contribute in a tariff basis. A sum of £66,826 is required (this is with the 50% reduction applied as standard to all applications submitted before 31st December 2009).

This figure breaks down in the following way:

Children's Services: £11,725

Health: £2,170

Libraries: £1,092

Green Space, Natural Environment & Children's Play Space: £12,747

Recreation and Sport: £10,248

Public Realm: £539

Transport: £25,123

And a management fee of £3,182

This development does not strictly trigger the need for affordable housing provision as 14 units are proposed, falling just below the 15 unit threshold. While the scheme does not provide any affordable housing and this was identified as an issue in the last scheme, it is now considered that this would be inappropriate for this scheme- especially since the Devonport Area Action Plan states that there should be a higher proportion of private housing. It is therefore recommended that this is not made the subject of a refusal reason this time.

The applicant has stated that paying the tariff sum would make the development unviable. Therefore a viability report has been submitted in order to demonstrate this. This report and the additional information submitted have been reviewed further and it appears that the scheme would not be profitable enough to pay the specified tariff contributions. The new units would, however, have an impact on the city's infrastructure and the Council should therefore still consider whether it is appropriate or not to allow the development in terms of Policy CS33 and in accordance with the Planning Obligations and Affordable Housing Supplementary Planning Document (adopted December 2008). This SPD states that 'if the Council agrees that a proposal cannot reasonably afford to meet all of the Council's specified requirements; it will not necessarily result in the proposal receiving approval from the Council. It is quite possible that the issues will be so significant that the application will be refused, but in reaching this decision the Council will

consider whether there are overriding benefits in favour of granting permission, and if so will seek to prioritise planning obligation requirements.'

It is not considered that this scheme would offer overriding benefits to outweigh the impact it would have on infrastructure without paying contributions and therefore the proposal does not accord with policies CS33, CS01, CS15 and CS33 or guidance outlined in Draft Regional Spatial Strategy, National Guidance in Circular 05/05, PPS3 and Plymouth City Councils 'planning obligations and affordable housing supplementary planning document', the Development Guidelines SPD and the Devonport Action Plan.

The proposal cannot be supported for this reason.

Equalities & Diversities issues

The applicant has stated that all of the flats have been designed to lifetime homes standard. No details have been provided at this stage, although the applicants are content for a condition to be attached requiring details for 100% of the flats to be lifetime homes compliant.

Two secure cycle storage sheds also form part of the proposal.

Conclusions

This proposal still creates concerns in respect of overdevelopment; inadequate safety and security; and highways aspects; and on the whole is deemed to have a negative impact to the local community and existing residents. Despite these matters, in light of the Planning Inspector's previous conclusions, it is not considered that the application could be refused again on these grounds.

A Contamination Assessment has now been provided and any concern regarding land contamination at this stage removed; the previous refusal reason relating to this has therefore been overcome.

In relation to the other refusal reasons, while it is no longer recommended that the absence of affordable housing provision be used as a refusal reason, it is considered that despite the conclusions of the viability assessment, the proposal should be refused on the grounds of there being no infrastructure contributions.

In addition the committee previously resolved that the application should be refused as the proposal does not improve the range and quality of housing in the area in line with Area Vision 1 of the Core Strategy and the Devonport Area Action Plan. Officers consider this to be a solid refusal reason, as it states in this document, that Devonport is an area in need of housing as opposed to flats. This action plan was adopted in 2007 and therefore was not a material planning consideration in the initial 2005 application. It is therefore recommended that the application be refused for this reason.

It is also considered that the aims of CS20, to provide sustainability measures, should not be ignored; this is now a material consideration and therefore should be a refusal reason.

Despite the recommendations made in the above report, members may also wish to add the additional refusal reason they attached when this application was last brought to Planning Committee. This relates to residential amenity- the development was deemed to be detrimental to the amenity of residents of existing properties and to not provide sufficient levels of amenity for future occupiers contrary to point 5 of Policy CS15.

Your officers consider that the application should only be refused for the reason that the scheme makes inadequate infrastructure provision, is contrary to the aims of the Devonport Area Action Plan and fails to proposal sustainability measures in line with CS20 (see below) - but the Committee may wish to also add the refusal reasons relating to Residential Amenity and the Range and Quality of Housing, as raised by members themselves when the scheme was last considered.

Recommendation

In respect of the application dated **27/10/2009** and the submitted drawings, **Site Plan, 15753A/4, 15753A/1-R1, 101 A, 102 A, 103A, 17753A/5, 100/C, 15753A/1-R1/trees and accompanying Design and Access Statement, Transport Statement and CARD GEOTECHNICS Desk Study and Environmental Assessment Report** , it is recommended to: **Refuse**

Reasons

INFRASTRUCTURE CONTRIBUTIONS

(1) In the opinion of the Local Planning Authority, the proposed development can not make adequate provision to mitigate the adverse community infrastructure impacts of the development, and does not support the development of a sustainable linked community. The development thereby conflicts with Policies CS01, CS12, CS15, CS28, CS30, CS33, Area Vision 1 of the adopted City of Plymouth Local Development Framework Core Strategy, together with guidance outlined in Draft Regional Spatial Strategy, IPS3, IPS4, PGN11, National Guidance in Circular 05/05 and PPS3.

RANGE AND QUALITY OF HOUSING

(2) The Local Planning Authority considers that the proposal does not improve the range and quality of housing in the area and is therefore contrary to Area Vision 1 of the Local Development Framework Core Strategy (adopted 2007) and Chapter 5 'Improving Housing' of the Devonport Area Action Plan (adopted 2007).

ON-SITE RENEWABLE ENERGY PRODUCTION

(3) The development fails to incorporate 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. The proposal is therefore contrary to Policy CS20 of the adopted City of Plymouth Local Development Framework Core Strategy.

INFORMATIVE: PUBLIC SEWER

(1) The applicant should note that the proposed Block B would be built over a public sewer and permission would be required from the service provider for this to be built upon.

Relevant Policies

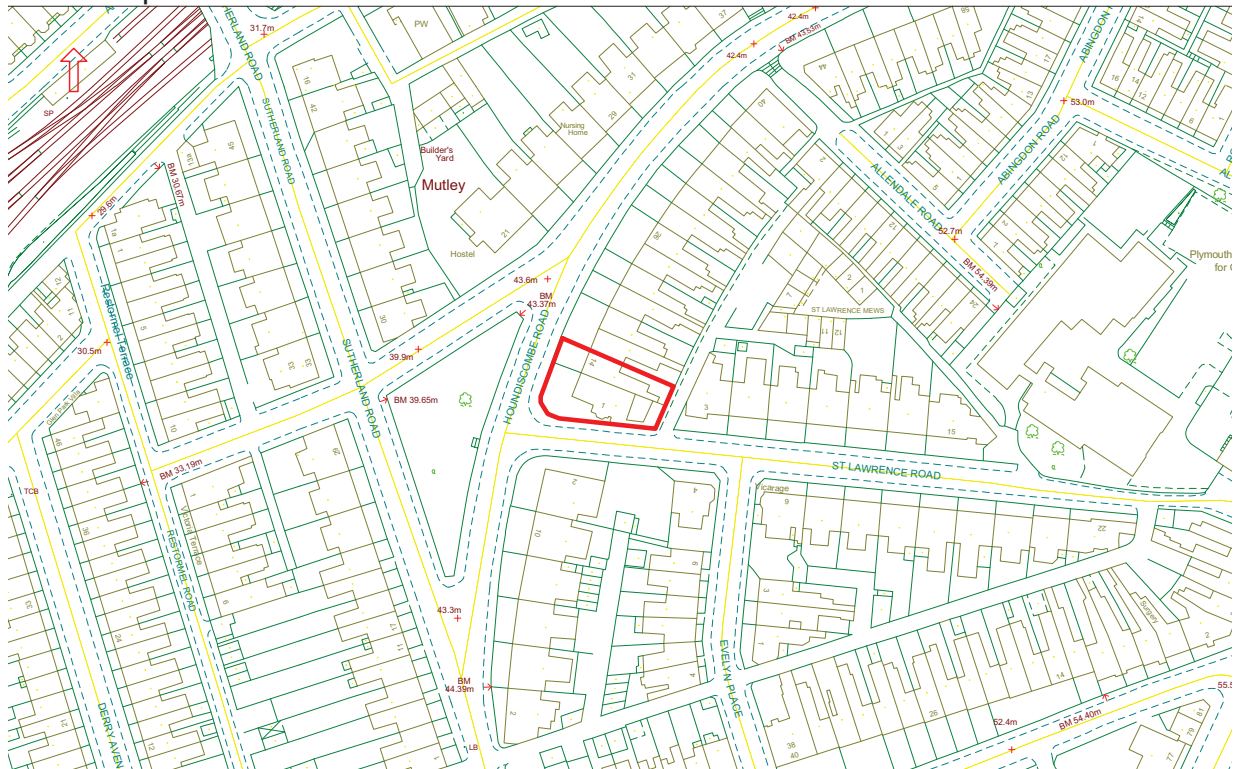
The following (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial 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 Government Policy Statements and Government Circulars, were taken into account in determining this application:

- PPS3 - Housing
- CS28 - Local Transport Consideration
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS18 - Plymouth's Green Space
- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS15 - Housing Provision
- CS16 - Housing Sites
- SPD1 - Development Guidelines

ITEM: 10

Application Number:	09/01302/FUL
Applicant:	Mr Dave Hendy
Description of Application:	Change of use, conversion and extension of existing building to create 3 student cluster units and 4 studio apartments with associated bin and cycle stores.
Type of Application:	Full Application
Site Address:	1 ST LAWRENCE ROAD AND 14 HOUNDISCOMBE ROAD PLYMOUTH
Ward:	Drake
Valid Date of Application:	14/09/2009
8/13 Week Date:	09/11/2009
Decision Category:	Assistant Director of Development Referral
Case Officer :	Stuart Anderson
Recommendation:	Grant conditionally subject to S106 Obligation
Click for Application Documents:	www.plymouth.gov.uk

Insert map for committee.



OFFICERS REPORT

This application was considered by Planning Committee at its meeting of 10 December when determination was deferred for a site visit. The report below is the same as that presented to the December meeting but amended to include the matters raised in the addendum and oral reports presented to that meeting.

Site Description

The site consists of two adjoining properties, 1 St Lawrence Road and 14 Houndiscombe Road. These are large Victorian properties.

1 St Lawrence Road is currently registered as a House in Multiple Occupation (HMO) with 12 bedrooms with associated communal bathrooms, kitchen and living areas, but the property is in need of updating, refurbishment and improvement.

14 Houndiscombe Road was some time ago converted to office accommodation for a local firm of chartered accountants but has been vacant now for some months and is again in need of modernisation.

The site is bounded by highways and residential property. Opposite the site is a small public park.

Proposal Description

Change of use, conversion and extension of existing building to create 3 student cluster units and 4 studio apartments with associated bin and cycle stores.

The proposed extension would be situated at the rear of the property and would be approximately 12 square metres in area, and two storeys in height. It would house a laundry area and bathrooms.

A bin storage area and a secure, weatherproof store for 11 bicycles would also be provided in the rear yard.

The existing stairway at the rear of the property is currently clad in polycarbonate sheeting. This would be rebuilt in stone/render.

A number of the doors and windows are to be replaced. These would be UPVC and timber respectively.

Relevant Planning History

09/00768/FUL - Change of use, conversion and extension to existing building to create 6 student cluster units and 2 studio apartments with associated bin and cycle stores (withdrawn)

99/00100/FUL - Change of use from residential home for the elderly to accommodation for 11 students and a warden (granted)

Consultation Responses

Housing Strategy and Renewal – no observations

Public Protection Service – recommending condition that unexpected contamination is reported to the Local Planning Authority. Also recommending Construction Phase Management Plan condition, and condition that the development is carried out in accordance with BS8233:1999 to meet the ‘good room criteria’ for living spaces.

Transport Officer – recommending cycle parking provision condition

Representations

10 letters of representation have been received, all of which object to the proposal. The objections are on the following grounds:

1. Parking problems
2. Drake’s Leat lies between both affected properties front gardens. Has the applicant allowed for appropriate archaeological appraisal?
3. Oversupply of student accommodation in the area
4. Overintensive number of students proposed within this property
5. Noise and disturbance from students
6. Inconsiderate behaviour from students
7. No manager/supervisor accommodation proposed
8. Proposed extension is architecturally inappropriate
9. Blocking up of two doorways would harm the look of the terrace
10. The drainage system in this area was designed for private family dwellings, not for high-density multiple occupancy, this system and possibly the provision of other utilities would need to be upgraded accordingly
11. Problems with refuse disposal, including blocking of rear service lane access creating difficulties for emergency service vehicles

All the above issues are addressed in the following report.

A further comment has also been received from the local Ward Councillor, Councillor Ricketts, as follows:

20+ student flats in a block completely inappropriate for this type of use is completely wrong. The area simply cannot cope in a sustainable way with applications of such madness being submitted. Other repercussions on the area will be parking where the streets are already heavily over-subscribed. The balance of fixed term residents and students is completely out of control. Please refuse this application for the people of Plymouth’s sake.

A representation has also been received from Linda Gilroy MP objecting to the application on the grounds of the level of “studentification” in North Hill and its impact on this area, contrary to Area Action Plan aspirations to integrate the two communities of students and existing residents (paragraph 10.4 of the City Centre and University Area Action Plan).

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 relevant policies are CS01, CS05, CS15, CS28, CS33, and CS34 of the Core Strategy. The relevant issues are discussed below.

THE PRINCIPLE OF THE PROPOSED DEVELOPMENT

With regards to policy CS05, it is understood that the offices have been vacant for some time, and therefore not considered a viable employment site. Therefore, it is considered that there is no loss of active employment use, and thus no conflict with policy CS05.

The site is within short walking distance of the University and the City Centre, and the Mutley Plain shopping centre. Therefore the location is sustainable, and does not rely on car journeys to and from local services.

The reference to Drake's Leat in one of the letters of representation has been noted. The resident states that the leat runs through the front gardens of the properties. However, the submitted plans do not show any works to the front gardens.

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 states that it faces an acute accommodation problem for its students and is short by around 2000 beds. 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 for student accommodation.

Tensions between residents and students are not always easy to reconcile and attention has been drawn by Linda Gilroy MP to the Area Action Plan (AAP) which recognises this point. The AAP also states that it is almost inevitable that the student population will continue to increase in Mutley and Greenbank. 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.

One of the objectors has drawn the case officer's attention to criteria 3 of CS15 which states 'and where it will not harm the character of the area having regard to the existing number of converted and non-family dwellings in the vicinity', in order to demonstrate that there is too many non-family dwellings in the vicinity. This is noted, but it would appear that the application properties are too large for single family use.

VISUAL IMPACT

On the previous proposal (09/00768/FUL), the agent was advised that the design of the proposal would be unsuitable, which lead to the withdrawal of the application. The current proposal has been 'scaled down' from the previous proposal. The proposed extension is fairly small, and therefore is considered not to have an impact on the streetscene. The other proposed external alterations are also fairly minor and thus not considered to have an impact on the streetscene.

IMPACT ON RESIDENTIAL AMENITY

The proposed extension is fairly small in size, and would therefore have a minimal impact on the amenities of surrounding properties.

The letters of representation refer to bad behaviour by students and concern is raised over the lack of proposed manager/supervisor accommodation at the site. It is recommended that a management plan for the accommodation is secured by condition (this was a requirement on previous application 99/00100/FUL), in the interests of reducing behaviour which local residents might find offensive, in particular, reducing noise levels from the premises, and this may include on-site management.

Some of the letters of representation also refer to problems with waste disposal. They state that problems can occur when rubbish is put out before collection day. It is recommended that a condition is added that the bin store shown on the plans is provided and made available for use prior to the

occupation of the development. This should reduce the possibility of rubbish being put out before collection day.

STANDARD OF ACCOMMODATION

The proposed rooms all exceed the minimum acceptable room sizes advised by the City Council's Housing Department (this minimum size is 6.5 square metres). The rooms at the front (west) of the property, and at the south would have a good standard of natural light and outlook. The rooms on the north and east of the property are more restricted in terms of their light and outlook, but given the temporary and transient nature in which the proposed accommodation would be occupied (i.e. by students) it is considered that the rooms are fit for purpose.

There is a rear yard at the site, but it is fairly limited in size. It might be suitable for clothes drying, but for outdoor relaxation, occupants could go to the park across the street.

HIGHWAYS/PARKING

The Transport Officer notes that there is no off-street car parking proposed but the site is within close walking distance of the University campus and is also located within a controlled resident permit parking scheme. The property would be excluded from purchasing permits and visitor tickets for use within the scheme, thus preventing long stay on-street parking. Therefore, the proposal, with no off-street parking is acceptable (from a Transport point of view) in this location.

The applicant is proposing to provide storage for 11 cycles. The Transport Officer advises that this equates to a less than 50% provision which is the minimum requirement for student accommodation. Ideally the applicant would provide far in excess of this standard in order to encourage cycling as a travel option, especially when considering the lack of car parking. From viewing the submitted plans and from the site visit, it is doubtful that there is any space for further cycle storage. However, a condition should be applied in order to secure the provision of the cycle storage that has been shown on the plans.

OTHER ISSUES

The representation relating to the capacity of drainage is noted. In order to deal with this issue it is recommended that a condition is attached to any grant of planning permission that further details are provided in order to ensure that existing drainage, waste water and sewerage infrastructure is maintained and where necessary enhanced, as required by policy CS34.

The representation on blocking of the rear service lane is noted. However, at the time of the site visit green and brown bins had been put out, so it is considered that this is an existing problem and the proposed development would do nothing to worsen this situation.

It is recommended that the land contamination and construction phase management plan conditions recommended by the Public Protection Service are added. It is recommended that the 'good room criteria' matter is

addressed by an informative, as this matter is likely to be dealt with under Building Regulations.

Section 106 Obligations

The proposed development is liable for payments under the tariff system. A figure of £30971.85 has been calculated.

Equalities and diversities issues

None.

Conclusions

The proposal is recommended for conditional approval.

Recommendation

In respect of the application dated **14/09/2009** and the submitted drawings, **1630-12 Revision P01, 1630-13 Revision P01, 1630-14 Revision P01, 1630-15 Revision P01, 1630-16 Revision B, 1630-17 Revision P01, 1630-18 Revision P01, and accompanying Design and Access Statement**

, it is recommended to: **Grant conditionally subject to S106 Obligation**

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.

CYCLE PARKING PROVISION

(2) The development shall not be occupied until the secure and weatherproof cycle store shown on the approved plans has been provided and made available for use, for a minimum of 11 bicycles to be parked. This cycle parking area shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

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

BIN STORE PROVISION

(3) The bin store area shown on the approved plans shall be provided and made available for use prior to the occupation of the development hereby permitted, and 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 adequate bin store facilities are available for occupants, in the interest of general amenity, in accordance with policies CS15 and CS34 of the Plymouth Local Development Framework (2006-2021) 2007.

LAND QUALITY

(4) 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. 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; archaeological 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, CLR11'

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

Following completion of measures identified in the approved remediation scheme, a verification report (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, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CONSTRUCTION PHASE MANAGEMENT PLAN

(5) 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:

In the interests of general amenity and highway safety, in accordance with policies CS22, CS28, and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

STUDENT ACCOMMODATION

(6) The occupation of the accommodation hereby permitted shall be limited to students in full time education only unless otherwise agreed in writing by the Local Planning Authority.

Reason:

The accommodation is considered to be suitable for students in accordance with policies CS15 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, but its occupation by any other persons would need to be the subject of a further application to be considered on its merits.

MANAGEMENT PLAN

(7) Prior to the occupation of the building, details of the manner in which the approved student accommodation is to be managed (including possible on-site management) shall be submitted to and approved in writing by the Local Planning Authority. The accommodation shall be run in accordance with the approved details from the commencement of the use.

Reason:

In the interest of residential amenity, in accordance with policies CS15 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DRAINAGE DETAILS

(8) Prior to the commencement of the development hereby permitted, details of the means of drainage, waste water and sewerage for the site shall be forwarded to the Local Planning Authority for their approval in writing.

Reason:

In order to ensure that the development has the drainage, waste water and sewerage capacity to enable the development to proceed, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE: CONSTRUCTION PHASE MANAGEMENT PLAN

(1) With regards to condition 5 of this grant of planning permission, 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:

- 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.

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

INFORMATIVE: GOOD ROOM CRITERIA

(2) It is recommended that the development is carried out in accordance with BS8233:1999 to meet the 'good room criteria' for living spaces. Due to the nature of the development each bedroom should meet this criteria as well as the living areas of each flat. This is in order to protect the residents from noise generated by other residents of the building and to protect the general amenity of the area, given the high density of housing.

INFORMATIVE: PARTY WALL ACT

(3) The applicants are advised that this grant of planning permission does not over-ride private property rights or their obligations under the Party Wall etc. Act 1996.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: acceptability of proposed use at these premises, standard of proposed accommodation, impact on residential amenity, impact on the streetscene, highways/parking, contamination aspects 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 and Supplementary Planning 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 Government Policy Statements and Government Circulars, as follows:

PPS23 - Planning & Pollution Control
CS28 - Local Transport Consideration
CS33 - Community Benefits/Planning Obligation
CS34 - Planning Application Consideration
CS22 - Pollution
CS05 - Development of Existing Sites
CS01 - Sustainable Linked Communities
CS15 - Housing Provision
SPD1 - Development Guidelines

PLANNING COMMITTEE

Decisions issued for the following period: 10 December 2009 to 18 December 2009

Note - This list includes:

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

Item No 1

Application Number: 08/01700/OU **Applicant:** Messrs K A and M Leaves
Application Type: Outline Application
Description of Development: Outline application for demolition of existing commercial units and erection of 37 residential units, access road, car parking and associated works
Site LEAVES YARD, WINDSOR ROAD HIGHER COMPTON PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 16/12/2009
Decision: Grant Subject to S106 Obligation - Outline

Item No 2

Application Number: 09/00145/PR **Applicant:** Mr S Lee
Application Type: LDC Proposed Develop
Description of Development: Rear extension
Site 96A BILLACOMBE ROAD ELBURTON PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 16/12/2009
Decision: Issue Certificate - Lawful Use

Item No 3

Application Number: 09/00297/FUL **Applicant:** Midas Homes & Westco
Application Type: Full Application
Description of Development: Demolition of existing flats (Maisonettes) and provision of 129 residential units (92 houses, 37 flats) public open space and new streets
Site KER STREET DEVONPORT PLYMOUTH
Case Officer: Jeremy Guise
Decision Date: 10/12/2009
Decision: Grant Subject to S106 Obligation - Full

Item No 4

Application Number: 09/00640/FUL **Applicant:** The Parochial Church Council
Application Type: Full Application
Description of Development: Change of use from pedestrian area to car park for six cars with associated re-surfacing
Site ST ANDREWS CHURCH, ROYAL PARADE PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 11/12/2009
Decision: Refuse

Item No 5

Application Number: 09/00930/FUL **Applicant:** Midas Homes & Westco
Application Type: Full Application
Description of Development: Erection of 16 new dwellings and 1,500 sqm of B1 office space and associated parking (partial alternative to ref 07/02449/FUL approval)
Site FORMER BULL RING FLATS KER STREET PLYMOUTH
Case Officer: Jeremy Guise
Decision Date: 11/12/2009
Decision: Grant Subject to S106 Obligation - Full

Item No 6

Application Number: 09/01020/FUL **Applicant:** Ridgeway School
Application Type: Full Application
Description of Development: Erection of detached single storey double classroom building
Site RIDGEWAY SCHOOL, MOORLAND ROAD PLYMOUTH
Case Officer: Jon Fox
Decision Date: 14/12/2009
Decision: Grant Conditionally

Item No 7

Application Number: 09/01063/FUL **Applicant:** Sailors Grave Tattoo
Application Type: Full Application
Description of Development: Continue use of shop (Class A1) as tattoo studio
Site 14 MUTLEY PLAIN PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 16/12/2009
Decision: Refuse

Item No 8

Application Number: 09/01112/FUL **Applicant:** Mr Cotton
Application Type: Full Application
Description of Development: Second-floor rear extension to create sunroom
Site 33 SOUTHERN TERRACE PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 16/12/2009
Decision: Refuse

Item No 9

Application Number: 09/01171/31 **Applicant:** CSSC Ltd
Application Type: GPDO PT31
Description of Development: Town and Country Planning (General Permitted Development Order) (Prior Notification) 1995 - Section 31. Notice of proposed demolition (Prior approval), for demolition of pavilion and changing rooms.
Site CIVIL SERVICE SPORTS CLUB, RECREATION ROAD
BEACON PARK PLYMOUTH
Case Officer: Robert Heard
Decision Date: 10/12/2009
Decision: Prior approval not req PT24

Item No 10

Application Number: 09/01307/FUL **Applicant:** Mrs E Buckman
Application Type: Full Application
Description of Development: Two storey side extension (existing garage to be removed)
Site 23 FERN CLOSE PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 14/12/2009
Decision: Grant Conditionally

Item No 11

Application Number: 09/01355/FUL **Applicant:** Mr Richard Harris
Application Type: Full Application
Description of Development: Develop land by erection of detached dwelling with intergral private motor garage
Site LAND ADJ TO 40 WARLEIGH CRESCENT PLYMOUTH
Case Officer: Janine Warne
Decision Date: 16/12/2009
Decision: Refuse

Item No 12

Application Number: 09/01409/OU **Applicant:** Reliant Building Contractors Ltd
Application Type: Outline Application
Description of Development: Outline application to develop land by erection of 151 flats and 140 sqm of class A1 (retail) space, provide 157 car parking spaces (vehicular access via Friary Retail Park) and provide open amenity land (details of access, appearance, layout and scale submitted)
Site FORMER TOTHILL SIDINGS LAND SOUTH OF KNIGHTON ROAD PLYMOUTH
Case Officer: Robert Heard
Decision Date: 11/12/2009
Decision: Refuse

Item No 13

Application Number: 09/01411/PR **Applicant:** Mr Tony Bevan
Application Type: LDC Proposed Develop
Description of Development: Rear extension
Site 67 DUNRAVEN DRIVE PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 11/12/2009
Decision: Issue Certificate - Lawful Use

Item No 14

Application Number: 09/01431/FUL **Applicant:** Mr David Cross & Mrs Rowena
Application Type: Full Application
Description of Development: Single-storey front extension, first floor rear extension, two storey side extension (existing porch to be removed) and formation of rooms in roofspace.
Site 31 KNOWLE AVENUE PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 10/12/2009
Decision: Refuse

Item No 15

Application Number: 09/01441/FUL **Applicant:** Acer Landscaping Ltd
Application Type: Full Application
Description of Development: Smoking shelter, adj to access road leading to hospital main entrance
Site DERRIFORD HOSPITAL, DERRIFORD ROAD PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 18/12/2009
Decision: Grant Conditionally

Item No 16

Application Number: 09/01488/FUL **Applicant:** Mr Bruce Smith Wightman
Application Type: Full Application
Description of Development: Retention of rear raised decking
Site 204 KINGS TAMERTON ROAD PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 14/12/2009
Decision: Refuse

Item No 17

Application Number: 09/01497/FUL **Applicant:** Mr P Martin
Application Type: Full Application
Description of Development: Single-storey rear extension and conservatory
Site 7 LONG LEY PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 11/12/2009
Decision: Grant Conditionally

Item No 18

Application Number: 09/01499/FUL **Applicant:** Mr D Green
Application Type: Full Application
Description of Development: Two storey side extension
Site 9 OLD WOODLANDS ROAD PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 11/12/2009
Decision: Grant Conditionally

Item No 19

Application Number: 09/01500/FUL **Applicant:** Mr & Mrs Nateson
Application Type: Full Application
Description of Development: Rear conservatory
Site 110 LEATFIELD DRIVE PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 14/12/2009
Decision: Grant Conditionally

Item No 20

Application Number: 09/01501/FUL **Applicant:** Mr & Mrs Olsen Moore
Application Type: Full Application
Description of Development: Single-storey side porch and formation of front hardstanding
Site 11 LIPPELL DRIVE PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 14/12/2009
Decision: Grant Conditionally

Item No 21

Application Number: 09/01518/24 **Applicant:** Vodafone Ltd
Application Type: GPDO PT24
Description of Development: Determination as to whether prior approval is required for the siting and appearance of a 13.8m high column with 6 antennas and associated equipment cabinets
Site PLYMBRIDGE ROAD ESTOVER PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 11/12/2009
Decision: Prior approval not req PT24

Item No 22

Application Number: 09/01519/FUL **Applicant:** Mr James Nunn
Application Type: Full Application
Description of Development: Retention of raised decking area
Site 97 SEGRAVE ROAD PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 16/12/2009
Decision: Grant Conditionally

Item No 23

Application Number: 09/01522/FUL **Applicant:** Mr Peter Guilliat
Application Type: Full Application
Description of Development: Two-storey side extension
Site 33 GREENACRES PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 16/12/2009
Decision: Application Withdrawn

Item No 24

Application Number: 09/01526/FUL **Applicant:** Mr & Mrs Colin Brooks
Application Type: Full Application
Description of Development: Single-storey rear extension
Site 10 ELMWOOD CLOSE PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 16/12/2009
Decision: Grant Conditionally

Item No 25

Application Number: 09/01527/TP **Applicant:** Mr D Woodward
Application Type: Tree Preservation
Description of Development: Oak tree - prune back overhanging branches
Site 9 WARDLOW CLOSE PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 11/12/2009
Decision: Refuse

Item No 26

Application Number: 09/01529/FUL **Applicant:** Yacht Havens Group Ltd
Application Type: Full Application
Description of Development: Provision of glazed enclosures to outdoor seating areas
Site THE BRIDGE,33 SHAW WAY PLYMOUTH
Case Officer: Jon Fox
Decision Date: 16/12/2009
Decision: Refuse

Item No 27

Application Number: 09/01530/PR **Applicant:** Mr & Mrs Colin Meshier
Application Type: LDC Proposed Develop
Description of Development: Formation of room in roofspace with velux windows
Site 2 MANNAMEAD RISE, MANNAMEAD AVENUE PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 16/12/2009
Decision: Issue Certificate - Lawful Use

Item No 28

Application Number: 09/01539/ADV **Applicant:** The Boots Company
Application Type: Advertisement
Description of Development: One internally illuminated fascia advertisement, and one non illuminated aluminum panel
Site BOOTS 76 NEW GEORGE STREET PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 18/12/2009
Decision: Grant Conditionally

Item No 29

Application Number: 09/01541/FUL **Applicant:** Mrs Lucy Hume
Application Type: Full Application
Description of Development: External wheelchair platform stairlift, reconfiguration of access steps to front of property and associated works
Site 77 MOOR LANE PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 18/12/2009
Decision: Grant Conditionally

Item No 30

Application Number: 09/01546/PR **Applicant:** Mr Steve Osborne
Application Type: LDC Proposed Develop
Description of Development: Single storey extension on south elevation (existing tenement to be removed)
Site 56 NORTHAMPTON CLOSE WHITLEIGH PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 18/12/2009
Decision: Issue Certificate - Lawful Use

Item No 31

Application Number: 09/01556/FUL **Applicant:** Mr Ian Potts
Application Type: Full Application
Description of Development: Single-storey rear extension
Site 125 UNDERWOOD ROAD PLYMPTON PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 16/12/2009
Decision: Grant Conditionally

Item No 32

Application Number: 09/01557/FUL **Applicant:** Mr Paul James
Application Type: Full Application
Description of Development: Single-storey side extension to provide private motor garage and lobby/wc (existing structure to be removed)
Site 24 BROOMFIELD DRIVE PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 11/12/2009
Decision: Grant Conditionally

Item No 33

Application Number: 09/01563/FUL **Applicant:** Mr and Mrs R Boyes
Application Type: Full Application
Description of Development: Single-storey rear extension (existing conservatory to be removed) with new patio area
Site 24 GOWER RIDGE ROAD PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 18/12/2009
Decision: Grant Conditionally

Item No 34

Application Number: 09/01568/FUL **Applicant:** Mr David Lock
Application Type: Full Application
Description of Development: Single-storey side extension to provide porch
Site 33 BELLE VUE RISE HOOE PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 16/12/2009
Decision: Grant Conditionally

Item No 35

Application Number: 09/01580/FUL **Applicant:** N Hodgess
Application Type: Full Application
Description of Development: Disabled access ramp to front
Site 29 DARWIN CRESCENT PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 16/12/2009
Decision: Grant Conditionally

Item No 36

Application Number: 09/01592/FUL **Applicant:** Mr Fred 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 ELBURTON PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 16/12/2009
Decision: Refuse

Item No 37

Application Number: 09/01628/FUL **Applicant:** Mr Steven Newman
Application Type: Full Application
Description of Development: Two-storey rear extension
Site 264 ELBURTON ROAD PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 18/12/2009
Decision: Grant Conditionally

Item No 38

Application Number: 09/01630/FUL **Applicant:** Mr Paul McMullin
Application Type: Full Application
Description of Development: Provision of pitched roof to replace flat roof on existing private motor garage
Site 28 SHERFORD CRESCENT ELBURTON PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 18/12/2009
Decision: Grant Conditionally

Item No 39

Application Number: 09/01643/FUL **Applicant:** Mr and Mrs David Boon
Application Type: Full Application
Description of Development: Develop part of garden by erection of detached bungalow with garage attached
Site 62 LARKHAM LANE PLYMPTON PLYMOUTH
Case Officer: Jon Fox
Decision Date: 18/12/2009
Decision: Grant Conditionally

Item No 40

Application Number: 09/01678/FUL **Applicant:** Ms S Lock
Application Type: Full Application
Description of Development: Variation of condition 2 of planning permission 05/0007 to allow opening until 2100 and removal of condition 3 of planning permission 05/00007, relating to food type restrictions, to allow unrestricted use within use Class A3
Site 59 HYDE PARK ROAD PLYMOUTH
Case Officer: Janine Warne
Decision Date: 16/12/2009
Decision: Application Withdrawn

Item No 41

Application Number: 09/01684/TC **Applicant:** Dr Andy Potter
Application Type: Trees in Cons Area
Description of Development: Reduce willow tree by three metres and shape
Site 31 THORN PARK MANNAMEAD PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 18/12/2009
Decision: Grant Conditionally

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Application Number **09/00630/LBC**
Appeal Site **3 COLLINGWOOD VILLAS, COLLINGWOOD ROAD PLYMOUTH**
Appeal Proposal Retention of front gates and railings
Case Officer Janine Pomphrey

Appeal Category
Appeal Type Written Representations
Appeal Decision Dismissed
Appeal Decision Date 11/12/2009

Conditions
Award of Costs Awarded To

Appeal Synopsis

The Inspector concluded that the appeal scheme does not preserve the special architectural and historic interest of the listed building. The combined effect of the thickness of the horizontal rails, the ornamentation topping of the vertical panel end rails, the visual impact of the circular motif and its topping scroll work produce an eye catching boundary treatment which does not reflect the apparent Victorian style of the locality nor does it represent a satisfactory contemporary interpretation of the period. Even as a replacement for the former fence, the Inspector had no substantive evidence to conclude that the railings and gates, which impose themselves without precedent upon the streetscene, preserve or enhance the character or appearance of the Stoke Conservation Area. Therefore the Inspector dismissed both appeals (for Planning 09/00628/FUL and Listed Building 09/00630/LBC Consent).

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.