

# Public Document Pack



**BARRY KEEL**  
Chief Executive  
Floor 1 - Civic Centre  
Plymouth  
PL1 2AA

[www.plymouth.gov.uk/democracy](http://www.plymouth.gov.uk/democracy)

Date: 26/01/10 Telephone Enquiries 01752 307990 / Fax 01752 304819  
01752 307815  
Please ask for Ross Jago / Katey Johns e-mail [ross.jago@plymouth.gov.uk](mailto:ross.jago@plymouth.gov.uk) /  
[katey.johns@plymouth.gov.uk](mailto:katey.johns@plymouth.gov.uk)

## **PLANNING COMMITTEE**

**DATE: THURSDAY 4 FEBRUARY 2010**  
**TIME: 2.30 PM**  
**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 7 January, 2010.

**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.

6.1.224 SOUTHWAY DRIVE, SOUTHWAY, PLYMOUTH (Pages 9 - 14)  
09/01407/FUL

<b>Applicant:</b>	Mr Andrew Morris
<b>Ward:</b>	Southway
<b>Recommendation:</b>	Grant Conditionally

6.2.29 REGENT STREET, GREENBANK, PLYMOUTH (Pages 15 - 22)  
09/01856/FUL

**Applicant:** Mr & Mrs I Crabb  
**Ward:** Drake  
**Recommendation:** Grant Conditionally

6.3.1 ST LAWRENCE ROAD AND 14 (Pages 23 - 34)  
HOUNDISCOMBE ROAD, PLYMOUTH  
09/01302/FUL

**Applicant:** Mr Dave Hendy  
**Ward:** Drake  
**Recommendation:** Grant conditionally subject to  
S106 Obligation

6.4. WIDEWELL PRIMARY SCHOOL, LULWORTH (Pages 35 - 44)  
DRIVE, PLYMOUTH 09/01496/PRDE

**Applicant:** Mr James Welsh  
**Ward:** Southway  
**Recommendation:** Issue Certificate - Lawful Use  
Cert (Ex)

6.5. EATON BUSINESS PARK, PLYMBRIDGE ROAD, (Pages 45 - 56)  
ESTOVER, PLYMOUTH 09/01404/FUL

**Applicant:** The Una Group  
**Ward:** Moor View  
**Recommendation:** Grant conditionally subject to  
S106 Obligation delegated  
authority to refuse by 01/03/10

6.6. THE TIGER, 141A DORCHESTER AVENUE, (Pages 57 - 70)  
WHITLEIGH, PLYMOUTH 09/01736/FUL

**Applicant:** Langdale Developments (SW)  
Ltd  
**Ward:** Budshead  
**Recommendation:** Grant conditionally subject to  
S106 Obligation delegated  
authority to refuse by 12/03/10

6.7. THE LION AND COLUMN PUB, HAM GREEN (Pages 71 - 86)  
LANE, HAM DRIVE, PLYMOUTH 09/01753/FUL

**Applicant:** Langdale Developments (SW)  
Ltd  
**Ward:** Ham

**Recommendation:** Grant conditionally subject to S106 Obligation delegated authority to refuse by 23/03/10

6.8. FORMER SPORTS GROUND, STONEHOUSE ARENA, HARWELL STREET, PLYMOUTH 09/01651/FUL **(Pages 87 - 114)**

**Applicant:** The Guinness Trust  
**Ward:** St Peter & The Waterfront  
**Recommendation:** Grant conditionally subject to S106 Obligation delegated authority to refuse by 12/02/10

6.9. SOUTH TRELAWNY PRIMARY SCHOOL, JEDBURGH CRESCENT, PLYMOUTH 09/01708/FUL **(Pages 115 - 132)**

**Applicant:** Devon and Cornwall Housing Association  
**Ward:** Ham  
**Recommendation:** Grant conditionally subject to S106 Obligation, Delegated authority to refuse in event of S106 not signed by 22/02/10

6.10 HAYE QUARRY, STAG LANE, PLYMOUTH 09/01787/FUL **(Pages 133 - 138)**

**Applicant:** Aggregate Industries UK Limited  
**Ward:** Plymstock Dunstone  
**Recommendation:** Grant Conditionally

**7. PLANNING APPLICATION DECISIONS ISSUED (Pages 139 - 186)**

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 21 December 2009 to 22 January 2010 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 187 - 190)**

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

This page is intentionally left blank

## Planning Committee

Thursday 7 January, 2010

### PRESENT:

Councillor Lock, in the Chair.

Councillor Mrs. Stephens, Vice-Chair.

Councillors Mrs. Bowyer, Delbridge, M. Foster (substitute for Councillor Thompson), Fox, Mrs. Nicholson (substitute for Councillor Nicholson), Roberts, Stevens, Tuohy, Vincent and Wheeler.

Apologies for absence: Councillors Nicholson and Thompson.

The meeting started at 2.30 p.m. and finished at 4.45 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.*

### 69. 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
Councillor Roberts	73.6 – Widewell Primary School, Lulworth Drive, Plymouth 09/01496/PRDE	Ward Councillor	Personal
Councillor Stevens	73.10 – Land at 1-56 Raglan Road, Plymouth 09/01565/FUL	Spoken on previous application for similar development	Prejudicial

### 70. MINUTES

Resolved that the minutes of the meeting held of 10 December, 2009, be confirmed as a correct record, subject to the following amendment –

Minute 65.1 – the deletion of the footnote relating to the declaration of personal interests made by Councillors Stevens, Tuohy and Wheeler.

Minute 65.2 – the addition of the footnote relating to the declaration of personal interests made by Councillors Stevens, Tuohy and Wheeler.

### 71. CHAIR'S URGENT BUSINESS

#### **Application No. 09/01302/FUL – 1 St. Lawrence Road and 14 Houndiscombe Road, Plymouth**

The Chair advised Committee that, as a result of inaccuracies having been identified within the application, officers now wished to amend their recommendation so that the could be deferred for further consideration.

Resolved that the item be moved higher up the agenda for consideration immediately after the applications submitted by staff.

(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 seek a decision).

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

There were no questions from members of the public.

73. **PLANNING APPLICATIONS FOR CONSIDERATION**

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

Addendum reports were submitted in respect of minute numbers 73.1, 73.2, 73.3, 73.4, 73.5, 73.6, 73.9 and 73.10.

73.1 LAND REAR OF 12 ELFORD DRIVE, ORESTON, PLYMOUTH 09/01681/FUL  
(Mr. Peter Tracey and Ms. Julie McDonagh)

Decision:  
Application **GRANTED** conditionally.

73.2 LAND REAR OF 10 ELFORD DRIVE, ORESTON, PLYMOUTH 09/01682/FUL  
(Mr. Peter Tracey and Ms. Julie McDonagh)

Decision:  
Application **GRANTED** conditionally.

73.3 35 LYNWOOD AVENUE, PLYMPTON, PLYMOUTH 09/01712/FUL  
(Mr. N. Harman)

Decision:  
Application **GRANTED** conditionally.

73.4 34 DOWNHAM GARDENS, TAMERTON FOLIOT, PLYMOUTH 09/01696/FUL  
(Mr. K. Pethick)

Decision:  
Application **GRANTED** conditionally, with the addition of two extra conditions (3) and (4) as set out within the addendum report.

73.5 1 ST. LAWRENCE ROAD AND 14 HOUNDISCOMBE ROAD, PLYMOUTH  
09/01302/FUL

(Mr. Dave Hendy)  
Decision:  
Application **DEFERRED** for further consideration.

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

(At the invitation of the Chair, the Committee heard representations in support of the application on behalf of the applicant).

73.6 WIDEWELL PRIMARY SCHOOL, LULWORTH DRIVE, PLYMOUTH  
09/01496/PRDE

(Mr. James Welsh)  
Decision:  
Application **MINDED TO REFUSE.\***

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

(At the invitation of the Chair, the Committee heard representations in support of the application on behalf of the applicant).

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



\*Having initially voted against the officer's recommendation to Grant Conditionally (see voting schedule annexed to these minutes), the Committee accepted the officer's proposal to be Minded to Refuse and subsequently changed its vote in order to provide the opportunity for further examples of case law to be studied.

73.7 DRIFT COTTAGE, BORINGDON ROAD, TURNCHAPEL, PLYMOUTH  
09/01293/FUL  
(Mr. M. Wixey)  
Decision:  
Application **GRANTED** conditionally.

73.8 DRIFT COTTAGE, BORINGDON ROAD, TURNCHAPEL, PLYMOUTH  
09/01294/CAC  
(Mr. M. Wixey)  
Decision:  
Application **GRANTED** conditionally.

73.9 LAND AT PLEASURE HILL CLOSE, PLYMOUTH 09/01235/FUL  
(Donson Ltd.)  
Decision:  
Application **REFUSED**.

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

(At the invitation of the Chair, the Committee heard representations in support of the application on behalf of the applicant).

73.10 LAND AT 1-56 RAGLAN ROAD, PLYMOUTH 09/01565/FUL  
(Risesign Ltd.)  
Decision:  
Application **REFUSED**.

(At the invitation of the Chair, the Committee heard from Councillor Stevens, Ward Member, speaking against the application. Having declared a prejudicial interest in respect of the matter, he then withdrew from the meeting).

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

#### 74. **PLANNING APPLICATION DECISIONS ISSUED**

The Committee received a report of the Assistant Director of Development (Planning Services) on decisions issued for the period 10 to 18 December, 2009, including –

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

Resolved that the report be noted.

#### 75. **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.

76. **EXEMPT BUSINESS**

There were no items of exempt business.

**SCHEDULE OF VOTING** (Pages 1 - 2)

\*\*\*PLEASE NOTE\*\*\*

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

## PLANNING COMMITTEE

DATE OF MEETING – 7 January, 2010

## SCHEDULE OF VOTING

Minute No.	Voting For	Voting Against	Abstained	Excluded from voting due to Interests Declared	Absent
73.1 Land rear of 12 Elford Drive, Oreston, Plymouth 09/01681/FUL Officer's recommendation	Councillors Mrs. Bowyer, Delbridge, M. Foster, Fox, Lock, Roberts, Mrs. Stephens, Stevens, Tuohy, Vincent and Wheeler.				Councillor Mrs. Nicholson
73.2 Land rear of 10 Elford Drive, Oreston, Plymouth 09/01682/FUL Officer's recommendation	Councillors Mrs. Bowyer, Delbridge, M. Foster, Fox, Lock, Roberts, Mrs. Stephens, Stevens, Tuohy, Vincent and Wheeler.				Councillor Mrs. Nicholson
73.3 35 Lynwood Avenue, Plympton, Plymouth 09/01712/FUL Officer's recommendation	Councillors Mrs. Bowyer, Delbridge, M. Foster, Fox, Lock, Roberts, Mrs. Stephens, Stevens, Tuohy, Vincent and Wheeler.				Councillor Mrs. Nicholson
73.4 34 Downham Gardens, Tamerton Foliot, Plymouth 09/01696/FUL Officer's recommendation	Councillors Mrs. Bowyer, Delbridge, M. Foster, Fox, Lock, Roberts, Mrs. Stephens, Stevens, Tuohy, Vincent and Wheeler.				Councillor Mrs. Nicholson
73.5 1 St. Lawrence Road and 14 Houndiscombe Road, Plymouth 09/01302/FUL Officer's amended recommendation	Councillors Mrs. Bowyer, Delbridge, M. Foster, Fox, Lock, Roberts, Mrs. Stephens, Stevens, Tuohy, Vincent and Wheeler.				Councillor Mrs. Nicholson
73.6 Widewell Primary School, Lulworth Drive, Plymouth 09/01496/PRDE Officer's recommendation (as per report)	Councillors Mrs. Bowyer, Lock, Mrs. Stephens and Wheeler.	Councillors Delbridge, M. Foster, Fox, Roberts, Stevens, Tuohy and Vincent.	Councillor Mrs. Nicholson		
Officer's amended recommendation (see minute)*	Councillors Delbridge, M. Foster, Fox,	Councillors Mrs. Bowyer, Lock and Mrs. Stephens.	Councillors Mrs. Nicholson		

Minute No.	Voting For	Voting Against	Abstained	Excluded from voting due to Interests Declared	Absent
	Roberts, Stevents, Tuohy and Vincent.		and Wheeler.		
73.7 Drift Cottage, Boringdon Road, Turnchapel, Plymouth 09/01293/FUL Officer's recommendation	Councillors Mrs. Bowyer, M. Foster, Fox, Lock, Mrs. Nicholson, Roberts, Mrs. Stephens, Tuohy, Vincent and Wheeler.				Councillors Delbridge and Stevens.
73.8 Drift Cottage, Boringdon Road, Turnchapel, Plymouth 09/01294/CAC Officer's recommendation	Councillors Mrs. Bowyer, M. Foster, Fox, Lock, Mrs. Nicholson, Roberts, Mrs. Stephens, Tuohy, Vincent and Wheeler.				Councillors Delbridge and Stevens.
73.9 Land at Pleasure Hill Close, Plymouth 09/01235/FUL Officer's recommendation	Unanimous.				
73.10 Land at 1-56 Raglan Road, Plymouth 09/01565/FUL	Councillors Mrs. Bowyer, Delbridge, M. Foster, Fox, Lock, Mrs. Nicholson, Mrs. Stephens, Tuohy, Vincent and Wheeler.			Councillor Stevens	Councillor Roberts

## 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.

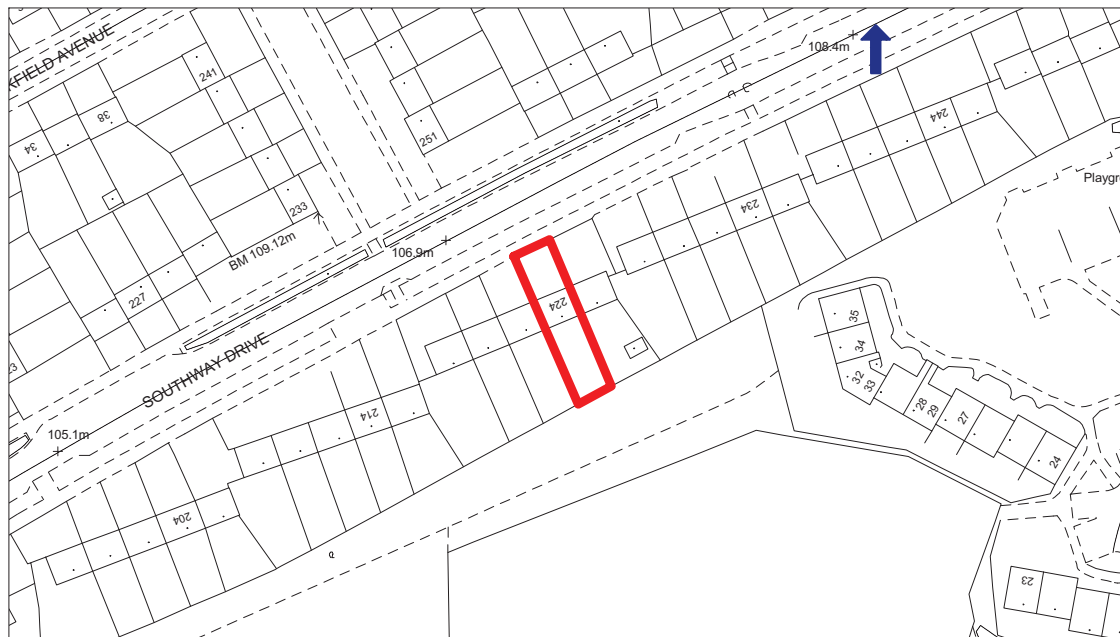
**Decisions contrary to Officer recommendation**

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: 01**

<b>Application Number:</b>	09/01407/FUL
<b>Applicant:</b>	Mr Andrew Morris
<b>Description of Application:</b>	Single-storey front extension
<b>Type of Application:</b>	Full Application
<b>Site Address:</b>	224 SOUTHWAY DRIVE PLYMOUTH
<b>Ward:</b>	Southway
<b>Valid Date of Application:</b>	19/10/2009
<b>8/13 Week Date:</b>	<b>14/12/2009</b>
<b>Decision Category:</b>	Member/PCC Employee
<b>Case Officer :</b>	Thomas Westrope
<b>Recommendation:</b>	Grant Conditionally
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



(c) Crown Copyright. All rights reserved. Plymouth City Council Licence No. 100018633 Published 2010 Scale 1:1250

## OFFICERS REPORT

### Site Description

224 Southway Drive is a mid-terraced dwellinghouse in the Southway area of Plymouth. The applicant's property and its terrace are located to the south of Southway Drive and are set significantly lower than the road. Most of the gardens are terraced with steps for access.

### Proposal Description

Single-storey front extension

### Relevant Planning History

03/01367/FUL - Vehicle Hardstanding in front garden ~ Refused

07/02025/FUL – Vehicular Hardstanding ~ Refused

### Consultation Responses

Plymouth City Airport – No objection given the information provided.

### Representations

Two letters of representation have been received from the neighbouring property, 222 Southway Drive. One relates to the application as originally submitted and one to the amended scheme now before committee.

The first letter (relating to the original proposal) objects on the grounds of impact to daylight/sunlight, detriment to the visual amenity of the area and impact to property value. It notes that the properties on this side of the road already suffer from low levels of light due to the elevated road position and that this would be the only extension of its type on this side of the road. It also notes that a previous planning permission for a vehicular hardstanding has been refused for similar reasons.

The second letter (relating to the amended scheme) raises the additional objections that the proposal will result in the additional use of lights (at expense) by 222 Southway Drive, and that the proposal creates an additional security risk with the potential use of the roof by thieves. It notes that although the proposal has been reduced in projection it is now located closer to the boundary and reiterates the objections in the original letter.

Impact to property value is not a material planning consideration but the other points raised are addressed in the analysis below.

### Analysis

The proposal before committee has been amended from the original scheme in order to reduce the projection from the front of the building (from 2.14 metres) and improve the overall mass, appearance and design. It now projects by approximately 1.53 metres and is approximately 3.66 metres wide.

### Visual Amenity



It is considered that the proposed extension is sympathetic in form, detailing and materials to the existing property and does not detract significantly from the character and appearance of the area.

The proposal is larger than would normally be expected from a front porch structure. However, the pitched roof relates well to the upper floor windows and the front elevation incorporates a window that helps to break up its mass. The proposal does not project by much more than 1.5 metres and is not wider than half of the dwelling. The fronts of the properties are set down from the road and it is therefore considered that the proposal would not create a dominating or imposing feature in the streetscene.

### Impact to Neighbouring Amenity

It is considered that there will be no significant loss of privacy (subject to condition), outlook or sunlight/daylight to adjacent properties. The west elevation of the proposal is considered to have the potential to reduce the neighbour's privacy significantly if a window were inserted at a later date. It is recommended, therefore, that a condition be attached to any permission to ensure that any windows are obscured glazed and non-opening.

The proposal is likely to result in the loss of some daylight into the main living room window of the neighbouring property, 222 Southway Drive, however the detriment is not considered to be significant enough to warrant refusal. The proposal is approximately 0.5 metres short of the 45 degree guideline given in the Development Guidelines SPD when taken from the adjacent living room window. In addition, the proposal is to the north east of the window so no direct sunlight will be lost.

### Precedent

The refusal of a hardstanding at the applicant's property is not considered to set a precedent for the refusal of this application. The impact to the neighbouring property from this application is considered to be of a different nature to that of the hardstanding. This application should therefore be determined on its own merits.

### Designing Out Crime

Whilst designing out crime is a material planning consideration, the ability for individuals to be allowed to develop their properties must also be taken into account. Proposals such as this are commonplace within the City and it is considered that it would not be reasonable to refuse this application on the basis of increased risk of crime.

In addition the proposal is considered to satisfy all of the other criteria of Policy CS34 of the Core Strategy.

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**

This proposal will enable a downstairs WC to be created at the property as a facility for a disabled child. The proposal may also have impact on the amenity currently enjoyed by the neighbouring dwelling.

### **Section 106 Obligations**

None

### **Conclusions**

This application is recommended for conditional approval.

### **Recommendation**

In respect of the application dated **19/10/2009** and the submitted drawings, **Amended Plan (Title: Existing Plan Elevation) Received 26 Nov 2009, Amended Elevation (Title: Existing Front Elevation) Received 26 Nov 2009, Amended Elevation (Title: Existing Side Elevation (West)) Received 26 Nov 2009, Amended Elevation (Title: Existing Side Elevation) Received 26 Nov 2009, Amended Plan (Title: Proposed Plan Elevation) Received 26 Nov 2009, Amended Elevation (Title: Proposed Front Elevation) Received 26 Nov 2009, Amended Elevation (Title: Proposed Side Elevation (West)) Received 26 Nov 2009, Amended Elevation (Title: Proposed Side Elevation (East)) Received 26 Nov 2009, Amended Block Plan Received 26 Nov 2009, Amended Block Plan Received 26 Nov 2009, and Site Location Plan , 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.

**OBSCURE GLAZING REQUIREMENT**

(2) 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, specifically The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008) and Class A of Part 1 of Schedule 2 to that order, all window(s) in the south west elevation (facing 222 Southway Drive) of the

extension hereby permitted shall at all times be obscure glazed and non-openable.

Reason:

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

**INFORMATIVE: PROPERTY RIGHTS**

(1) 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: neighbouring amenity and impact to the streetscene, 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

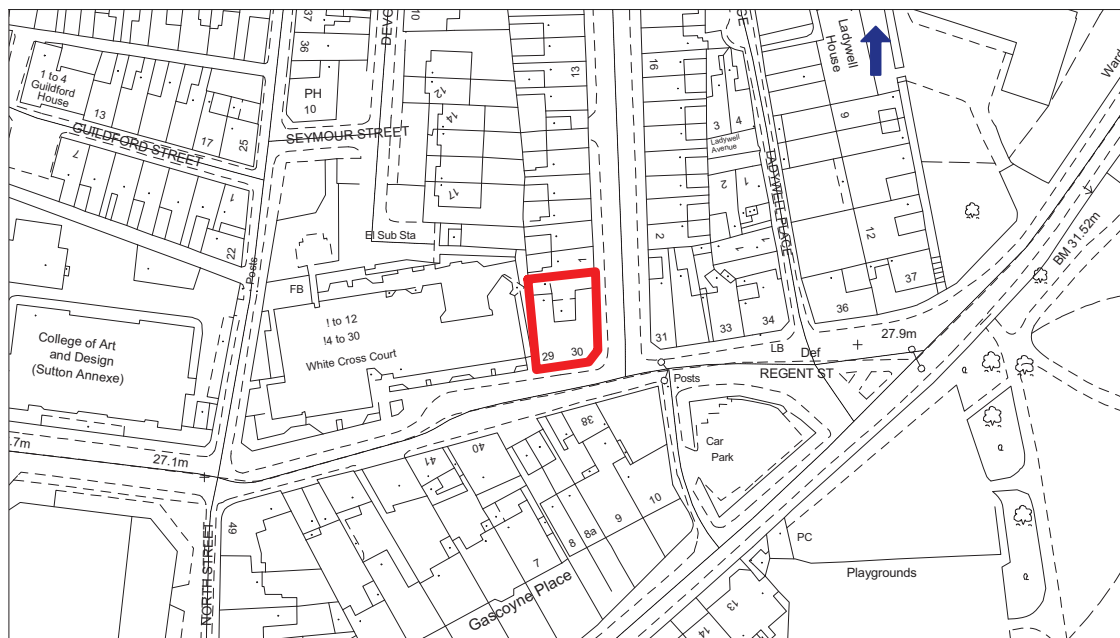
CS02 - Design

SPD1 - Development Guidelines

This page is intentionally left blank

**ITEM: 02**

<b>Application Number:</b>	09/01856/FUL
<b>Applicant:</b>	Mr & Mrs I Crabb
<b>Description of Application:</b>	Change of use and conversion of ground floor offices with residential above to form two units of student accommodation (two cluster units). (Revised scheme)
<b>Type of Application:</b>	Full Application
<b>Site Address:</b>	29 REGENT STREET PLYMOUTH
<b>Ward:</b>	Drake
<b>Valid Date of Application:</b>	15/12/2009
<b>8/13 Week Date:</b>	<b>09/02/2010</b>
<b>Decision Category:</b>	Member Referral
<b>Case Officer :</b>	Kate Saunders
<b>Recommendation:</b>	Grant Conditionally
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



(c) Crown Copyright. All rights reserved. Plymouth City Council Licence No. 100018633 Published 2010 Scale 1:1250

## **OFFICERS REPORT**

### **Site Description**

29-30 Regent Street is a large period style property located in the Greenbank area of the City. The property is currently vacant but was previously used as offices for a lettings agency on the ground floor. The upper floors appear to have been used as a house in multiple occupation. The property is located within a predominantly residential area.

### **Proposal Description**

Change of use and conversion of ground floor offices with residential above to form two units of student accommodation (two cluster units). (Revised Scheme)

### **Relevant Planning History**

09/01070/FUL - Change of use and conversion of ground-floor offices with residential above to form two units of student accommodation providing 15 bedrooms in total – Refused

00/00447/FUL - Change of use of first and second floors to maisonette – Granted conditionally

### **Consultation Responses**

**Highways Authority** – No objections subject to conditions

**Public Protection Service** – No objections subject to conditions

**Housing Strategy and Renewal** – No objections subject to amendment

### **Representations**

Four letters of representation received. The main issues raised are:

- Lack of parking
- Anti-social behaviour (noise, graffiti and damage to vehicles)
- Disruption while building works are carried out
- Overdevelopment
- Poor quality accommodation
- Loss of employment
- Drainage problems

### **Analysis**

This application turns on policies CS15, CS28, CS33, and CS34 of the Core Strategy, and Supplementary Planning Document 1 – Development Guidelines.

The main issues to consider with this application are: the effect on the amenities of neighbouring properties, the impact on the character and visual amenity of the area and highway safety.

This application is being brought before committee as a result of a member referral. The previous application was considered before committee in December and recommended for refusal.

The application has been revised following the previous refusal to take in to account concerns raised by members regarding the size of the bedrooms and quality of accommodation provided. The minimum room size provided as part of the previous scheme was 8.3sqM.

The property will still be split in to two student houses but the overall number of bedrooms has been reduced from 15 to 13. Each unit will now have a communal kitchen and lounge on the ground floor. Additional communal study areas will be created on both the first and second floor landings in place of the previous bathrooms. All bedrooms will now have en-suite facilities.

#### THE PRINCIPLE OF THE PROPOSED DEVELOPMENT

With regards to policy CS05, it is understood that the offices have been vacant for several months, and therefore are not considered a viable employment site. It is therefore considered that there will be no loss of active employment use, and thus no conflict with policy CS05.

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; the Area Action Plan states that it is almost inevitable that the student population will continue to increase in Mutley and Greenbank, but a key issue here is whether, on balance, the proposal helps deliver a sustainable community in accordance with Core Strategy Policy CS01 (Development of Sustainable linked Communities) and Policy CS15 (Overall Housing Provision). It is considered that the principle of student accommodation here is acceptable in terms of these policies, for the reasons given above.

### STANDARD OF ACCOMMODATION.

The changes to the proposal following the previous refusal have significantly improved the quality of the accommodation provided. Each communal lounge and kitchen will measure just over 32sqM with the study areas providing additional shared space. Each student bedroom is considered to be of a suitable size, information provided by the City Council's Housing Department "Licensing of Houses in Multiple Occupation-Application Guidance and Standards 2009", note that a minimum size of 6.5sqM is required for a bedroom where a shared lounge and kitchen are provided. The bedrooms provided as part of the proposal range in size from 10.7sqM to 13.6sqM well above the minimum requirement. In addition each bedroom is considered to have adequate natural light and outlook. Furthermore a small yard will be provided which will be adequate for drying clothes and bin storage.

The housing department noted that corridors should be provided to access the bedrooms on the first and second floors. This has been addressed by the agent and amended plans submitted.

### IMPACT ON AMENITY

In terms of privacy, there is considered to be no impact on the surrounding properties. As the previously proposed extension has been deleted, the proposal is now considered to be satisfactory to policies CS15 and CS34 of the Core Strategy.

Some of the letters of representation refer to noise and disturbance from student behaviour. It is therefore recommended that a condition is added requesting the submission of a management plan for the building, in the interest of lessening the potential for noise and disturbance to occur.

A 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.

### IMPACT ON STREETSCENE



The existing property had been in commercial use for some time. Its elevation to Regent Street is very symmetrical – its shopfront style windows at ground floor level being balanced with the arrangement of windows at first and second floor levels. The proposed conversion involves the installation of new windows however a symmetrical arrangement will be retained. The proposal will therefore have a minimal impact on the streetscene. The proposal is therefore satisfactory to Core Strategy Policy CS34.

#### HIGHWAYS/PARKING

The highways officer notes that they have no objections to the proposal. The officer suggests that conditions should be imposed to ensure that the cycle storage area is retained and that the property is limited to student occupation. In addition an informative will highlight to the applicant that the property will be excluded for the residents parking scheme.

#### TARIFF CONTRIBUTIONS

A review of the way proposals for student accommodation should be described and publicised has recently taken place, with a view to finding a consistent approach to this matter. The outcome is that student accommodation applications should be classified by 'cluster' (i.e. rooms sharing a lounge/communal area). In the case of the current application, only two clusters are being applied for, which results in the proposed development not triggering payments under the tariff system.

#### CONTAMINATED LAND

The Public Protection Service has recommended a condition relating to land quality which will oblige the applicant to undertake appropriate assessments should any unexpected contamination be found on site. In addition a condition requesting a code of practice was also suggested however this is considered unnecessary given that the proposal limits external alterations to the insertion of new windows. A further condition relating to the Good Room Criteria is also proposed this cannot be covered by condition but will be highlighted to the applicant by means of an informative.

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 is not considered to be detrimental to the amenities of neighbouring properties, impact on the character or appearance of the area or

raise any highway safety issues. The proposal is therefore recommended for approval.

### **Recommendation**

In respect of the application dated **15/12/2009** and the submitted drawings, **Location plan, 32:01:09, 32:02:09, 32:03:09, 32:04:09B, 32:05:09B, 32:06:09B, 32:07:09, 32:08:09D, 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.

#### **STUDENT ACCOMMODATION**

(2) 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 for consideration on its merits.

#### **MANAGEMENT PLAN**

(3) 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.

#### **CYCLE STORAGE**

(4) The secure area for storing cycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

To ensure that there are secure storage facilities available for occupiers of or visitors to the building. in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### LAND QUALITY

(5) 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 then 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.

#### DRAINAGE DETAILS

(6) 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 - GOOD ROOM CRITERIA**

(1) 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 - RESIDENTS PARKING SCHEME**

(2) The applicant's attention is drawn to the fact that the property lies within a residents parking permit scheme which is currently over-subscribed. As such the property will be excluded from obtaining permits, including visitor tickets for use within this scheme.

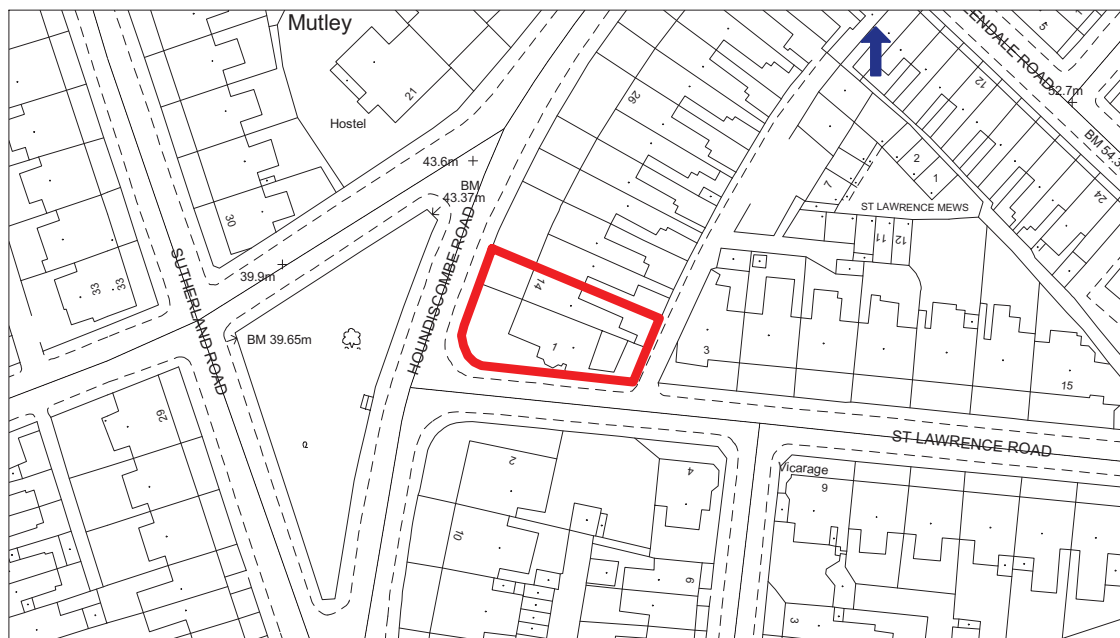
**Statement of Reasons for Approval and Relevant Policies**

Having regard to the main planning considerations, which in this case are considered to be: effect on neighbouring properties, principle of proposed development, standard of proposed accommodation, impact on character and appearance of area, and highway safety, 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  
CS05 - Development of Existing Sites  
CS01 - Sustainable Linked Communities  
CS15 - Housing Provision  
SPD1 - Development Guidelines

**ITEM: 03**

<b>Application Number:</b>	09/01302/FUL
<b>Applicant:</b>	Mr Dave Hendy
<b>Description of Application:</b>	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.
<b>Type of Application:</b>	Full Application
<b>Site Address:</b>	1 ST LAWRENCE ROAD AND 14 HOUNDISCOMBE ROAD PLYMOUTH
<b>Ward:</b>	Drake
<b>Valid Date of Application:</b>	14/09/2009
<b>8/13 Week Date:</b>	<b>09/11/2009</b>
<b>Decision Category:</b>	Assistant Director of Development Referral
<b>Case Officer :</b>	Kate Saunders
<b>Recommendation:</b>	Grant conditionally subject to S106 Obligation
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



(c) Crown Copyright. All rights reserved. Plymouth City Council Licence No. 100018633 Published 2010 Scale 1:1250

## OFFICERS REPORT

This application was considered by Planning Committee at its meeting of 10 December when determination was deferred for a site visit. It was hoped that the item would be reconsidered by Committee at the January meeting however the item was recommended for deferral due to the discovery of a late inconsistency in the submitted plans. The report below is the same as that presented to the December meeting but amended to include the matters raised in addendum and oral reports.

### **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 a 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**

14 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
12. The application would erode further prospects for building a sustainable, mixed use, balanced community in the area surrounding Houndiscombe Gardens including St Lawrence Road, Sutherland Road and Houndiscombe Road as part of the Mutley/Greenbank area as a whole;
13. Harm the character of the area having regard to the existing excessive number of converted and non-family dwellings in the vicinity occupied by students;
14. Contribute to the further concentration of non-family dwellings which could continue to change the character of the neighbourhood for the worse and make it more difficult to achieve the desirable range and mix of dwelling types.

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 and Supplementary Planning Document 1 – Development Guidelines. 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.

Furthermore it is considered that this application alone would not create the demographic imbalance referred to by the objector. The application proposes a relatively insignificant number of additional units of student accommodation when compared to the existing levels of student accommodation and converted non-family units in the area. Certainly this application alone would not significantly impact upon the demographic character of the area and whilst

it is accepted that levels of student accommodation in Mutley and Greenbank are high (due to the close proximity of the University), this is a minor application and there is no adopted policy that would restrict student numbers or development in this area of Plymouth.

In addition reference is made in an objector's letter to the Mutley and Greenbank Sustainable Neighbourhood Assessment this is not an adopted policy document, merely being an evidence base that is used to inform policy review and development. The application is not contrary to any adopted planning policy within the Local Development Framework Core Strategy, which is the adopted planning policy document that covers the city.

#### VISUAL IMPACT

On the previous proposal (09/00768/FUL), the agent was advised that the design of the proposal would be unsuitable, which led 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 "Licensing of Houses in Multiple Occupation: Application Guidance and Standards 2009" (this minimum size is 6.5 square metres). The smallest room as part of the proposal measures 10.2 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**

Officers have reconsidered the tariff payment and this has been calculated on the basis that there is a net gain of 6 residential units at the site. The site is currently arranged as 1 multiple occupancy unit and an office; the application proposes a total of 7 residential units (arranged over 3 floors and proposing a mix of different units containing a different number of bedroom spaces), so the net gain at the site is 6 units. The Tariff breakdown is as follows:

**4 x 1 bed units**

£22, 436

Management Fee £1121

Total £23, 557

**2 x 5 bed units**

£24, 372

Management Fee £1218

Total £25, 590

Combined Total £49, 147

The combined total is charged at 50% in accordance with measures introduced by the Local Planning Authority to stimulate market recovery. This results in a figure of **£24, 573**

**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, 1630-113 Revision B, 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.

**INFORMATIVE: RESIDENTS PERMIT PARKING**

(4) The applicant's attention is drawn to the fact that the property lies within a residents parking permit scheme which is currently over-subscribed. As such the property will be excluded from obtaining permits, including visitor tickets for use within this scheme.

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

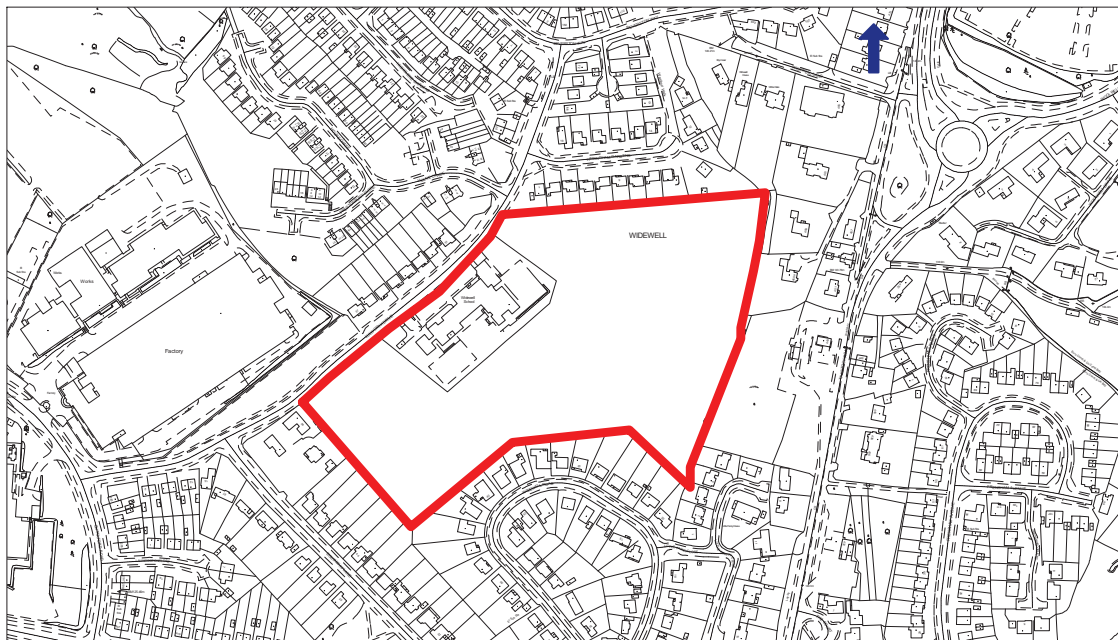
Having regard to the main planning considerations, which in this case are considered to be: acceptability of proposed use at these premises, standard of proposed accommodation, impact on residential amenity, impact on the streetscene, highways/parking, contamination aspects the proposal is not considered 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



**ITEM: 04**

<b>Application Number:</b>	09/01496/PRDE
<b>Applicant:</b>	Mr James Welsh
<b>Description of Application:</b>	Provision of fence 8 metres from the public highway in Lulworth Drive (application for LDC for proposed development)
<b>Type of Application:</b>	LDC Proposed Develop
<b>Site Address:</b>	WIDEWELL PRIMARY SCHOOL, LULWORTH DRIVE PLYMOUTH
<b>Ward:</b>	Southway
<b>Valid Date of Application:</b>	17/11/2009
<b>8/13 Week Date:</b>	<b>12/01/2010</b>
<b>Decision Category:</b>	Member Referral
<b>Case Officer :</b>	Karen Gallacher
<b>Recommendation:</b>	Issue Certificate - Lawful Use Cert (Ex)
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



(c) Crown Copyright. All rights reserved. Plymouth City Council Licence No. 100018633 Published 2010 Scale 1:5000

This application was presented to the Planning Committee on 7 January 2010. At that meeting, committee members were minded to refuse the application, but deferred making a decision in order that they could give further consideration to previous case law relating to the erection of fencing.

Legal Services has provided additional commentary on case law as follows:

**BRIEFING NOTE**

**Re: Widewell Primary School, Lulworth Drive, Plymouth**

**Application for Lawful Development Certificate**

An application for a Lawful Development Certificate was made on 17 November 2009. The application was supported by the necessary requisite information in accordance with Section 192 (3) of the Town and Country Planning Act 1990, namely (A) The applicant is required in the application to specify the land to which it relates. (B) Describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 55 (2) (F) identifying it by reference to that class. (C) Give the reasons for determining the use or operations to be lawful and (D) specify the date of the application for the certificate. **All of these requirements were satisfied by the applicant.**

The application was subsequently considered by both the Case Officer (Planning Service) and the Council's Legal Service. It was concluded by officers that the supporting evidence supplied by the applicant satisfied the requirements stipulated in Section 192(2) of the Town and Country Planning Act 1990 and the criteria contained within the Town and Country Planning (General Permitted Development) Order 1995 and the Case Officer was subsequently advised accordingly.

The Case Officer however was unable to determine the matter and issue a certificate, due to a Member request for referral to Committee being made. As a result the application was then brought before Planning Committee, being reported on 7 January 2010. The Case Officer's Addendum Report included a consultation from Legal Services advising that as the application had been made in accordance with Section 192 (2) of the Town and Country Planning Act 1990, and the Local Planning Authority had been provided with information satisfying them that the use or operations described in the application were lawful, if instituted or begun at the time of the application, they should issue a Certificate to that effect, as stipulated in Section 192(3) of the Town and Country Planning Act 1990. Prior to making the decision both the Case Officer and Legal Services considered substantive case law totaling more than 20 cases in connection with the lawfulness of the application. This included the definition of the word "adjacent" to a highway as referred to in Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 1995, as development is not permitted by Class A.1(a) "if the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed one metre above ground level". The case law pertaining to the issue of whether or not a fence is adjacent to the highway quite clearly demonstrates that although a wall or fence does not actually have to touch the edge of a highway, and may be some distance back, it has to be close enough to have the perceived function of forming a boundary between a highway and a property. The legal definition of the word

“adjacent” is ‘laying near or close by, but not necessarily connected’. This differs from the term ‘adjoining’ for example which means “touching at some point or along a line, contiguous’. Both terms are defined in Websters New Word College Dictionary

It should be noted that in 1988 the word “adjacent” as incorporated within the Town and Country (General Permitted Development)Order 1995 replaced the word “abutting” used in previous orders.

The case of (South Oxfordshire DC 25/11/99 DCS No 034-715-308) determined that a distance of six metres from a highway constituted being adjacent. However the difference in this case from the situation at Widewell, was that it was in a countryside location. It was therefore considered that six metres was not a significant distance in this specific context and therefore it did amount to development adjacent to the highway. All of the other cases researched could not be directly compared to the current application, as the distance from the highway was considerably less than 8 metres, in most of the cases, and in some cases where distances of up to 10 metres have been considered to be adjacent, the land has been part of the adopted highway.

**Where the land is in private ownership and not part of the highway, case law indicates that distances of between 45 cm and 5 metres have not been considered adjacent, which is the case in this application.**

Another significant consideration as mentioned in the case officer’s report appears to be whether there is any feature between the fence and the highway. **Again case law has shown that 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 not adjacent. In this case there is an existing chain link fence and hedge along a significant section of land between the fence and pavement.**

The current legal position can be illustrated by two cases: *Simmonds and Others v Secretary of State for the Environment and Rochdale Metropolitan District Council* (Divisional Court of Queen's Bench November 5 1980) and *Cleethorpes Borough Council v Forrester* (1987). In the latter case it was stated that even a "reasonably limited setting back" of the wall in question would have allowed permitted development rights to be relied upon. **An article in the Journal of Planning and Environment Law (June 1999 pp 569-571) following the re-wording brought about by the introduction of the Town and Country Planning (General Permitted Development Order) 1995 supports a distance of 1.5m from a highway being the general maximum regarded as falling within the "adjacent" exemption.**

Whilst it has to be emphasised that each individual case is considered on the basis of "fact and degree", the case law, studied by both the Case Officers, is not supportive of the fence in question being "adjacent" to the highway. Therefore, as stated previously, if the requirements of Section 192(2) of the Town and Country Planning Act 1990 have been complied with, then an appropriate Certificate should be issued.

In conclusion should Members decide not to approve the Officer's recommendation, culminating in refusal to grant a Certificate, then Section

195(1) of the Town and Country Planning Act 1990 provides for an appeal to the Secretary of State. An appeal can be made where an application is refused in whole or in part, or in the event of non-determination within eight weeks. Such appeals fall within the categories to be determined by an Inspector, rather than the Secretary of State, unless the Secretary of State decides to recover jurisdiction. So far as the mode of appeal is concerned, a public local inquiry will generally be held where facts are at issue or in dispute and, as with all other appeals, costs may be awarded on the basis of unreasonable conduct; for example where a Planning Authority refuses a Certificate where the weight of evidence should have made it clear that the applicant had discharged his burden of proof.

Aside from the above members should also note that there is a further appeal to the High Court under Section 288 of the Town and Country Planning Act 1990, challenging a decision of the Secretary of State made under S195(1). The procedure is open to any "person aggrieved" by the decision.

Having fully reviewed the case law, officers would strongly recommend granting the lawful development certificate.

The report below is the same as that presented on 7 January 2010.

## **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:  
**Issue Certificate - Lawful Use Cert (Ex)**

### **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

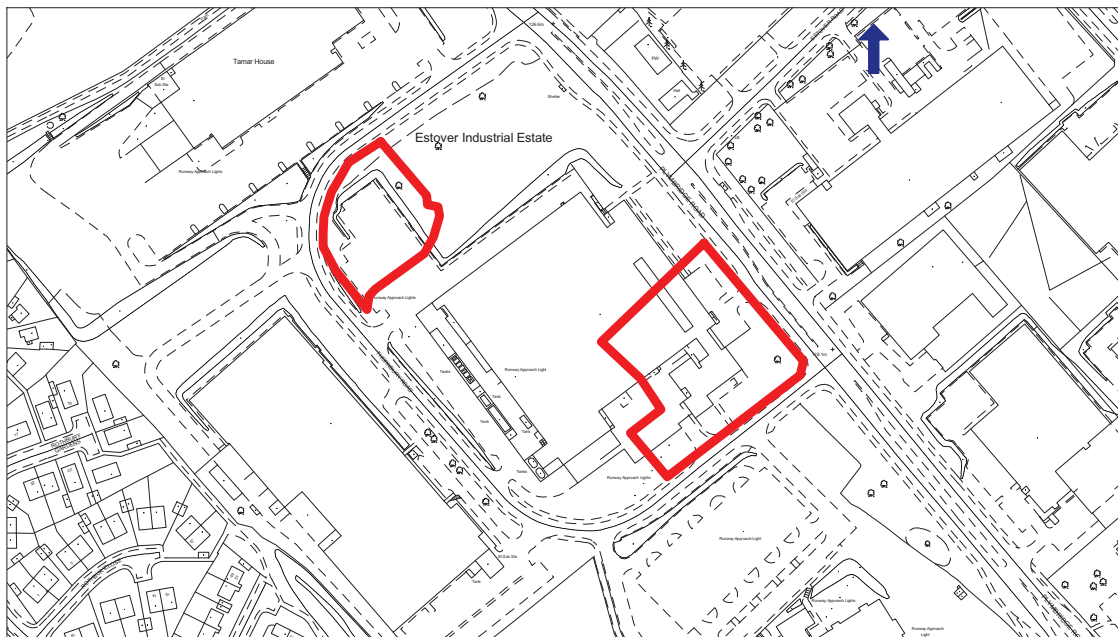


1995. The proposal is therefore permitted development and a Certificate of Lawfulness is hereby issued.

This page is intentionally left blank

**ITEM: 05**

<b>Application Number:</b>	09/01404/FUL
<b>Applicant:</b>	The Una Group
<b>Description of Application:</b>	Continue use as vehicle hire, concrete works, motor cycle instruction centre and crane hire business, retention of associated portacabins, containers and plant, and erection of a renal unit and carwash for a temporary period of 10 years
<b>Type of Application:</b>	Full Application
<b>Site Address:</b>	EATON BUSINESS PARK, PLYMBRIDGE ROAD ESTOVER PLYMOUTH
<b>Ward:</b>	Moor View
<b>Valid Date of Application:</b>	26/10/2009
<b>8/13 Week Date:</b>	<b>25/01/2010</b>
<b>Decision Category:</b>	Major Application
<b>Case Officer :</b>	Carly Francis
<b>Recommendation:</b>	Grant conditionally subject to S106 Obligation delegated authority to refuse by 01/03/10
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



(c) Crown Copyright. All rights reserved. Plymouth City Council Licence No. 100018633 Published 2010 Scale 1:3500

## OFFICERS REPORT

### Site Description

This largely flat site is located in Eaton Business Park in Estover. The site roughly rectangular in site is surrounded by roads on all four sides. Plymbridge Road runs along the north-east boundary of the site and Thornbury Road runs around the other three sides. The surrounding area is characterised by low rise commercial and industrial premises. Some landscaping exists around the perimeter of the site and there is a green 2.5m high galvanised and colour coated welded metal wire and steel post fencing runs around the entire site. The site has already been divided into some existing commercial plots with similar fencing demarking some areas. Existing plots are already in use as a vehicle hire, crane hire depot, concrete works and motorcycle instruction centre. There are temporary buildings on site relating to these uses. Part of this application is to formalise these uses.

### Proposal Description

Continue use as vehicle hire, concrete works, crane hire business and motorcycle instruction centre, retention of associated portacabins, containers and plant, and erection of a renal unit and carwash, all for a temporary period of 10 years.

The applicants have indicated that there are likely to be future planning applications for other plots on this site, however these will of course be subject to further detailed scrutiny and this recommendation should not be taken as approval in principle of any use not shown within the red lines of the site as described below.

More detail regarding the various uses is given below, including the staff numbers expected:

#### *Renal Unit*

A single storey temporary building will be erected with a floor area of 886m<sup>2</sup>. The Renal Unit will operate from 0700 – 1900 Monday to Saturday with the potential of opening later on Monday, Wednesday and Friday if demand dictates, in which case it would close around 23.00 on those days. No patients would stay overnight at the premises, the NHS Trust are anticipating treating 50-60 patients per day for Haemodialysis Out Patient treatment only. This is a method for removing waste products as well as free water from the blood when the kidneys are in renal failure

The Unit will employ approximately 8 members of staff at any one time.

#### *Motor Cycle Instruction Centre*

The centre will operate from 0800 – 1700 Monday to Saturday. The operation will entail motor cycle training. This will mostly be in a classroom environment on site with some on-site practical training and a limited amount of off-site on-road training.

The Centre will employ a maximum of 2 staff to provide the training.

*Acorn Vehicle Hire*

This unit will operate from 0800 – 1700 Monday to Saturday. The operation will entail the commercial hiring of cars and vans, most of which is to businesses. There are off hire vehicles parked on site but most vehicles are on long term hire to businesses.

There are 2 people employed on site.

*Concrete Works*

This unit will operate from 0700 – 1800 Monday to Friday and 0700 – 1200 Saturday. There are 2 mobile concrete batching vehicles operating from this unit which are parked overnight on the site. These vehicles collect the aggregate for the concrete mixes from the batching plant on site. The concrete is mixed either on route to its destination or on the site for delivery. There is no facility to mix concrete on site.

There are 2 drivers employed to operate the concrete batching vehicles and 1 on-site manager.

*Crane Hire*

This unit will operate from 0800 – 1700 Monday to Friday and from 0800 – 1200 Saturday. There will be 5 mobile cranes for hire which are generally out on hire daily. These vehicles will return to site and be parked overnight. There are 5 drivers employed to operate the mobile cranes and 1 sales/manager based on site.

*Car Wash*

This unit will operate from 0800 – 1700 Monday to Sunday. The operation will include the hand washing of cars and small commercial vehicles only. There will be a concrete hardstanding on which to wash the cars with a flat roof canopy over this area and a small portacabin.

There will be 2 staff employed on site to carry out these operations

**Relevant Planning History**

Nil.

**Consultation Responses**

**Highway Authority-** no objections providing conditions regarding vehicular access, cycle provision and details of a Green Staff Travel Plan be attached to any grant of planning approval.

**Public Protection Service-** no objections however recommend that conditions regarding a land contamination assessment be attached to any grant of planning permission.

**Civil Aviation Authority/ Plymouth City Airport-** no objections providing any lighting to be included in the development is of flat glass, full cut-off design with horizontal mountings so there is no light spill above the horizontal.

**Sutton Harbour Company-** no comments received.

### **Representations**

Nil.

### **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 main considerations for this application are the compatibility of the uses proposed with each other and surrounding uses, the impact on future plans for Plymouth City Airport and the impact on the highway.

This application turns on policies CS01, CS04, CS22, CS27, CS28, CS31, CS33 and CS34 from the adopted Core Strategy, Plymouth City Councils 'Development Guidelines' SPD, Plymouth Airport Interim Planning Statement 16 and Derriford and Seaton Area Action Plan 2006-2021 (issues and preferred option consultation- February 2009). In addition to this local policy, national guidance includes; Circular 1/2002 'Control of Development in Airport Safety Zones', the Government White Paper: 'The Future of Air Transport' (Department for Transport, December 2003), Regional Planning Guidance Note 10 and the Devon County Structure Plan.

A pre-application enquiry was considered in respect of this application. The applicant was made aware of the constraints of the site and formed his proposals around these constraints.

One of the constraints is that part of this site lies within the Airport Public Safety Zone. Public Safety Zones are areas of land at the ends of the runways, within which development is restricted, in order to minimise the number of people on the ground at risk of death or injury in the event of an aircraft crash on take-off or landing. The uses proposed as part of this application that would fall within this zone, are part of the concrete works and the car wash.

Circular 1/2002 'Control of Development in Airport Public Safety Zones' describes some type of development that are permissible within Public Safety Zones. This includes open storage in which a very small number of people are likely to be present within a sizeable site. The uses that are proposed within

the Airport Public Safety Zone are the types of uses that have a limited number of employees, the car wash will have only 2 members of staff and the concrete works will have no more than 3 members of staff. The renal unit and other uses are proposed outside of the Public Safety Zone.

In addition to this, the site is also located within what has been designated as part of the Airport Safeguarding Zone. In addition to Regional Planning Guidance Note 10 and the Devon County Structure Plan, that identify the importance of Plymouth City Airport and the need to continue to improve how it functions, the Plymouth Airport Interim Planning Statement 16 discusses the need to safeguard land immediately to the east of Plymouth Airport (where the application site is) from development. This is to ensure that its future in relation to the operation of the airport plan can be given proper consideration in the development of a strategic master plan. This strategic master plan will be prepared in order to guide the future development of Plymouth Airport in accordance with advice contained within the Government White Paper 'The Future of Air Transport'. The Government White Paper recommends that as master plans are developed for airports, land outside existing airports that is needed for future expansion will need to be protected against future development in the intervening period. Therefore so that Plymouth does not restrict its ability to maintain a serviced airport facility into the future and in accordance with Government advice, it is important to keep options open.

The Derriford and Seaton Area Action Plan 2006-2021 lists improving Plymouth Airport as one of its objectives, it also details the conclusions of a study into the potential future of the airport which was undertaken by York Aviation (commissioned by the Council and Sutton Harbour Holdings). One of the conclusions was that the main (east- west) runway would need to be extended to accommodate the next generation of aircraft.

These documents point towards the importance of restricting development to that which involves a limited amount of people being present on site in Airport Public Safety Zones and to safeguard land for future development. The proposals have been carefully planned, so that the uses within the public safety zones are low density and involve minimal development. The applicants have also only applied for a temporary consent. The proposals will therefore not hinder the plans for the airport and will allow this land to be used for future expansion of the runway if required.

The proposed uses are very varied. The site has traditionally been in storage/ industrial use, having been a former warehouse facility, and forms part of Eaton Business Park where a range of commercial/ industrial uses exist. It may therefore be considered somewhat unusual for a Renal Unit to exist on a Business Park such as this. However given the unique site circumstances and need for this facility, the principle is considered to be acceptable.

The combination of this use with the other uses proposed is not of concern as due to the nature of the treatment, no patients will be staying over night. There may be an element of noise created by the uses but this is not of major concern given that there will be patients coming and going on a daily basis. The

uses are also sited far enough away from residential properties to have no impact on their amenity. For these reasons and given that the existing uses have not resulted in any complaints, the Public Protection Department raise no objection to the proposals.

All of the other uses are what may be considered to be more typically expected on a site such as this, and given that they involve minimal numbers of staff and little development they are considered to be acceptable here. A condition shall be attached to ensure that there can be no increase in staffing levels without prior consent being given by the Local Planning Authority.

#### Highway Considerations

The Transport Department have considered the application and supporting Transport Statement. A comparison has been made between the former use at the site and that proposed. It is accepted that the likely number of trips, if the proposal is approved, will be reduced. A development should be as sustainable as possible and it is likely that the majority of trips to the site would be made by private car. The former building, now demolished, provided a pedestrian link towards the bus stop in Plymbridge Road. Since demolition a security boundary fence has been provided around the site perimeter which acts as a barrier between the site and the local highway network. Further on-site delineation, to sub-divide the site into smaller plots, could act as a barrier in making the site permeable for pedestrians. Such security measures are accepted as being necessary, but it is still considered that non-car based travel must be promoted wherever possible and such measures should be addressed within a Travel Plan. A draft Travel Plan has now been submitted but a definitive plan shall be secured by way of condition.

It is also considered that secure cycle facilities should be provided for each of the future uses at the site, this shall also be secured by way of condition as although the nature of the facilities proposed within this application may not lend themselves towards promoting visitor trips by cycling, the use of such for staff can be promoted.

The vehicular access for the previous building was from Plymbridge Road, although the main car parking areas and access points were via Thornbury Road. The Transport Department have expressed concern about access to the Renal Unit being from Plymbridge Road and future uses further increasing the number of potential trips. Due to this and the fact that the existing access can only be accessed as a left-in - left-out junction, the Transport Department suggest that this access is downgraded to pedestrian access only and a route is provided from Thornbury Road, past the proposed motor cycle test centre, into the car park. The applicant has however provided evidence to illustrate that vehicle numbers will not be as great as they were with the previous use and therefore on this basis the proposed access arrangements are deemed acceptable for the uses proposed. Any additional uses proposed in future applications will be judged on their merits and alternative access arrangements agreed if necessary. The Transport Department raise no further concerns and it is considered that the proposal accords with policy CS28.



### **Equalities & Diversities issues**

This proposal would provide facilities for those with specific medical needs.

Cycle storage will also be provided.

### **Section 106 Obligations**

The tariff has been calculated on the basis of the buildings and portacabins that are being applied for within this application. The tariff has been calculated to be £14,652; this is with a 50% reduction as they have agreed to start on site within 2 years. Any future developments on this site will have the tariff applied separately according to the charges that apply at that time.

### **Conclusions**

While we would not encourage any development that would contradict with the aims of the future expansion of the airport, it is not considered that the temporary uses proposed would affect these plans and the proposals would make use of what is otherwise likely to remain a vacant site. Minimal development would be required and staffing levels would be low, particularly for those uses that fall within the Airport Public Safety Zone. It is therefore considered that there would be minimal risk in terms of public safety. It is considered that there are benefits in utilising this site for the proposed uses with the Renal Unit providing a much needed facility. For these reasons it is recommended that this application be approved conditionally subject to the S106 being signed, with delegated authority to refuse should the S106 not be signed by 1<sup>st</sup> March 2010.

### **Recommendation**

In respect of the application dated **26/10/2009** and the submitted drawings, **2721/SLP, 2721/13, 2721/15, 2721/16, 2721/14, 2721/11, 2721/17, amended plans 2721/10 B & 2721/12 A and Preliminary Risk Assessment- Desk Study and Site Renaissance by Reports 4 Planning, Design & Access Statement- Revision A, Transport Statement- Revision A and Draft Travel Plan.**, it is recommended to: **Grant conditionally subject to S106 Obligation delegated authority to refuse by 01/03/10**

### **Conditions**

TEMPORARY USE: REINSTATEMENT

(1) The uses hereby permitted shall be discontinued, the buildings, containers and any associated equipment removed and the land restored to its former condition on or before 1st March 2020 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority before any works commence on site.

Reason:

In the opinion of the Local Planning Authority the temporary use to which this permission relates will need to be ceased in order to safeguard land for expansion of the runway at Plymouth City Airport. This condition is imposed to

comply with Policy CS27 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### LAND QUALITY

(2) Unless otherwise agreed in writing by the Local Planning Authority, conditions 3 to 5 must be complied with within three months of the date of this decision notice. If unexpected contamination is found the uses hereby approved shall be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 6 has been complied with in relation to that contamination.

#### Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the use can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### SITE CHARACTERISATION

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

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

#### Reason:

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

and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### SUBMISSION OF REMEDIATION SCHEME

(4) 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 Plymouth Local Development Framework Core Strategy (2206-2021) 2007.

#### IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

(5) The approved remediation scheme shall be carried out in accordance with its terms within three months of the date of this decision notice, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out shall be produced, and is subject to the approval in writing of the Local Planning Authority.

#### Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### REPORTING OF UNEXPECTED CONTAMINATION

(6) 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 3, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 4, 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 5.

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.

#### CYCLE PROVISION

(7) Space must be laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for 12 bicycles to be parked, within three months of the date of this decision notice.

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.

#### GREEN STAFF TRAVEL PLAN DETAILS

(8) The uses hereby permitted shall be carried out in accordance with details of a Green Staff Travel Plan which shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of this decision notice. The Green Staff Travel Plan shall include the following elements:-

- The provision of secure and convenient cycle parking facilities
- The provision of shower and changing facilities for staff
- Measures to regulate the management and use of car parking areas to be permitted
- The appointment of a suitable on-site co-ordinator to monitor and record occupiers' progress in meeting the objectives of the plan. An initial survey of staff travel patterns to/from the site shall be carried out and the results, together with proposed targets for staff cycle and public transport usage and car sharing, submitted to the Local Planning Authority within six months of the development opening for trade. A report shall be submitted to the Local Planning Authority every two years monitoring the progress of the plan and achievement of the identified targets
- Measures for enforcement of the plan, should agreed objectives and targets not be met.

Reason:

In the opinion of the Local Planning Authority, such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

STAFF RESTRICTION

(9) The number of staff employed at the car wash and concrete works shall not be increased from those numbers specified in Appendix 1 of the amended Design and Access Statement, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the opinion of the Local Planning Authority, such measures need to be taken in order to assess the risk had to those working within the Public Safeguarding Zones in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Circular 1/2002 'Control of Development in Airport Public Safety Zones'.

INFORMATIVE: STAFF RESTRICTION

(1) With regard to condition 9, the numbers specified are 2 staff for the car wash and 3 staff for the concrete works.

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

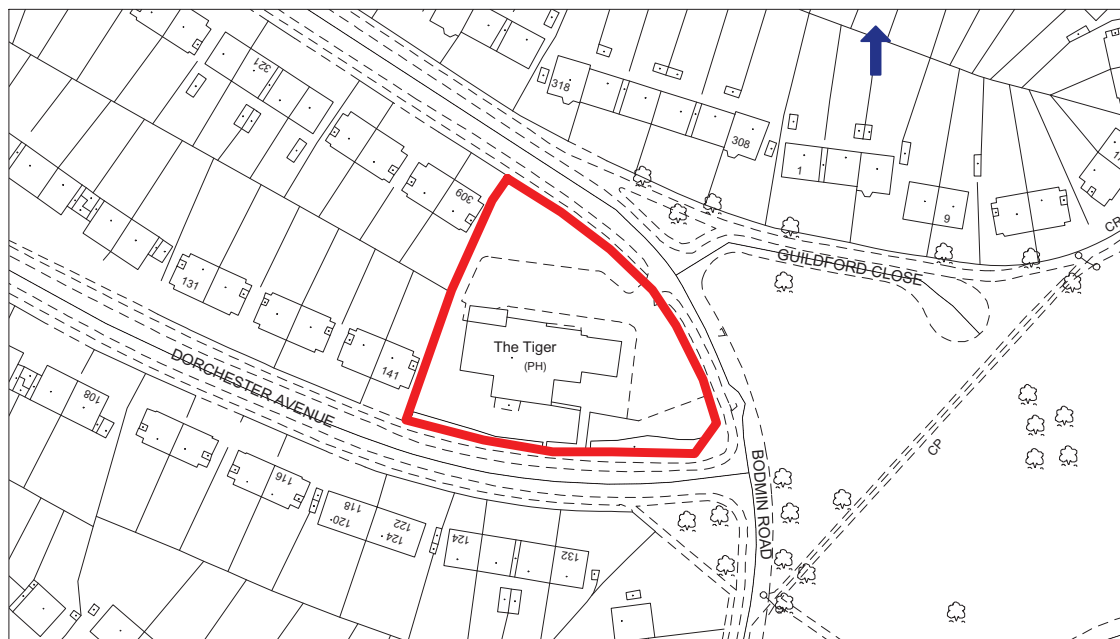
Having regard to the main planning considerations, which in this case are considered to be: the impact on public safety, the surrounding uses, on the highway and on the future plans of Plymouth City Airport, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding 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  
RPG10  
CS28 - Local Transport Consideration  
CS33 - Community Benefits/Planning Obligation  
CS34 - Planning Application Consideration  
CS18 - Plymouth's Green Space  
CS22 - Pollution  
CS01 - Sustainable Linked Communities  
CS04 - Future Employment Provision  
AV9 - Derriford/Seaton  
CS31 - Healthcare Provision  
CS27 - Supporting Strategic Infrastructure Proposals  
1/2002 - Control of Development in Airport Safety Zones

This page is intentionally left blank

**ITEM: 06**

<b>Application Number:</b>	09/01736/FUL
<b>Applicant:</b>	Langdale Developments (SW) Ltd
<b>Description of Application:</b>	Redevelop site by erection of 11 dwellings (demolition of existing public house)
<b>Type of Application:</b>	Full Application
<b>Site Address:</b>	THE TIGER, 141A DORCHESTER AVENUE WHITLEIGH PLYMOUTH
<b>Ward:</b>	Budshead
<b>Valid Date of Application:</b>	11/12/2009
<b>8/13 Week Date:</b>	<b>12/03/2010</b>
<b>Decision Category:</b>	Major Application
<b>Case Officer :</b>	Carly Francis
<b>Recommendation:</b>	Grant conditionally subject to S106 Obligation delegated authority to refuse by 12/03/10
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



(c) Crown Copyright. All rights reserved. Plymouth City Council Licence No. 100018633 Published 2010 Scale 1:1250

## OFFICERS REPORT

### Site Description

The existing public house 'The Tiger Inn' is now derelict. The site is located in Whiteleigh and directly abuts roads to the north, east and south, with residential dwellings to the west. The site is located within an established residential area, with public open space to the east of the site.

### Proposal Description

This is a proposal to demolish the public house and redevelop the site with 11 affordable residential units.

Two 2-bedroomed houses and nine 3-bedroomed houses are proposed.

Subject to an Affordable Housing contract with the RSL, the application states that the units will be made available for Affordable Social Rent. This is considered to be an acceptable tenure mix given the scale and location of the proposed development.

### Relevant Planning History

Nil.

### Consultation Responses

**Highway Authority-** no objections providing conditions regarding car parking provision and cycle provision/ storage be attached to any grant of planning permission.

**Public Protection Service-** no objections providing conditions regarding a land contamination assessment and code of practice for construction are attached to any grant for planning permission.

**Police Architectural Liaison Officer-** suggests amendments to scheme to make it more secure and reduce crime and disturbance.

**Housing Strategy Department-** support the application.

### Representations

Councillor Grant Monahan- welcomes the proposed development noting that the old public house has become an eyesore.

Councillors Jonathan Drean and Jack Thompson also support this view but would expect something should be done for the local residents to provide extra space for their parking problems and not a decrease.

### 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 main considerations for this proposal are the impact to the amenity of residents in the area, the impact on the highway, trees and streetscene, along with the amenity of the units being proposed.

The main policies relevant to this proposal are CS01, CS02, CS15, CS16, CS18, CS28, CS32, CS33, CS34 and the Development Guidelines SPD consultation document.

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

Following a "call for sites" this site is one of 16 sites that were submitted by the deadline of 22<sup>nd</sup> December 2008 and which have been accepted for consideration under the initiative. In being accepted under the initiative the applicant has agreed to accept a 2 year consent and with regards to the tariff is prepared to pay the transport contribution for these 11 units.

### Loss of the Public House

The property lies within an established residential area and therefore residential development is deemed acceptable in principle. The public house is currently vacant and in a dilapidated state having suffered vandalism. The redevelopment of the site would be beneficial to the area in removing an eyesore and the loss of this community facility is not considered prejudicial to local amenity. There are no overriding policy constraints seeking the retention of the public house and no letters of representation have been received calling for its retention as an important community facility. For these reasons the loss of community facility is not considered to be harmful or contrary to policies CS12, CS13 and CS34.

### Affordable Housing

The Housing Enabling team has been involved in negotiations with the developer in association with Tamar Housing Association to bring forward this development proposal for 100% Affordable Housing. The proposed development is considered to offer the potential delivery of 11 good quality Affordable Housing units and has received an allocation of Homes and Community Agency grant funding, together with gap funding.

Affordable housing need in the City is very high, hence delivery of Affordable Housing development has recently been included as one of the top Corporate Improvement Targets for Plymouth City Council (CIP5, LAA - NI 155) measured by GOSW. This scheme would make a valuable contribution to the Affordable Housing needs of the City.

The proposal seeks to provide 11 houses in total which will take the form of four, two storey, three bedroom houses; five, three storey, three bedroom houses and two, two storey, two bedroom houses. This is considered to cater for the identified Affordable housing need.

Subject to an Affordable Housing contract with the RSL, the application states that the units will be made available for Affordable Social Rent. This is considered to be an acceptable tenure mix given the scale and location of the proposed development.

#### Scale and Design

The buildings proposed would respect the scale and building line in both Bodmin Road and Dorchester Avenue in accordance with section 2.4.2 of the Development Guidelines SPD. Some of the buildings are two-storey and some are three storey as a result of the varying topography of the site.

Their design would reflect the style of surrounding housing and would be sympathetic to the character of the area in accordance with Policy CS02. The development would be of benefit to the neighbourhood in removing a redundant building that is currently an eyesore and the subject to vandalism. The site is within a residential area and therefore considered suitable for housing development.

The materials proposed are a smooth render finish with brick work features. The roofs are proposed to be interlocking concrete tiles. The proposed dwellings would have an appearance similar to existing dwellings in the area and therefore these materials are deemed acceptable.

All units would have adequate amenities, sufficient natural lighting to habitable rooms and be of a sufficient size, with the floor areas for Plots 1 and 2 being 81m<sup>2</sup>, Plots 3-7 each being 89.23m<sup>2</sup> and Plots 8, 9, 10 and 11 being 77m<sup>2</sup> each. The size of these dwellings is considered to be adequate and they all exceed the minimum guidelines given in the Development Guidelines SPD of 72m<sup>2</sup> and 82m<sup>2</sup> for two and three-bedroom houses.

The curtilage areas for each plot would vary with the smallest being just over 40sqm and the largest being just over 85sqm. The guideline given in the Development Guidelines SPD for minimum curtilage areas are 50m<sup>2</sup> for a terraced house and 75m<sup>2</sup> for a semi-detached dwelling. While some of the dwellings proposed fall short of this standard, the majority of them meet or exceed it, and given the large area of public open space directly opposite the site, the curtilage areas proposed are deemed acceptable.

Adequate refuse storage areas are proposed at the rear of properties out of public view and would be readily accessible to occupiers in accordance with guidance given in the Development Guidelines SPD

### Lifetime Homes

Policy CS15 requires that 20% of all new dwellings for Plymouth shall be constructed to Lifetime Homes Standards. The application proposes two Lifetime Homes. While 20% @ 11 units would strictly require three dwellings to meet the requirements of the Joseph Rowntree Lifetime Homes standards, two is deemed acceptable given the onsite constraints. Tamar Housing Society has advised that the two Lifetime Homes will be provided on plots one and two. A condition shall be attached to secure these lifetime homes.

### Impact to Neighbouring Properties

There would not be a detrimental impact to any neighbouring property. No windows are proposed on the side elevations of those dwellings proposed adjacent to existing properties. The scale and position of the buildings proposed would mean that they would not impact on any properties light, privacy or amenity and would therefore accord with Policies CS15 and CS34.

### Highway Considerations

The Transport Department do not raise any objections in principal to the redevelopment. Transport and highway elements of the proposal were agreed in principal at pre-application stage. The development would provide a satisfactory parking court, access, and car parking layout, including space for a car to manoeuvre within the private parking court, and satisfactory forward and inter-visibility in accordance with Policy CS28.

The development would provide off-street car parking at a ratio of 1.5 spaces per dwelling which is deemed appropriate. A total of 4 vehicle footway crossings would be required to facilitate the proposal, one in Dorchester Avenue and 3 in Bodmin Road. This would include the widening and reconstruction of the existing vehicular access/egress to allow two cars to pass one another (4.8 metres wide) whilst providing a high-level footway crossing to give pedestrian priority and slow vehicle speeds at the point of entry/egress.

### Designing Out Crime

The Police Architectural Liaison Officer has expressed concern about parking spaces 16 and 17 between plots 7 and 8. His concern is that parking spaces in this position will leave the site vulnerable and increase the risk of crime and disorder. While these concerns are taken on board the layout does not allow these spaces to be relocated elsewhere on site. The Police Architectural Liaison Officer suggests losing these two spaces from the scheme, however the Transport Department recommend that these spaces be retained and given the concerns raised by Local Councilors in the letters of representation received, it is considered that these spaces are required so as not to exacerbate parking problems in the area. Parking spaces in this location would not be out of character in the area, and the Police Architectural Liaison Officer's concerns can be eased by defensible planting on the bank around

the spaces and effective boundary treatment. This shall be secured through the landscaping and boundary treatment conditions, and with these deterrents, it is considered that the scheme would accord with Policy CS32.

Other advice offered by the Police Liaison Officer at pre-application stage has been taken on board and incorporated into the proposal in the following ways. Brick paviors will be used for the parking courtyard to provide demarcation from the existing carriageway and parking spaces will be of contrasting colour. The site will be secured with 1.8m wooden close-boarded fencing. Access paths to the rear and side will be gated and defensible space to the front of properties provided with low-level railings. Plots adjacent to parking areas are proposed to have side windows to enable surveillance in accordance with Policy CS32.

#### Impact to Trees

A tree survey has been included with this application and no trees will be lost as a result of this development. Two mature trees exist on the northern boundary of the site and these will be retained and incorporated into the layout as is advised in section 2.128 in the Development Guidelines SPD. A tree protection zone has been shown around these trees and additional planting is also proposed along the boundary. Details of this planting shall be secured by way of condition. This proposal therefore accords with Policy CS18.

#### **Equalities & Diversities issues**

The dwellings will provide much needed affordable housing and a range of accommodation to suit different family sizes and ages.

Entrances for disabled and the elderly will be incorporated for each dwelling in accordance with the requirements of Part M of Building Regulations. Level access has also been proposed where possible allowing for the constraints imposed by the gradient of the site.

Two lifetime homes will also be provided.

Cycle storage facilities form part of this proposal. In order to encourage cycling as an alternative sustainable means of transport, cycle storage will be provided within a garden shed at each of the dwellings, this shall be secured by way of a condition.

#### **Section 106 Obligations**

This development is required to contribute in a tariff basis. A sum of £22,971 is required (this is with the 50% reduction applied to this Market Recovery Scheme). This will form the basis of the S106, along with securing affordable housing and the proposed tenure mix.

#### **Conclusions**

The proposed redevelopment would be of benefit to the area in removing a redundant public house which is currently an 'eyesore' and providing

affordable dwellings in an established residential area. This application is therefore recommended for approval with delegated authority sought to refuse the application should the S106 not be signed within the 13-week statutory period.

### **Recommendation**

In respect of the application dated **11/12/2009** and the submitted drawings, **CD.1019.LOC(A4), CD.1019.EX.P01A, CD1019.HT.B.P.01 A, CD1019.HT.B.P.02 B, CD1019.HT.B.P.03 B, CD1019.HT.C.P.01 A, CD1019.HT.HT.C.P.02 A, CD.1019.EXSE.01A, CD1019.HT.A.P.01 A, CD1019.HT.A.P.02 A and accompanying Design and Access Statement and Tree Survey** , it is recommended to: **Grant conditionally subject to S106 Obligation delegated authority to refuse by 12/03/10**

### **Conditions**

**DEVELOPMENT TO COMMENCE WITHIN 2 YEARS**

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

Reason:

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

**CODE OF PRACTICE**

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

Reason:

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

**LAND QUALITY**

(3) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 4 to 6 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 Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### SITE CHARACTERISATION

(4) 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 Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### SUBMISSION OF REMEDIATION SCHEME

(5) 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 Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

(6) 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 Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### REPORTING OF UNEXPECTED CONTAMINATION

(7) 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 4, and where remediation is necessary a remediation scheme must

be prepared in accordance with the requirements of condition 5, 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 6.

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.

#### TREE PROTECTION DURING CONSTRUCTION

(8)The existing trees and/or hedgerows shown to be retained on the approved plans shall be properly protected with appropriate fencing during construction works. The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with Section 9 of BS 5837:2005 (Trees in relation to construction - recommendations) before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall an excavation be made, without the written consent of the local planning authority.

Reason:

To ensure that any trees or hedgerows to be retained are protected during construction work in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### LANDSCAPE DESIGN PROPOSALS

(9)No development shall take place until full details of both hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include means of enclosure and boundary treatment; hard surfacing materials; refuse or other storage units, signs, lighting; proposed and existing functional services above and below ground e.g. drainage, power, communications cables, pipelines, indicating lines, manholes, supports etc.

Reason:

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

#### SOFT LANDSCAPE WORKS



(10) Soft landscape works shall include planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; the implementation programme.

Reason:

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

#### LANDSCAPE WORKS IMPLEMENTATION

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

Reason:

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

#### TREE SURGERY

(12) Prior to the commencement of the development hereby approved, details of any tree surgery proposed, including that to balance the Oak tree, must be submitted to and agreed in writing by the Local Planning Authority. These works must be carried out in accordance with the programme agreed.

Reason:

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

#### EXTERNAL MATERIALS

(13) 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.

#### NO- DIG CONSTRUCTION

(14) The car parking spaces indicated as 1-4 and the area shown as being block paved (within 3m of the edge of tree canopies) in drawing CD.1019.EX.PO1A must be of a no-dig construction, with details to be supplied to and approved in writing by the Local Planning Authority before works commence.

Reason:

To ensure that any trees/vegetation are protected to comply with policy CS28 of the Core Strategy.

#### SUSTAINABLE RESOURCE USE

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

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

Reason:

To ensure that the development incorporates onsite renewable energy production equipment to off-set at least 10% of predicted carbon emissions for the period up to 2010, rising to 15% for the period 2010-2016 in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Central Government guidance contained within PPS22.

#### LIFETIME HOMES

(16) At least 20% of the new dwellings shall be first constructed and subsequently maintained so as to meet Lifetime Homes Standards. No development shall take place until details of the design and location of the dwellings demonstrating the achievement of such standards has been submitted to and agreed in writing with the Local Planning Authority. Such agreed details shall be strictly adhered to during the course of development and thereafter maintained.

Reason:

To ensure that the development delivers 20% of the residential units to Lifetime Homes Standards in accordance with adopted Core Strategy Policy CS15 and relevant Central Government advice.

#### COMMUNAL CAR PARKING PROVISION

(17) No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plan for 17 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.

Reason:

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

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

#### CYCLE PROVISION

(18) No dwelling shall be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for a minimum of 11 bicycles (minimum 1 per dwelling) to be securely parked.

#### Reason:

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

#### CYCLE STORAGE

(19) The secure area for storing cycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

#### Reason:

To ensure that there are secure storage facilities available for occupiers of or visitors to the building. in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### RESTRICTIONS ON PERMITTED DEVELOPMENT

(20) 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 or the 1995 Order with or without modification), no development falling within Classes A, B, C, D, E and F of Part 1 of the Schedule 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 protect neighbouring amenity and comply with policies CS34 of the Core Strategy.

#### INFORMATIVE: CODE OF PRACTICE DURING CONSTRUCTION

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

- a. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information.
- b. Construction traffic routes, timing of lorry movements, weight limitations on routes, initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, wheel wash facilities, access

points, hours of deliveries, numbers and types of vehicles, and construction traffic parking.

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

**INFORMATIVE: ACCESS TO SITE PERMIT**

(2) The applicant shall obtain an access to site permit prior to works commencing on site from the Local Highway Authority.

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

Having regard to the main planning considerations, which in this case are considered to be: the principle of the loss of the public house, the impact on surrounding properties, the impact to trees, on the highway, the design and amenity of the units proposed and impact on the character of the area and streetscene, 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:

PPG13 - Transport

PPS3 - Housing

PPS1 - Delivering Sustainable Development

PPS22 - Renewable Energy

PPS23 - Planning & Pollution Control

CS28 - Local Transport Consideration

CS32 - Designing out Crime

CS33 - Community Benefits/Planning Obligation

CS34 - Planning Application Consideration

CS13 - Evening/Night-time Economy Uses

CS18 - Plymouth's Green Space

CS22 - Pollution

CS01 - Sustainable Linked Communities

CS02 - Design

CS15 - Housing Provision

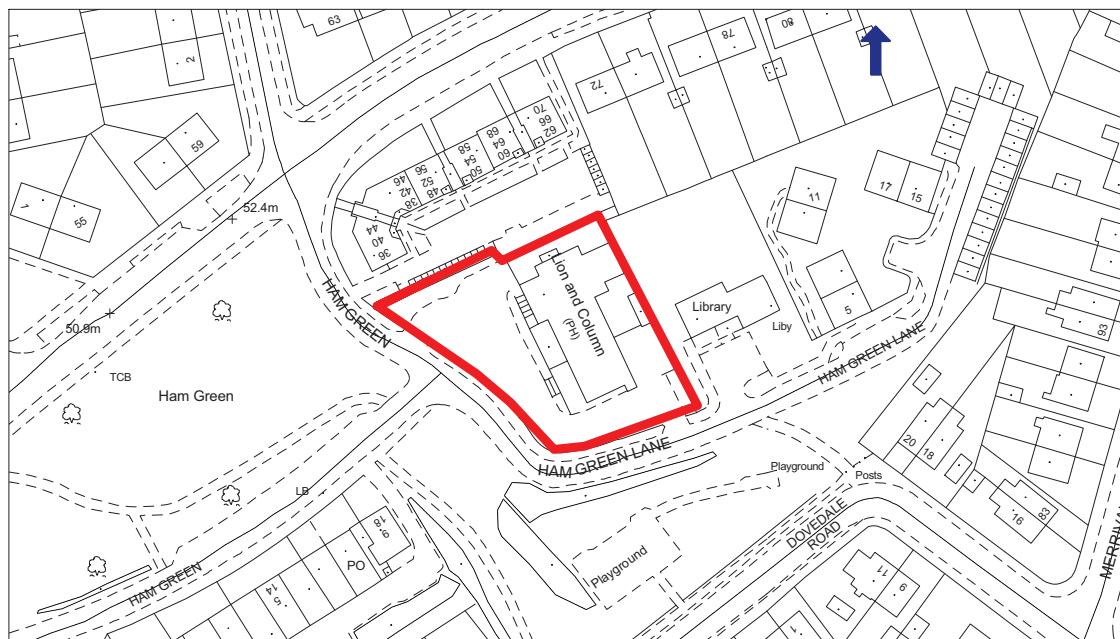
CS16 - Housing Sites

CS12 - Cultural / Leisure Development Considerations

SPD1 - Development Guidelines

**ITEM: 07**

<b>Application Number:</b>	09/01753/FUL
<b>Applicant:</b>	Langdale Developments (SW) Ltd
<b>Description of Application:</b>	Redevelop site by erection of 11 dwellings (demolition of existing public house)
<b>Type of Application:</b>	Full Application
<b>Site Address:</b>	THE LION AND COLUMN PUB, HAM GREEN LANE HAM DRIVE PLYMOUTH
<b>Ward:</b>	Ham
<b>Valid Date of Application:</b>	22/12/2009
<b>8/13 Week Date:</b>	<b>23/03/2010</b>
<b>Decision Category:</b>	Major Application
<b>Case Officer :</b>	Carly Francis
<b>Recommendation:</b>	Grant conditionally subject to S106 Obligation delegated authority to refuse by 23/03/10
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



(c) Crown Copyright. All rights reserved. Plymouth City Council Licence No. 100018633 Published 2010 Scale 1:1250

## OFFICERS REPORT

### Site Description

This site is currently occupied by the Lion and Column Public House located on Ham Green Lane in North Prospect. Land here slopes up to the south. The public house is located within what is primarily a residential area. To the north of the site is a tall block of flats, to the east a former library building that is currently occupied by Sure Start Children's Centre, to the south of the site is a small play park for children. The site is in within close proximity to the mini-roundabout with Ham Drive.

### Proposal Description

Redevelop site by erection of 11 affordable dwellings (demolition of existing public house).

Two 2-bedroom houses, three 3-bedroomed houses and six 2-bedroomed flats are proposed.

These properties will be made available for Affordable Social Rent.

### Relevant Planning History

Nil.

### Consultation Responses

**Highway Authority-** no objection, however recommend conditions regarding street details, access and junction details, sight lines, cycle storage and car parking provision be attached to any grant of planning permission.

**Public Protection-** no objections providing conditions regarding a land contamination assessment and code of construction be attached to any grant of planning permission.

**Police Liaison Officer-** no objections.

### Representations

1 letter of support:

Mr Arthur Turner  
42 Ham Drive  
Plymouth  
PL2 2NW

Supports the application on the basis that the public house has been an eyesore for the last 4 years.

### Analysis

The main considerations for this proposal are the impact to the surrounding community, the impact on the highway, trees and streetscene, along with the amenity of the units being proposed.

The main policies relevant to this proposal are CS01, CS02, CS15, CS16, CS18, CS28, CS32, CS33, CS34 from the adopted Core Strategy and the Development Guidelines SPD consultation document.

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

Following a “call for sites” this site is one of 16 sites that were submitted by the deadline of 22<sup>nd</sup> December 2008 and which have been accepted for consideration under the initiative. In being accepted under the initiative the applicant has agreed to accept a 2 year consent.

A pre-application was received and officers have been working with the applicant and agent to try and resolve as many issues as possible prior to submission of a formal planning application.

### Loss of the Public House

The property lies within an established residential area and therefore residential development is deemed acceptable in principle. The loss of this community facility is not considered prejudicial to local amenity. The public house is currently an eyesore and therefore redevelopment of the site would be beneficial to the area. There are no overriding policy constraints seeking the retention of the public house and no letters of representation have been received calling for its retention as an important community facility. For these reasons the loss of community facility is not considered to be harmful or contrary to policies CS12, CS13 and CS34.

### Scale and Design

Some concern was initially had with regards to the detailed design of the buildings proposed. The flank walls of plots 1 and 11 were poorly thought out, with 11 being a completely blank facade and plot 1 having just two very small windows. There was also some concern about the large step between rooflines. The agent has subsequently made amendments to improve these aspects of the design. The roof level of the dwelling at plot 3 has been raised so the step in rooflines has been decreased. The roof of the building at plot 1 and of the building containing the flats has been partially hipped, this will reduce the impact of the building containing the flats when viewing the development from Ham Green and the building does not appear as disjointed

with the neighbouring dwellings as was originally proposed. The flank walls have been broken up with some brick work. These amendments have provided substantial improvements to the quality of design, and the proposal now complies with Policy CS02.

The buildings proposed would reflect the style of existing housing in the area and would be sympathetic to the character of the area. It is proposed that the materials for the units consist of smooth render finish and brick work features. The roofs are proposed to be interlocking concrete tiles. The materials proposed reflect what already exists in the area and therefore they are deemed acceptable.

The scale of the buildings proposed is considered appropriate with a combination of 2 and 3 storey units. Immediately to the north of the site are several blocks of flats and surrounding the rest of the site is a mix of single storey, two and three storey buildings. For this reason there is scope to vary the scale of buildings on this site and the proposal is therefore deemed to accord with section 2.4.2 of the Development Guidelines SPD.

All units would have adequate amenities; sufficient natural lighting to habitable rooms and be of a sufficient size. The floor areas of the two bedroomed dwellings at plots 1 and 2 would be 91.9m<sup>2</sup>, at plots 4-9 the two-bedroomed flats would each have a floor area of 61m<sup>2</sup> and the two-bedroomed houses at plots 10-11 would be 81m<sup>2</sup> each. The size of these units is considered to be adequate and they all exceed the minimum guidelines given in the Development Guidelines SPD; 72m<sup>2</sup> for two bedroom houses, 82m<sup>2</sup> for three-bedroom houses and 55m<sup>2</sup> for two bedroom flats.

The curtilage areas for each plot would vary with the smallest being just over 40sqm and the largest being just over 85sqm. The guideline given in the Development Guidelines SPD for minimum curtilage areas are 50m<sup>2</sup> for a terraced house and 75m<sup>2</sup> for a semi-detached dwelling. While some of the dwellings proposed fall short of this, the majority of them meet or exceed this standard and given that there is public open space just across the road at Ham Green and a playground. The curtilage areas would be made private by 1.2m high close boarded timber fencing between gardens and 1.8m high fencing at perimeter of site. The curtilage areas proposed would comply with the Development Guidelines SPD and accord with Policy CS15.

Adequate refuse storage areas are located at the front of each of the houses proposed; these are enclosed areas that have been incorporated into the design of the dwellings, so that the bins can be kept out of public view. The flats would have a separate bin storage area near the entrance of the site; details of this enclosure will be agreed by way of a condition to ensure that it is of adequate size and to ensure that its appearance is not detrimental to the streetscene in accordance with guidance given in the Development Guidelines SPD.

#### Impact on Neighbouring Properties



There would not be a detrimental impact to any neighbouring property as a result of this development. There would be no direct overlooking between the neighbouring flats and the dwellings proposed due to their position and the distance between them being 25m. To the east of the site is the old library building, now used by Sure Start, this building is set back from where the housing is proposed on this site. Subsequently the scale and position of the buildings proposed would mean that they would not impact on any properties light, privacy or amenity and would therefore accord with Policies CS15 and CS34.

The Police Architectural Liaison Officer was consulted at pre-application stage and this advice was taken on board by the applicants in drawing up the plans submitted. Subsequently the Police Architectural Liaison Officer supports the proposal as submitted and concludes that it accords with Policy CS32.

### Affordable Housing

The Housing Enabling team has been involved in negotiations with the developer to bring forward this development proposal for 100% Affordable Housing. The proposed development is considered to offer the potential delivery of 11 good quality Affordable Housing units and has received an allocation of Homes and Community Agency grant funding, together with gap funding.

Affordable housing need in the City is very high, hence delivery of Affordable Housing development has recently been included as one of the top Corporate Improvement Targets for Plymouth City Council (CIP5, LAA - NI 155) measured by GOSW. This scheme would make a valuable contribution to the Affordable Housing needs of the City.

The proposal seeks to provide 11 houses in total which will take the form of two 2-bedroom houses, three 3-bedroomed houses and six 2-bedroomed flats proposed. This is considered to cater for the identified Affordable housing need.

Subject to an Affordable Housing contract with the RSL, the application states that the units will be made available for Affordable Social Rent. This is considered to be an acceptable tenure mix given the scale and location of the proposed development.

### Lifetime Homes

Policy CS15 requires that 20% of all new dwellings for Plymouth shall be constructed to Lifetime Homes Standards. The application proposes two Lifetime Homes. While 20% @ 11 units would strictly require three dwellings to meet the requirements of the Joseph Rowntree Lifetime Homes standards, two is deemed acceptable given the onsite constraints. A condition shall be attached to secure these lifetime homes.

### Impact to Trees

A tree survey has been included with this application and while some trees will be lost as a result of this development, the tree of most importance, which

is the large Oak tree on the west of the site, will be retained along with those on the north and east boundaries. Unfortunately it was not possible to incorporate those trees that exist along the roadside frontage of the site into the layout, however these trees are not of intrinsic value and the applicant has agreed to a replanting scheme to replace those trees that are lost where possible. This shall be secured by way of condition together with a condition to ensure protection during construction for those trees being retained. Subject to these conditions the proposal is deemed to accord with Policy CS18.

#### Highway Considerations

The Transport Department comment that from a trip generation perspective the 11 units now proposed would only generate around 5-6 movements (combined in and outbound trips) in the morning and evening peak traffic hours. Such a low number of traffic movements would easily be accommodated on the local highway network and is unlikely to give rise to any issues regarding highway capacity. It is also acknowledged that the existing public house would have generated some trips in its' own right although most of these movements are likely to have occurred either in the evenings or at weekends (outside the traditional 'peak' hours on the highway network).

A car parking standard of 1 space per unit has been applied to the development. Whilst such a level of car parking is in accordance with the maximum standards, a standard of 1.5 spaces per unit applied to the larger 3 bedroom units, which would have required a further 2 spaces, would have been preferable. However it is accepted that the site is within easy walking distance of a wide range of amenities including schools, shops and healthcare. There are also several bus stops within a short distance of the site. Therefore it is the view of the Highway Authority that an adequate level of off-street car parking has been provided to serve the site. With regards to visibility the Transport Department comment that visibility at the entrance/exit from the site looking to the right when leaving the development (north western direction) is hampered somewhat by the existing boundary wall. It is proposed that this wall be removed and replaced with railings. Details of which shall be agreed by way of condition along with other boundary treatment.

The Highway Authority do suggest some amendments to the layout in order to improve visibility and highway safety. They request that the layout should include some form of turning area so that there is the ability for cars to turn around within the site when all of the car parking spaces are occupied. This could be achieved quite easily by extending the block paving into the area under the tree canopies (in the northern corner of the site) by an additional 2.0-2.5m. In order to protect any tree roots in this area a 'no dig' method of construction could be used. A further suggestion to improve the layout is that the junction of the site access be designed and constructed as a footway crossover so that pedestrians have right of way over vehicular traffic. Such measures should assist in restricting the speed of vehicles both entering and exiting the site.

The above suggested improvements can be secured by way of condition and with these additional improvements to the scheme; it is considered that the proposal complies with Policy CS28.

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**

Entrances for disabled and the elderly will be incorporated for each dwelling in accordance with the requirements of Part M of Building Regulations. Level access has also been proposed where possible allowing for the constraints imposed by the gradient of the site.

Cycle storage facilities form part of this proposal. In order to encourage cycling as an alternative sustainable means of transport cycle storage will be provided within a garden shed at each of the dwellings, this shall be secured by way of a condition.

Two lifetime homes will also be provided.

### **Section 106 Obligations**

This development is required to contribute in a tariff basis. A sum of £20,817 is required (this is with the 50% reduction applied to this Market Recovery Scheme). This will form the basis of the S106, along with securing affordable housing and the proposed tenure mix.

### **Conclusions**

The proposed redevelopment would be of benefit to the area in removing a public house which is currently an 'eyesore' and providing affordable dwellings in an established residential area. This application is therefore recommended for approval with delegated authority sought to refuse the application should the S106 not be signed within the 13- week statutory period.

### **Recommendation**

In respect of the application dated **22/12/2009** and the submitted drawings, **CD.1025.LOC, LGD0901, CBA 7371-LC.01, CD.1025.HT.C.P01 b, CD.1025.HT.C.P02 B, CD.1025.HT.B.P01 A, CD.1025.HT.B.P0.2 A, CD1025.HT.A.P.01 B, CD.1025.EX.SE.01 B, CD.1025.EX.PL.01 A and accompanying Design and Access Statement, TREE Survey and Land**

**Contamination Assessment** , it is recommended to: **Grant conditionally subject to S106 Obligation delegated authority to refuse by 23/03/10**

**Conditions**

**DEVELOPMENT TO COMMENCE WITHIN 2 YEARS**

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

Reason:

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

**CODE OF PRACTICE**

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

Reason:

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

**LAND QUALITY**

(3) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 4 to 6 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 7 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 Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

**SITE CHARACTERISATION**

(4) 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 Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### SUBMISSION OF REMEDIATION SCHEME

(5) 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 Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

(6) 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 Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### REPORTING OF UNEXPECTED CONTAMINATION

(7) 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 4, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 5, 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 6.

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.

#### LANDSCAPE DESIGN PROPOSALS

(8) No development shall take place until full details of both hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include hard surfacing materials; proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc; indicating lines, manholes, supports etc.)

Reason:

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

#### SOFT LANDSCAPE WORKS

(9) Soft landscape works shall include planting plans; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; the implementation programme.

Reason:

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

#### LANDSCAPE WORKS IMPLEMENTATION

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

Reason:

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

#### TREE PROTECTION DURING CONSTRUCTION

(11) The existing trees and/or hedgerows shown to be retained on the approved plans shall be properly protected with appropriate fencing during construction works. The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with Section 9 of BS 5837:2005 (Trees in relation to construction - recommendations) before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall an excavation be made, without the written consent of the local planning authority.

Reason:

To ensure that any trees or hedgerows to be retained are protected during construction work in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### NO-DIG CONTRUCTION

(12) The car parking spaces numbered 7- 11 and the bin store for the flats as shown on hereby approved plan: 'CD.1025.EX.PL.01 A' shall be of a no dig construction, with details to be supplied to and approved in writing by the Local Planning Authority before works commence.

Reason:

To ensure that any trees/vegetation are protected to comply with policy CS18 of the Core Strategy.

#### EXTERNAL MATERIALS

(13) 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.

#### STREET DETAILS

(14) Development shall not begin until details of the design, layout, levels, gradients, materials and method of construction and drainage of all roads and footways forming part of the development have been submitted to and approved in writing by the Local Planning Authority. No residential unit shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

#### Reason:

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

#### ACCESS (CONTRACTORS)

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

#### Reason:

To ensure an adequate road access at an early stage in the development in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### DETAILS OF NEW JUNCTION

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

#### Reason:

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



#### PROVISION OF SIGHT LINES

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

#### Reason:

To provide adequate visibility for drivers of vehicles at the road junction in the interests of public safety in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### CLOSURE OF EXISTING ACCESS

(18) No unit shall be occupied until the existing access to the east of the site has been permanently closed in accordance with details previously agreed in writing with the Local Planning Authority.

#### Reason:

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

#### CYCLE STORAGE

(19) The secure area for storing cycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

#### Reason:

To ensure that there are secure storage facilities available for occupiers of or visitors to the building. in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### CAR PARKING PROVISION

(20) The development shall not be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for a maximum of 11 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.

#### Reason:

In the opinion of the Local Planning Authority, although some provision needs to be made, the level of car parking provision should be limited in order to assist the promotion of sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### DRIVEWAY GRADIENT

(21) The access road serving the rear car parking area hereby permitted shall not be steeper than 1 in 10 at any point.

Reason:

To ensure that safe and usable off street parking facilities are provided in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### SUSTAINABLE RESOURCE USE

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

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

Reason:

To ensure that the development incorporates onsite renewable energy production equipment to off-set at least 10% of predicted carbon emissions for the period up to 2010, rising to 15% for the period 2010-2016 in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Central Government guidance contained within PPS22.

#### LIFETIME HOMES

(23) At least two of the residential units shall be first constructed and subsequently maintained so as to meet Lifetime Homes Standards. No development shall take place until details of the design and location of the units demonstrating the achievement of such standards has been submitted to and agreed in writing with the Local Planning Authority. Such agreed details shall be strictly adhered to during the course of development and thereafter maintained.

Reason:

To ensure that the development delivers 20% of the residential units to Lifetime Homes Standards in accordance with adopted Core Strategy Policy CS15 and relevant Central Government advice.

#### RESTRICTIONS ON PERMITTED DEVELOPMENT

(24) 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 or the 1995 Order with or without modification), no development falling within Classes A, B, C, D, E and F of Part 1 of the Schedule 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 protect neighbouring amenity and comply with policies CS34 of the Core Strategy.

**INFORMATIVE: CODE OF PRACTICE DURING CONSTRUCTION**

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

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

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

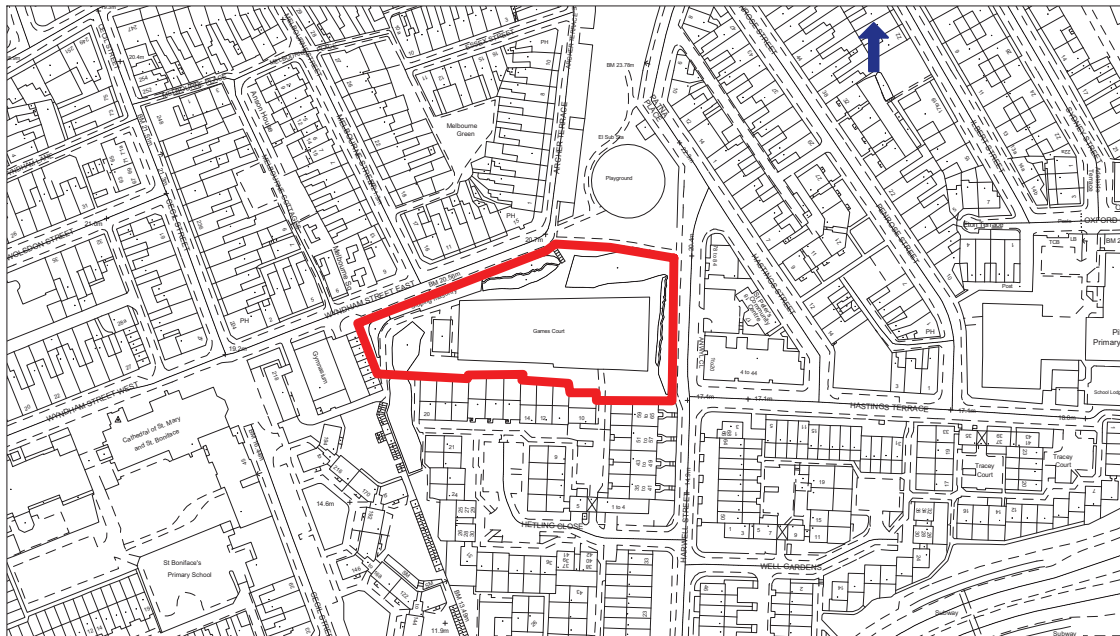
Having regard to the main planning considerations, which in this case are considered to be: the loss of the public house, the impact on neighbouring properties and the surrounding community, the impact on the highway, the impact on trees and the design and amenity of the units proposed, the proposal 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:

- PPG13 - Transport
- PPS3 - Housing
- PPS1 - Delivering Sustainable Development
- PPS22 - Renewable Energy
- PPS23 - Planning & Pollution Control
- CS28 - Local Transport Consideration
- CS32 - Designing out Crime

CS33 - Community Benefits/Planning Obligation  
CS34 - Planning Application Consideration  
CS18 - Plymouth's Green Space  
CS22 - Pollution  
CS01 - Sustainable Linked Communities  
CS02 - Design  
CS15 - Housing Provision  
CS16 - Housing Sites  
SPD1 - Development Guidelines

**ITEM: 08**

<b>Application Number:</b>	09/01651/FUL
<b>Applicant:</b>	The Guinness Trust
<b>Description of Application:</b>	Redevelopment of site by erection of fifty six one, two and three bedroom residential units with associated works, including access ramp, refuse storage, car parking and amenity space.
<b>Type of Application:</b>	Full Application
<b>Site Address:</b>	FORMER SPORTS GROUND, STONEHOUSE ARENA HARWELL STREET PLYMOUTH
<b>Ward:</b>	St Peter & The Waterfront
<b>Valid Date of Application:</b>	13/11/2009
<b>8/13 Week Date:</b>	<b>12/02/2010</b>
<b>Decision Category:</b>	Major Application
<b>Case Officer :</b>	Janine Warne
<b>Recommendation:</b>	Grant conditionally subject to S106 Obligation delegated authority to refuse by 12/02/10
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



## OFFICERS REPORT

### Site Description

This site measures approximately 0.5 ha and is located in the centre of Stonehouse, a long established residential district on the northwest periphery of Plymouth City Centre. Known informally as Stonehouse Arena, the site is a deep depression, enclosed on three sides by retaining walls and rock faces up to the surrounding street levels – Wyndam Street East in the north, Harwell Street in the east and Hetling Close in the south. The level change is approximately eight metres at its greatest.

The site was originally the route of the Great Western Railway line to Millbay Station, with associated railway sidings. The railway line was removed during the early 1980's and the site was then used as an all-weather sports pitch. Due to limited physical access, and lack of visual surveillance, the sports pitch became increasingly prone to vandalism, misuse and neglect.

Today, the neglected all-weather sports pitch is bound by a chain-link fence and surrounding dense un-kept vegetation. The site boundary on the northwest, north and east comprises random laid local limestone walls that have remained from the former railway use. The boundary to the south comprises a chain link fence abutting the rear access lane of properties on Hetling Close.

Access to the site is currently obtained via an exiting narrow vehicular access point to the site's southeast corner via the housing development of Hetling Close. This route is restricted by a low archway under existing flats. There is, an additional, pedestrian access via steep steps from Wyndham Street East, with a locked gate at the top and surrounding densely overgrown vegetation.

The surrounding area is predominantly residential, characterised by Victorian terrace development to the north; forming part of the North Stonehouse Conservation Area.

When the railway was removed in the early 1980s, the Hetling Close housing estate was constructed to the south of the site. In addition, the railway cutting to the north of the site was filled in and now forms Patna Park.

Local landmarks include an 'Arts and Crafts' interpretation of a town house in the Old English tradition, with picturesque stair turrets and brick chimneys, immediately to the east of the site; a Listed building. To the west of the site is the former non-conformist chapel, also a listed building and on the Buildings at Risk Register; St Peters Church to the west, on Wyndham Street within Wyndham Square. The Cathedral of St. Mary's and St. Boniface is located at Cecil Street west of the site.

### Proposal Description

The proposal is for 56 affordable dwellings, as a mix of shared ownership and rented residential accommodation (30% to 70% respectively) of various sizes from 1 – 3 bed (4 one bedroom flats; 34 two bed flats; 6 three bed flats; 5 two bed maisonettes; 5 three bed maisonettes; 2 three bed town houses). Access

is provided by a new ramped cul-de-sac road which stems from Wyndham Street East on the western part of the site sweeping down to a large 'T-shaped' terminus, with residential blocks arranged around the eastern perimeter (Harwell Street), and northern perimeter (Wyndham Street East). A triangular shaped communal garden is shown in the centre of the site; to the north of the rear gardens serving housing in Hetling Close.

The perimeter development is designed to bridge the extreme (2 storey) difference in levels across the site by providing entrances to the blocks on split levels.

The smaller block of ten maisonettes is located in the eastern corner of the site, with five lower units accessed from the proposed new cul-de-sac road in the west, via west facing private courtyards, and five upper units accessed from Harwell Street via bridged access. Private amenity space for these upper units is provided in west-facing courtyard/balcony gardens at fourth-floor level.

The larger block to the north along Wyndham Street East contains flats, mostly south-facing single aspect on the lower levels, fronting the proposed access road and landscaped area, and a mixture of north and south facing single-aspect on the upper floors.

Thirty-five parking spaces are proposed (including five disabled parking spaces).

The proposal has been designed to achieve Code 5 sustainability and provides 100% affordable homes.

### **Relevant Planning History**

There is no apparent planning history relevant to this application.

### **Consultation Responses**

#### **Environment Agency (EA)**

- Flood Risk

The EA's standing advice for such developments, less than 1 hectare in Flood Zone 1, confirms that the main flood risk issue to consider is usually the management of surface water run-off. Drainage from new development must not increase flood risk either on-site or elsewhere. Government policy strongly encourages a sustainable drainage system (SUDS) approach to achieve these objectives.

- Contaminated Land

Prior to development, the submitted report ('Yeandle Geotechnical Ltd's report "Preliminary Geotechnical and Basic Environmental Report, Harwell Street, Plymouth, Devon Ref BC6673 dated March 2006') should be updated in line with current guidelines (PPS23 / CLR 11) and resubmitted along with proposed remedial options for approval. The applicant should consider the possibility of further intrusive investigations as part of this update. The EA recommend a restrictive planning condition in this regard.

Architectural Liaison Officer

The Devon and Cornwall Constabulary are not opposed to the granting of planning permission for this application. The Architectural Liaison Officer has been fully consulted at the pre application stage and supports this application in its current design and layout.

Highway Authority

Recommend refusal – reason: insufficient permeability and connectivity. However, it is noted that in principle the development is acceptable. Therefore the application could receive a recommendation of approval from Transport if the applicant were willing to provide the pedestrian link into Hetling Close. Until such time the application is recommended for refusal on grounds of poor linkage and inadequate accessibility.

Housing Strategy

Strongly support the development proposals. The Housing enabling team have been involved with this application from very early stages, with the aim of maximizing affordable housing delivery and the scheme's eco credentials.

Public Protection Service

No objections, subject to a series of land contamination conditions which are consistent with those recommended by the Environment Agency (noted above).

Plymouth Design Panel

The proposal was considered by the Plymouth Design Panel on 30th April 2009. The panel were very supportive of the ambition to regenerate this part of Stonehouse and to achieve CSH level 5 housing on this challenging site. The approach to the steep topography and difficulties presented by single aspect, deep plan housing have been well handled.

*Comments:*

*The panel made some comments it hopes will be useful to consider in progressing the scheme. The panel made a strong recommendation that the 5 parking spaces in front of the Arts and Crafts building should be relocated and that this space- as a more appropriate response- should be hard landscaped to a high standard.*

*The panel queried whether the substructure and voids in the lower area had been explored for parking opportunities.*

*The panel thought that the case should be made for introducing a stepped access from the lower area to Harwell Street even if ramped access cannot be achieved. The permeability of this development is very important for connecting the community and for security.*

*The access path to the rear gardens of Hetling Close needs to be carefully designed. The panel suggested the right solution might be railings. The open space at the centre of the development should provide the focus of the*



*community and foster a sense of ownership without excluding immediate neighbours.*

### **Representations**

A public consultation exercise was undertaken as part of the pre-application process, including a public exhibition event which took place on the 14<sup>th</sup> July 2009. It was held in Patna Park to the north of the development site. The event was attended by approximately forty people. An overview of the received responses has been presented in the submitted Statement of Community Involvement, which confirms that the 'overall responses of attendees were positive toward the provision of social housing. Stakeholders were satisfied that development of the site will provide much needed housing and potentially ease antisocial behaviour'.

The main concern identified during the consultation event related to the proposed pedestrian access from Hetling Close to the south. Locals were concerned that this would be used as a short cut, encouraging anti-social behaviour and would provide easy access for residents of the proposed development to the limited number of unregulated parking spaces in Hetling Close.

During the determination of the planning application, the Local Planning Authority received one letter of representation signed by twenty-two individuals residing at Hetling Close, Harwell Street, Wyndham Street East, and Prynne Close. Objections:

- No major access route
- Overdevelopment / height of development
- Insufficient parking provision and additional vehicle movements
- Noise disturbance / echo effect caused by topography of the site
- Impact on wildlife, including protected species

### **Analysis**

#### Introduction

The site has been sold by Plymouth City Council to Guinness Trust (a Registered Social Landlord) with a covenant stating that the site must be used for affordable housing. Accordingly, this development proposes a 100% affordable housing scheme.

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

The aims of the initiative are:

1. To maintain optimism and momentum about the exciting regeneration and investment opportunities which exist in Plymouth.
2. To focus on delivery of key projects that can be completed in 2009, 2010 and 2011.
3. To maintain quality in developments but be realistic in assessing what can be delivered in the short term.
4. To explore creatively the use of public assets and joint venture models to build momentum so that Plymouth is well placed when the market does recover.
5. To work with partners (CDC, RDA, HCA) to promote Plymouth.

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

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

The proposal has met this requirement due to the early commencement of the pre-application discussions prior to the 5 safeguards being adopted and early submission of the application. It has not therefore been necessary to require the production of a Planning Performance Agreement in this instance to safeguard the City Council’s position.

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

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

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

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

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

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

5. The developer is prepared to accept and pay for a post scheme development appraisal and support other monitoring arrangements in order

for Planning Services to review the impact of the Market Response Action Plan.

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

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

### Local Planning Policy Context

The application turns upon policies CS01 (Development of Sustainable Linked Communities), CS02 (Design), CS03 (Historic Environment), CS15 (Overall Housing Provision), CS16 (Spatial Distribution of Housing Sites), CS19 (Wildlife), CS20 (Sustainable Resource Use), CS21 (Flood Risk), CS22 (Pollution), CS28 (Local Transport Considerations), CS30 (Sport, Recreation and Children's Play Facilities), CS32 (Designing out Crime), CS33 (Community Benefits/Planning Obligations), and CS34 (Planning Application Considerations) of the Council's adopted LDF Core Strategy (2007) and the emerging Development Guidelines Supplementary Planning Document. In addition, the application turns upon the Millbay and Stonehouse Area Action Plan (2007) which sets targets for the area of 1500 homes; 430 affordable homes and 260 lifetime homes over the plan period of 2006 – 2021. Proposal MS11: Stonehouse Arena is a site specific policy directly related to the application site.

### Key Issues

The key issues are:

- Whether the principle of loss of existing sports facility and residential redevelopment should be accepted
- The design and appearance of the proposed development
- Impact upon the residential amenity of neighbouring properties
- Impact upon the character of the Conservation area and adjacent Listed buildings
- Community Benefits / Planning Obligations arising from this development
- The adequacy of access and parking arrangements

### Principle of Residential Development

The land to which the application relates constitutes a brownfield site, having been previously developed and used as an all-weather sports pitch. However, given the poor natural surveillance and access difficulties, the site has become an ideal location to hide nefarious criminal and antisocial activities. Consequently it has proven difficult to maintain and is currently in a derelict

and neglected state, with the sports use abandoned. Notwithstanding this, the area is served by alternative sporting facilities in the area, at Victoria Park and neighbouring Brickfields. Therefore there is no objection in principle to the loss of the derelict sports facility under policy CS30 of the adopted Core Strategy.

The site has been allocated for residential development in the Core Strategy and Millbay and Stonehouse Area Action Plan and is in principle considered to be suitable for residential development provided the site is capable of being developed without giving rise to demonstrable harm to recognised planning interests, as discussed below.

#### Development Density

The site conditions and context have informed, in part, the density and layout of the proposed scheme, resulting in a proposal for fifty-six affordable dwellings. The scheme has evolved by an exploration of determining the appropriate scale of buildings from street level while utilizing the space underneath created by the site topography.

Two (with three) storey street elevations directly respond to their context while the development potential for the site has been maximized with five or six storeys high internal facades overlooking site. This series of buildings replicates the existing height of buildings at street level and enhances natural surveillance across the site.

It is noted that adopted policy MS11 of the Millbay and Stonehouse Area Action Plan states that the site should provide 'in the region of 40 residential units'. Although the proposal exceeds this figure, the overall density of the proposed development is deemed acceptable. Planning Policy Statement 3 (PPS3) advises that the density of development should not be dictated by that of existing development density. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment. Given that the site lies within an urban area with sufficient access to local facilities, public transport networks and services etc, the proposed density is acceptable.

#### Affordable Housing and Sustainable Mixed Community

As set out in the Core Strategy (para 10.18), the City's annual affordable housing shortfall is assessed at 1,426 dwellings a year. This is more than the total annualised draft RSS housing requirement of 1,150 dwellings. Evidently, the affordable housing need in the City is very high (hence delivery of Affordable Housing development has recently been included as one of the top Corporate Improvement Targets for Plymouth City Council measured by GOSW). This scheme would make a valuable contribution to the Affordable Housing needs of the City.

Affordable housing includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market (Annex B, PPS3). In this case, the proposed affordable tenure mix is 10 shared ownership, 7 intermediate rent to homebuy and 39 social rented

properties. Account has been taken of the surrounding area housing mix – a high percentage of which is already affordable housing (social rented accommodation). The delivery of a reasonable proportion (30%) of shared ownership and intermediate affordable properties within this development would help to even out the housing mix and to secure a mixed and sustainable community as part of the regeneration of the surrounding area.

### Design

It is immediately apparent that the site's predominant development constraint is its topography. The scheme has developed on the basis of ramped access being taken from Wyndham Street East, utilising an area of the site less suitable for locating dwellings. With the road located centrally within the site, this allows for a perimeter block approach to the east and north and a central garden separating the proposed blocks from the two storey houses in Hetling Close, to the south

The resulting layout comprises two main building elements wrapping around two sides of the site. These have been designed to complete their respective streetscapes by mirroring the development pattern of existing terraces on the opposite sides of adjacent streets. The development proposal will sit comfortably within its context, yet promotes a scheme with its own character.

The western corner comprises the entrance to the site and has been carefully designed, incorporating an 'end stop' building which includes attractive features when viewed from Wyndham Street to the west.

The appearance of the new development as a whole makes a statement of its own identity with contemporary design. The perimeter blocks to the north and east comprise is a robust townscape form, which provides good defensible space and a sense of enclosure.

The proposed palette of materials is considered to compliment existing materials locally. New external walls to be finished in render, but the subtle use of cladding panels and natural stone on features such as projecting bays ensures that the external appearance and elevations are interesting and varied.

The proposed siting and design will enhance the aesthetic quality of this derelict site and is sensitive to the character and appearance of the surrounding area, respecting elements of the historic environment and other traditional housing in the area whilst not being a slavish copy of the local style. The development is therefore considered to make a positive contribution to the urban environment, creating contemporary presence to the existing streetscenes of Harwell Street and Wynham Street East and enhancing local visual amenity. In this respect, the proposed development is considered to be acceptable and complies with adopted Core Strategy Policies CS01, CS02, CS15, CS32, CS34 and Government advice contained within PPS1 and PPS3.

Refuse storage has been proposed alongside the cul-de-sac terminus within the centre of this site. This takes the form of two identical triangular-shaped stores constructed of natural stone dwarf walls, wooden panel elevations and mono-pitched roofs. Although the proposed location is not ideal, it is deemed acceptable in this instance as it provides a communal facility which is large enough to accommodate the volume of refuse anticipated and can be readily accessed by occupiers. It should be noted that the emerging Development Guidelines SPD states that 'there may be circumstances where you might choose to locate stores in a prominent location. This is likely to be acceptable only where alternative locations do not comply with other elements the guidance (for example they are not accessible)'. This guidance is pertinent in this case; other locations have been explored by the applicant/agent and LPA officers. As a result, the proposed position is deemed most appropriate. It is noted that additional bin storage facilities have been integrated within the fabric of the smaller residential block to the east of the site. These have been carefully designed and screened from public view.

#### Landscaping

Within the centre of the site is a courtyard area. This area is communal and designed to be utilised a shared amenity space, car park and bin store.

The hard landscaping has been designed to provide a smooth, even and well laid out surface to allow easy and safe pedestrian and vehicular movement around the site. A variety of paving materials are proposed to help define areas and delineate clear and safe routes through the development. In addition, such variation makes the proposed public realm more visually attractive and interesting.

With regard to soft landscaping, as far as practical, new low maintenance planting and grassed areas will be introduced to the remaining open space to the south to soften the impact of the new retaining structures and serve as a new amenity area and buffer between the new development and existing housing and gardens.

Restrictive planning conditions should be attached to any grant of planning consent, seeking a detailed hard and soft landscaping plan for approval by the LPA. It is noted that soft landscaping design will incorporate recommendations identified by the ecological appraisal.

#### Residential Amenity

The main building containing the majority of the units runs along the northern boundary fronting Wyndham Street East and Patna Park. From courtyard level these proposed buildings vary in height from three to five storeys, with two to three storeys at street level (fronting Wyndham Street East). This approach ideally suits single aspect flat construction on the lower floors, accessed via communal stair cores from lower ground/courtyard level to all storeys. This also allows for some dual aspect units on the upper floors which can be accessed directly from street level.

Properties along the eastern boundary, fronting Harwell Street, have been treated differently. Maisonette units have been provided. Each has its own individual level access into its ground floor (upper houses from Harwell Street, lower houses from the proposed courtyard). Each of the maisonette units has either a garden or roof terrace and is dual aspect.

The relationship between two proposed residential blocks is deemed acceptable; ensuring that each property has an adequate level of privacy and outlook. In addition, by virtue of the proposed internal layout, all habitable rooms benefit from adequate natural sunlight/daylight, in accordance with the principles of policy CS34.

The proposed rear gardens and balconies are quite small, and many units do not benefit from any private amenity space. However, this is a consequence of the density agreed at the pre-application stage and reflects Government and Council policies to maximise density on brownfield redevelopment sites. Communal amenity space has been provided; it is safe, attractive, easily distinguished and accessible. It accords with current practice and is acceptable.

### Neighbouring Residential Amenity

One letter of representation, signed by twenty-two individuals, has been received by the LPA during the determination of this planning application (detailed above). It is important that all new residential development is designed to ensure that the degree of privacy enjoyed by existing nearby properties is not unacceptably reduced and that new problems of overlooking are not created.

The application site is unique in comparison to its context in that it is 'sunk' and therefore at a significantly lower level than much of the residential development that surrounds it. This ensures that the development proposed, which is up to 5 storeys in height, does not appear unduly dominating when viewed from existing development surrounding the site. The bulk and massing of the proposed buildings has been minimised by careful design; setting the top floor of each building back from the primary façade reduces the perceived height. In addition, mono-pitch roofs have been utilised to ensure impact is minimal.

The neighbouring properties most affected by the proposed development are those sited on Hetling Close to the south and Wyndham Street East to the north.

It is considered that the positioning of the proposed apartment block in the northern part of the site ensures that there is no direct conflict between the proposed and existing development, and that undue problems of overlooking and loss of sunlight are not created. The relationships created are therefore considered acceptable.

Specifically, by virtue of the proposed layout and communal amenity area on the southern boundary of the site, there will be sufficient distance between the

proposed apartment blocks on the northern side of the site and the existing properties (Hetling Close) to the south to ensure that there will not be an unreasonable impact on the amenities of existing property occupiers.

The development proposed closest to the northern boundary of the site will have a more intimate relationship with the existing development on Wyndham Street East. The separation distance between the existing dwellings and the proposed apartment block will be approximately 14 metres frontage to frontage. However, this is typical of the existing separation distances between properties on either side of a road in the locality and is therefore deemed acceptable.

With regard to the smaller residential block proposed to the east of the site, it is considered that no.s 59-65 Harwell Street, will be most affected by given the close relationship between the proposed terrace and the existing housing. In this instance, some overlooking may occur to the external amenity space at the rear of this adjoining plot. However, this relationship is typical of residential development in the area and could not warrant the refusal of planning consent in this instance.

The submitted letter of representation refers to noise disturbance and an 'echo effect' likely to be caused by the topography of the site. Inevitably there will be some additional noise disturbance created both during and post-construction. Any grant of planning consent can be conditioned to ensure to that a detailed management plan for the construction phase is submitted to the Local Planning Authority detailing how the residential and general amenity of the area will be protected from any harmfully polluting effects during construction works. Any noise generated post-construction is likely to be consistent with typical urban noise levels and therefore the case officer considers that this could not warrant the refusal of planning consent.

#### Access and Permeability

The proposed development does not provide a link for pedestrians from the site to Hetling Close, contrary to the aims of policies MS11, CS28 and CS34. Consequently, the Highway Authority has confirmed that it is unable to recommend in favour of the proposal. Notwithstanding this, it is considered that the proposal should be fully supported.

During a pre-application publicity event, significant concerns were expressed about the security of the site and surrounding area, with specific reference to existing anti-social behaviour problems. In particular, residents opposed the creation of a new pedestrian linkage from the application site into Hetling Close, on the grounds that it would be used as a shortcut en-route from Kings Road to North Road West and facilitate the use of limited parking spaces in Hetling Close by residents of the new development.

Accordingly the applicant removed the pedestrian link from the scheme at the request of the local residents and the Police Architectural Liaison Officer. Given this, your officers are of the view that it would be unjust to disregard the



main findings of pre-application public consultation exercise purely because the planning policy seeks pedestrian permeability.

In addition, there was strong complaint about the existing stepped footpath which links Hetling Close to Wyndam Street East via a steep bank and 'dog legged' back alley. The route lacks natural surveillance, with various unobserved or little observed corners. As a result, a number of residents attending the consultation event asked that it be closed as it provides a hidden area for criminal activities. Accordingly, it is proposed that the alleyway to the rear of no.s 2-10 Hetling Close, which provides access to the rear of those properties, shall be gated and bound by railing enabling visual surveillance from the proposed development.

Given the clear views expressed by local residents against the provision of a new pedestrian linkage at the pre-application consultation event, and the advice from the Police Architectural Liaison Officer, the proposed development does not facilitate pedestrian/vehicular permeability. The proposed scheme has been designed to enhance natural surveillance across the development site and surrounding area. The Architectural Liaison Officer has been consulted as part of the design development process and fully supports this scheme. It is considered that the proposed development accords with policy CS32 of the adopted Core Strategy.

### Highway Considerations and Parking Provision

The site is considered to be highly accessible by public transport and is within walking distance of the City Centre. As such the vehicle trips generated by the site are likely to be low, in favour of more sustainable modes of travel options. Therefore, the development is not considered to have a detrimental impact on the surrounding local highway network.

A reduced level of on-site car parking proposed is acceptable in this location. The proposed spaces should be allocated to the units accordingly and will remain under private ownership. Furthermore, the site lies within a resident permit parking scheme which is currently over-subscribed. Future residents will be excluded from obtaining parking permits or visitor tickets for use within the permit zone.

The proposed estate road will be constructed at a gradient of 1 in 10. This is acceptable in this instance. It is understood that the road will be offered for adoption as Highway to the Highway Authority. Street detail conditions are therefore recommended to secure the detailed design, construction and completion of the road.

The provision of 100% cycle storage on site is welcomed. The proposed storage is secure and covered due to its integration within the proposed residential blocks. In addition, the development ensures that all aspects of the Code for Sustainable Homes Level 5 criteria are adhered to - relying less on the private car is a major aspect of this.

### Impact on Wildlife and Protected Species

An Ecological Appraisal accompanied the application submission. The report considers that the site to be generally of low ecological value; with little vegetation present. It confirms that there is no scope for any rare or protected species to be present, but the site would be used by many birds for nesting and foraging.

Having reviewed the submitted Ecological Appraisal and the Code for Sustainable Homes Report, your officers agreed that the only protected species likely to be affected by the works are birds, which are protected whilst nesting under the Wildlife & Countryside Act (as amended).

Your officers subsequently requested a Biodiversity Mitigation and Enhancement Strategy (submitted December 2009) for wildlife protection both during and post-construction. This demonstrates biodiversity net gain through provision of a 'biodiversity budget' and incorporates all the key recommendations and additional recommendations in the Ecological Appraisal.

Your officers are satisfied that the retention, protection and enhancement of wildlife and features of biological interest have been adequately considered and therefore accords with policy CS19 of the Council's adopted Core Strategy.

#### On Site Renewables and Sustainability

By meeting Level 5 on the Code for Sustainable Homes it is considered that this scheme accords with the aims policy MS11 of the Millbay and Stonehouse Area Action Plan; and policy CS01 of the adopted Core Strategy. Given that the Code for Sustainable Homes ranges from 1 through to 6 (6 being zero carbon), the Eco credentials of this development proposal are indeed impressive. The High Eco specification rating for this development has been targeted with encouragement from the Homes and Communities Agency, and should in principle allow access to higher levels of grant funding and help address some of the development viability problems.

The scheme will produce at least 10% of its predicted carbon emissions through on site renewable energy production equipment, therefore according with policy CS20 of the adopted Core Strategy. The project also accords with the sustainable development principles set out in PPS1 and PPS3.

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

#### Flood Risk Assessment

The Environment Agency (EA) flood map indicates that the application site lies within Flood Zone 1. As such the site is considered to be at low risk of flooding from fluvial or tidal sources. Given the content of the submitted Flood Risk Assessment and the standing advice from the EA it is considered that

the proposed development accords with policy CS21 of the adopted Core Strategy.

#### Contaminated Land

Considering the application sites former railway use and that residential premises are proposed, a Preliminary Geotechnical and Basic Environmental Report was submitted to the LPA. This has been considered by Public Protection and the Environment Agency. As a result a series of standard land contamination conditions are recommended.

#### Historic Environment and Archaeology

The application site lies opposite the Listed Arts and Crafts building on the corner of Harwell Street and Hastings Street. Therefore the north east corner of the development is deliberately a storey higher in response to the significantly higher 'Arts and Crafts' style building opposite. This makes a feature of the predominant corner, while allowing the listed building to remain a visual landmark.

The area was developed as the first engine shed / depot for the South Devon Railway (SDR) and/or Great Western Railway (GWR). Although a precise build date is unknown, it is not marked on a 'Three Towns' map of c.1850 but it does seem to appear on the Illustrated London News Panorama of 1872. It presumably predates the SDR takeover/joint company merger and the GWR of the mid late 1870s. Given this, a restrictive condition is recommended to ensure the implementation of a programme of archaeological work, in accordance with a written scheme of investigation approved by the Local Planning Authority.

#### Community Benefits

##### (a) Affordable Housing

It is proposed to develop the whole site for affordable housing. The requirement of the legal obligation is simply to safeguard the minimum affordable housing provision in the unlikely event that circumstances change and the proposal is not delivered as planned.

The LDF: Planning Obligations & Affordable Housing SPD: Draft Revisions (December 2009) confirms that the full tariff will not be applied to affordable housing units. Affordable housing will only be required to contribute to strategic transport infrastructure. Affordable housing is primarily required to meet the needs of existing population and the greater community benefit is considered to outweigh the potential loss of other contributions. In the case of transport, the impacts are property specific, as well as population specific, and hence it is proposed that the tariff still apply to affordable housing units in this instance.

On this basis, if the application were to be considered outside of the umbrella of the Market Recovery Action Plan, on the basis of the independently verified viability assessment submitted with the application, the development would be required to deliver 100% affordable housing on-site (in accordance with policy MS11, in the Millbay and Stonehouse Area Action Plan), together with a

financial contribution of £103,723 (under measures to stimulate market recovery). towards strategic transport infrastructure under the Plymouth Development Tariff.

The current scheme is brought forward under the structured approach of the Market Recovery Plan. Affordable housing is one of the most important issues to be addressed through the LDF and one of the greatest determining factors on the development viability of a development site. If approved, the application would guarantee that this significant development, comprising 100% (56) affordable housing units will start on site within the next two years, within what is still likely to be a restricted financial climate. This early start is one of the requirements of the recommended S106 Obligation.

It should be noted that policy MS11, in the Millbay and Stonehouse AAP refers to the provision of an appropriate contribution to primary and secondary education (point 6) and a contribution towards managing off site recreational impacts within Plymouth Sound and Estuaries SAC and Tamar Estuaries SPA (point 8). However, the AAP was written prior to the adoption of the Council's tariff regime and therefore has now been superseded. Funding will now be secured for education and the SAC through the accumulation of tariff payments on qualifying schemes. The adopted Planning Obligations SPD is clear that affordable housing only pays for transport tariff. Therefore, notwithstanding policy MS11, Stonehouse Arena is not a qualifying scheme.

(b) Other Community Infrastructure.

It is clear from the viability assessment submitted with the application that the development cannot afford to deliver the Plymouth Development Tariff contribution towards Strategic Transport Infrastructure as required by either the full or reduced Tariff, when combined with the delivery of 100% affordable housing units and the cost of meeting Code for Sustainable Homes Level 5. In the case of this application if considered outside the parameters of the Market Recovery Action Plan, but within the reduced Development Tariff, the required financial contribution towards strategic transport infrastructure would be £103,723.

The Market Recovery Scheme aims to assist developers by allowing them to tailor elements of the S106 agreements so that they are better aligned with the project's risk profile and cash flow. In this case, an open-book viability appraisal shows that the development is unviable under current conditions. It is clear from the submitted viability assessment (that has been verified by the Council) that the S106 Obligation required in line with policy, even taking into account the reductions agreed by Cabinet, is not deliverable due in part, to the cost of meeting Code for Sustainable Homes Level 5. Achieving CSH L5 will bring, amongst other, a 100% improvement in carbon dioxide emissions from Building Regulation standard, energy efficient internal and external lighting, super thermal insulation, cycle storage and reduced heating bills for occupants.

Under the parameters of the Market Recovery Action Plan, it is proposed that the development be excused from paying the tariff in order to secure delivery of the scheme.

Whilst it is noted that on this basis the proposal does not mitigate against the adverse community infrastructure impacts of the development as required by adopted Core Strategy policy CS01, the impact of one site failing to fully deliver the requirements of the Plymouth Development Tariff required by Council policy, when set against the context of making a noteworthy contribution to the delivery of the wider affordable housing target over the plan period as set out in the Core Strategy together with the delivery of Level 5, Code for Sustainable Homes, is considered to be insignificant.

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

#### 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**

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

The key equality groups particularly benefiting from the development are older people and those with disabilities as in this case, all of the properties have been designed to Joseph Rowntree Lifetime Homes standards. This proposal sets a best practice example, exceeding the Lifetime Homes CS15 (4) policy requirement.

The benefits to all groups will be positive as it will provide much needed residential accommodation and affordable housing to the local community.

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

#### **Section 106 Obligations**

The matter of community benefits and planning obligations has been addressed by the applicant and the Local Authority under the Market Recovery Action Plan via a viability assessment to ensure the development complies with policy MS11 of the adopted Millbay and Stonehouse Area Action Plan and policy CS33 of the adopted Core Strategy. This matter has

been discussed in detail above. However the following bullet points provide a summary of each topic area and provide comments on what is being brought forward by the proposed development.

1. Affordable Housing – Under the parameters of the Market Recovery Action Plan, the development proposes 100% of affordable housing on site. It is proposed that this will comprise a tenure mix of 39 (70%) social rented units, 10 (17%) shared ownership and 7 (13%) intermediate rent or rent to Homebuy. This suggested tenure mix is in accordance with the Council's objectives as set out within Strategic Objective 10 and Policy CS15 of the adopted Core Strategy and policy MS11 of the adopted Millbay and Stonehouse Arena Area Action Plan and is supported.

2. The council acknowledges that, in certain circumstances, a development may not be able to address all of the required planning obligations without the scheme becoming economically unviable. An assessment of development viability has been conducted. The developer has adopted an 'open book' approach, whereby relevant development finances have been subject to an independent financial appraisal, in order to provide the appropriate and necessary information. Given this, under the parameters of the Market Recovery Action Plan, your officers have concluded that the development be exempt from paying the tariff.

3. Development to commence within two years. This has been agreed.

4. Developer to commission a post scheme development appraisal to be submitted to the Local Planning Authority, and support other monitoring arrangements in order for Planning Services to review the impact of the Market Response Action Plan. This has been agreed.

### **Conclusions**

The proposed development would provide high quality, sustainable, affordable housing on a derelict and topographically challenging site in the centre of Stonehouse. The advantages of delivering such a high specification sustainable scheme on a difficult brownfield site are considered to outweigh any residual concerns about the level of community benefits secured, and go beyond disputes about permeability and refuse storage design.

It is therefore recommended that the application be conditionally approved subject to the satisfactory completion of the S106 Obligation by 12 February 2010, with delegated authority sought to refuse permission if the Section 106 Agreement is not signed within that time.

### **Recommendation**

In respect of the application dated **13/11/2009** and the submitted drawings, **ma1581[P]-002, ma1581[P]-003, ma1581[P]-004, ma1581[P]-005, ma1581[P]-006, ma1581[P]-007 Rev.A, ma1581[P]-008, ma1581[P]-009, ma1581[P]-010 Rev.A, ma1581[P]-011, ma1581[P]-012 Rev.A, ma1581[P]-013 Rev.A, ma1581[P]-014 Rev.A, ma1581[P]-015, ma1581[P]-016,**

**TGT0601, Supporting Information (Design and Access Statement, Statement of Community Involvement (November 2009), Ecology Appraisal (May 2009), Biodiversity Mitigation and Enhancement Strategy (December 2009), Flood Risk Assessment (May 2009), Preliminary Geotechnical and Basic Environmental Report (April 2006)) , it is recommended to: Grant conditionally subject to S106 Obligation delegated authority to refuse by 12/02/10**

### **Conditions**

#### **DEVELOPMENT TO COMMENCE WITHIN 2 YEARS**

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

#### **Reason:**

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

#### **CODE OF PRACTICE DURING CONSTRUCTION**

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

#### **Reason:**

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

#### **BIODIVERSITY**

(3) The development shall be carried out in accordance with the Biodiversity Mitigation and Enhancement Strategy for the site (dated December 2009), unless otherwise agreed in writing by the Local Planning Authority.

#### **Reason**

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

#### **ARCHAEOLOGICAL PROGRAMME**

(4) No development shall commence until the applicant/agent (or his/her successors in title) has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall be carried out at all times in strict

accordance with the approved scheme, or other such details as may subsequently be agreed in writing by the Planning Authority

Reason:

In accordance with Core Strategy Policies CS03 , CS34 and Government advice contained in PPG16.

#### SUSTAINABILITY

(5) Unless otherwise agreed in writing by the Local Planning Authority, notwithstanding the submitted information, no development shall take place until the applicant has provided the Local Planning Authority with a report for approval identifying how :

(I) The Code for Sustainable Homes report demonstrating how the development will achieve Code Level 5

(II) Details based on Building Regs Part L calculations on how a minimum of 15% of the carbon emissions for which the development is responsible are off-set by on-site renewable energy production methods. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. If such requirements are to be provided by means of a biomass boiler in full or part, details shall also be provided to demonstrate that the boiler will be used, which shall include a commitment to maintain the boiler and details of how a long term fuel supply can be secured and delivered.

Reason:

To enable the Local Planning Authority to consider the above details in accordance with the requirements of adopted Core Strategy policy CS20 and Government advice contained in PPS22.

#### STREET DETAILS

(6) Development shall not begin until details of the design, layout, levels, gradients, materials and method of construction and drainage of all roads and footways forming part of the development have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

Reason:

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

#### ROAD ALIGNMENT AND DRAINAGE

(7) Development shall not begin until details of the vertical alignment for the new street areas have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.



Reason:

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

#### COMPLETION OF ROADS AND FOOTWAYS

(8) All roads and footways forming part of the development hereby permitted shall be completed in accordance with the details approved under condition 8 above before the first occupation of the penultimate dwelling.

Reason:

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

#### ACCESS (CONTRACTORS)

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

Reason:

To ensure an adequate road access at an early stage in the development in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### DETAILS OF NEW JUNCTION

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

Reason:

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

#### PROVISION OF PARKING AREA

(11) Each parking space shown on the approved plans shall be constructed, drained, surfaced and made available for use before any unit of accommodation is first occupied and thereafter that space shall not be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow

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

#### CAR PARKING RESTRICTION

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

#### Reason:

In the opinion of the Local Planning Authority the level of car parking provision should be limited in order to assist the promotion of more sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### LAND QUALITY

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

#### Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the use can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### SITE CHARACTERISATION

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

- (i) a desk study characterising the site and identifying potential risks from contamination;
- (ii) a survey of the extent, scale and nature of contamination;
- (iii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,

- ecological systems,
  - archaeological sites and ancient monuments;
- (iv) an appraisal of remedial options, and proposal of the preferred option(s). This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### SUBMISSION OF REMEDIATION SCHEME

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

(16) The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out shall be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason:

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

and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### REPORTING UNEXPECTED CONTAMINATION

(17) 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 14, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 15, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 16.

#### 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.

#### CYCLE STORAGE

(18) The secure area for storing cycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

#### Reason:

To ensure that there are secure storage facilities available for occupiers of or visitors to the building. in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### LIFETIME HOME

(19) 100% of the new dwellings shall be first constructed and subsequently maintained so as to meet Lifetime Homes Standards.

#### Reason:

To ensure that the development delivers 100% of the residential units to Lifetime Homes Standards in accordance with development proposal and the adopted Core Strategy Policy CS15 and relevant Central Government advice.

#### LANDSCAPE DESIGN PROPOSALS

(20) No development shall take place until full details of both hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure (including proposed site boundary treatment); car parking layouts; other vehicle and pedestrian

access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., indicating lines, manholes, supports etc.)

Reason:

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

#### SOFT LANDSCAPE WORKS

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

Reason:

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

#### LANDSCAPE WORKS IMPLEMENTATION

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

Reason:

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

#### EXTERNAL MATERIALS

(23) 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.

#### INFORMATIVE - CODE OF PRACTICE DURING CONSTRUCTION

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

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

**INFORMATIVE - KERB LOWERING**

(2) Before the access hereby permitted from Harwell Street is first brought into use, it will be necessary to secure dropped kerbs with the consent of the Local Highway Authority. The developer should contact the Technical Consultancy of Plymouth City Council for advice on this matter before any work is commenced.

**INFORMATIVE - RESIDENT PERMIT PARKING**

(3) The applicant has been made aware that the site lies within a resident permit parking scheme which is currently over-subscribed. As such the development will be excluded from obtaining permits and visitor tickets for use within the zone.

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

Having regard to the main planning considerations, which in this case are considered to be: whether the principle of the loss of existing sports facility and residential redevelopment should be accepted, the design and appearance of the proposed development, the impact upon the residential amenity of neighbouring properties, the impact upon the character of the Conservation area and adjacent Listed buildings, Community Benefits / Planning Obligations arising from this development, and the adequacy of access and parking arrangements, 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:

- PPG13 - Transport
- PPG15 - Planning and the Historic Environment
- PPG25 - Flood Risk
- PPS3 - Housing

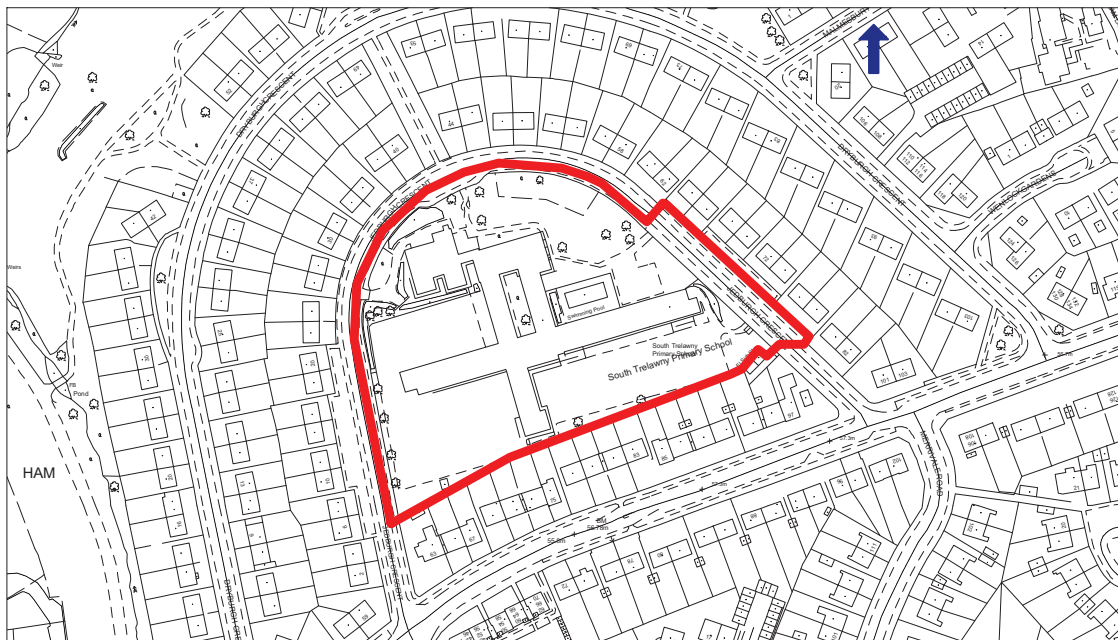
PPS1 - Delivering Sustainable Development  
PPS22 - Renewable Energy  
PPS23 - Planning & Pollution Control  
CS28 - Local Transport Consideration  
CS32 - Designing out Crime  
CS33 - Community Benefits/Planning Obligation  
CS34 - Planning Application Consideration  
CS19 - Wildlife  
CS20 - Resource Use  
CS21 - Flood Risk  
CS22 - Pollution  
CS03 - Historic Environment  
CS01 - Sustainable Linked Communities  
CS02 - Design  
CS15 - Housing Provision  
CS16 - Housing Sites  
CS30 - Sport, Recreation and Children's Play Facilities  
MS11 - Stonehouse Arena  
SPD1 - Development Guidelines

This page is intentionally left blank



**ITEM: 09**

<b>Application Number:</b>	09/01708/FUL
<b>Applicant:</b>	Devon and Cornwall Housing Association
<b>Description of Application:</b>	Demolition of existing school and construction of 47 affordable houses with associated access roads, parking and landscaping together with widening and alteration of existing carriageway and footway.
<b>Type of Application:</b>	Full Application
<b>Site Address:</b>	SOUTH TRELAWNY PRIMARY SCHOOL, JEDBURGH CRESCENT PLYMOUTH
<b>Ward:</b>	Ham
<b>Valid Date of Application:</b>	23/11/2009
<b>8/13 Week Date:</b>	<b>22/02/2010</b>
<b>Decision Category:</b>	Major Application
<b>Case Officer :</b>	Mark Evans
<b>Recommendation:</b>	Grant conditionally subject to S106 Obligation, Delegated authority to refuse in event of S106 not signed by 22/02/10
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



(c) Crown Copyright. All rights reserved. Plymouth City Council Licence No. 100018633 Published 2010 Scale 1:2500

## OFFICERS REPORT

### Site Description

The application site is 1.28 Ha in area and comprises land and a range of single and two storey buildings previously occupied by South Trelawny Primary School which closed in August 2009 to be replaced (along with North Prospect Community School) by the new Mayflower Community School.

The ground level of the site is elevated above the road level of Jedburgh Crescent varying between approximately 1 - 1.5m in height. The southern boundary of the site backs onto the rear gardens of properties on Ham Drive with the remaining curved site boundaries to the north, east and west fronting directly onto Jedburgh Crescent.

Several mature trees are situated along the site boundaries.

Vehicular access to the site is from Jedburgh Crescent.

### Proposal Description

The proposed development comprises demolition of the existing school buildings and redevelopment of the site with 47 affordable houses (35 social rented, 12 shared ownership), 53 on-site parking spaces, construction of a new access road off Jedburgh Crescent, associated landscaping, together with widening and alteration of the existing carriageway and footway.

The development comprises a mix of two storey properties and two storey properties with a third attic storey with a single vehicular access off Jedburgh Crescent. An additional pedestrian route accessed from the western boundary of the site will be created to the site.

A contemporary building design is proposed with a combination of white render with vertical coloured render bays along with coloured cladding boards to create projecting window surrounds and contemporary dormer surrounds.

The design includes a series of linked landscaped spaces including a shared surface turning head, soft landscaped space at its centre adjoined by a larger soft "green" landscaped area that leads to footpath trails and a landscaped bank around the perimeter of the site.

Whilst many of the existing mature trees are retained within the development, the proposal also incorporates new tree planting and low level shrub planting across the site.

It is proposed to locally widen the existing public highway on Jedburgh Crescent at the new junction so as to provide adequate access without loss of parking for the existing residents. This widening will result in a minimal loss of grass verge and one existing tree which will be replaced elsewhere within the scheme.

### Relevant Planning History

Nothing of relevance.

### **Consultation Responses**

#### **Highway Authority**

No objections subject to conditions.

#### **Public Protection**

No objections subject to conditions.

### **Representations**

Three letters of representation have been received. Comments can be summarised as:

1. Concern that proposed development is too big for the small area, will cause loss of light to the properties opposite and will cause major parking problems.
2. Concern that there is lack of play facilities in the area to accommodate the development.
3. Concern that development will build on the only area of green space which will result in a lot of conflict and anti-social behaviour problems.
4. It is considered that a smaller development of two bed bungalows would be more suitable for the site and that demolition should be undertaken by a specialist asbestos removal company.
5. Query whether traffic flow on Jedburgh Crescent can be made "one-way" and whether any traffic calming measures will be introduced?
6. It is considered that parking restrictions should be imposed on the contractors of the development and that financial help should be given to Jedburgh residents to allow for off road parking spaces.
7. Objection on basis that proposal does not incorporate 4 new parking spaces within the grass verge opposite the new entrance as there is a need for additional parking for residents.

### **Analysis**

The key issues are:

1. The impact of the development upon the appearance and character of the area;
2. The impact of the development upon neighbouring properties;
3. The impact of the development upon the highway network.

#### 1. The impact of the development upon the appearance and character of the area.

Principle of Residential Development - the application site constitutes a brownfield site having been previously developed and used as a school (closed in August 2009). Therefore although the site is not allocated for residential development in the Core Strategy it is in principle considered to be suitable for residential development provided the site is capable of being developed without giving rise to demonstrable harm to recognised planning interests.

Layout & Design - The proposed layout for the development is considered acceptable. The overall density of the proposed development would equate to

approximately 37 dwellings per hectare, which is within the range of 30-50 dwellings per Hectare recommended under the guidance in Planning Policy Statement 3 (PPS3). PPS3 also advises that the density of development should not be dictated by that of existing development density. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment. Taking into account the fact that the site is within an urban area more able to sustain the proposed density based on its location and access to local facilities, public transport networks and services etc, the proposed density is acceptable.

The development comprises a mix of two storey properties and two storey properties with a third attic storey, and is compatible with existing development in Jedburgh Crescent.

The proposed siting and design will enhance the appearance and character of this redundant site and will be in keeping with the appearance and character of development in the locality. In this respect, the proposed development is considered to be acceptable and complies with adopted Core Strategy Policies CS01, CS02, CS15, CS32, CS34, Supplementary Planning Document 1 and Government advice contained within PPS1 and PPS3.

2. The impact of the development upon neighbouring properties.

The proposed siting, layout and design of the development is considered to have an acceptable relationship with regards the residential amenity of neighbouring properties. The proposed development is not considered to have a significant adverse impact regarding loss of light to any neighbouring properties. In this respect, the proposal accords with adopted Core Strategy policies CS01, CS02, CS34, Supplementary Planning Document 1 and Government advice contained within PPS1 and PPS3.

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

The impact of the development on the highway network is considered acceptable. The scheme has been designed to encourage prospective residents and visitors to park within the application site and does not cause any issues in terms of capacity on the local highway network.

The applicant proposes 53 off-street parking spaces in total on the site which is in accordance with the City Council's maximum parking standards. Spaces will be allocated to each dwelling with additional visitor spaces on the site. The majority of existing properties on Jedburgh Crescent do not have the benefit of any off-street parking and as such park on-street.

Whilst it is accepted that the parking in this street is at a premium already, it is considered that the development conforms to adopted standards and should not aggravate this situation further.

The design of the new estate provides rear parking for those properties which front onto Jedburgh Crescent. The small wall which borders the site around Jedburgh Crescent will mean that pedestrian route between the on-street

parking and the new dwellings is less conveniently accessed when compared to the access to the parking spaces provided and therefore residents are more likely to park off-street than on-street.

The highway widening works proposed in the locality of the site entrance retains the existing on-street car parking. Additional parking spaces will be created at the former drop-off bay. Overall in terms of access and transport, the proposed scheme is considered to comply with adopted Core Strategy Policies CS02, CS28 and CS34.

The Highway Authority does not object to the development proposal.

The Highway Authority does not consider that the development proposal necessitates the need for a Traffic Road Order to create a one-way traffic route, nor is it considered reasonable or appropriate for the development to be required to make a financial contribution to existing Jedburgh residents to allow for additional off road parking spaces.

Concerns from local residents concerning the parking of contractor's vehicles can be addressed through the imposition of a condition for a Contractor's Code of Practice.

#### Community Benefits

##### (a) Affordable Housing

Core Strategy Policy CS15 promotes the delivery of affordable housing and advises that on developments of 15 dwellings or more, 30% of the total number of dwellings proposed should be affordable homes (subject to viability).

As it proposes 100% affordable housing, the development scheme delivers well in excess of the 15% affordable housing requirement of the Plymouth Development Tariff and is acceptable in terms of Core Strategy Policy CS15, Supplementary Planning Document 2 and Government advice contained in PPS3.

##### (b) Other Community Infrastructure.

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

In order to set the proposed development in the context of the current economic climate, it is important to note that the Council has formally agreed the adoption of a series of temporary concessions to be granted for developments in relation to the Plymouth Development Tariff. It has been agreed that as part of these measures, 50% of the tariff will be charged for the development of previously developed brown-field land if the case is proven

through an open book viability appraisal that the development is unviable at the higher level.

Under the parameters of the Plymouth Development Tariff, this development for affordable housing is required to contribute £206,548 towards Transport Infrastructure in the City. Taking into account the submitted viability assessment (that has been verified by the Council), it has been demonstrated that the development is unviable at the higher level. On this basis, the reduced tariff of £103,274 is applicable. This amount has been agreed with the applicant. The development therefore accords with Core Strategy policy CS33, Supplementary Planning Document 2 and Government guidance within PPS1.

### Sustainability

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

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

### Other Issues

Third party representations regarding a perceived lack of play facilities in the area to accommodate the development are acknowledged. However, as each dwelling within the development has a reasonable sized garden associated with it, and the fact that the development will deliver much needed affordable housing to the locality, on balance, the issue is not considered to be so significant to warrant a refusal of the planning application.

Local residents concern that the development will build on the only area of green space resulting in a lot of conflict and anti-social behaviour problems is not shared by your officers. The site area, previously South Trelawny School does not comprise public open green space, and it is not agreed that the development will result in conflict or anti-social behaviour. The proposed residential layout which will incorporate new areas of green open space, together with the design of the buildings, has been developed in close consultation with the Council's Police Architectural Liaison Officer who is fully supportive of the proposal.

Third party concerns regarding the possible existence of asbestos on the site are noted. Should any asbestos be identified within the demolition of the existing buildings, the developer is required under Health and Safety legislation, the Control of Asbestos Regulations 2006, to ensure that it is removed in a proper manner, and under certain conditions, under asbestos licensing. Asbestos regulations are enforced by the Field Operations

Directorate of the Health and Safety Executive in addition to the Public Protection Service under Environmental Health legislation.

#### Human Rights Act

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

#### **Equalities and diversities issues**

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

The key equality groups particularly benefiting from the development are older people and those with disabilities as 20% of residential units will be built to Lifetime Homes standards and a number will be adapted for disabled users.

The benefits to all groups will be positive as it will provide much needed residential accommodation and affordable housing to the local community.

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

#### **Section 106 Obligations**

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

1. Affordable Housing – The development proposes 100% (47 Units) of affordable housing on site. It is proposed that this will comprise a tenure mix of 35 social rented units and 12 shared equity units, although this specific detail is currently still being negotiated. This suggested tenure mix is in accordance with the Council's objectives as set out within Strategic Objective 10 and Policy CS15 of the adopted Core Strategy and is supported.
2. A contribution of £103,274 towards Transport Infrastructure in the locality as required by the Plymouth Development Tariff will also be provided, payable upon commencement of development.
3. Development to commence within two years.

#### **Conclusions**

The development will provide much needed affordable housing to the community despite the current severity of the economic climate.

The development is considered to have an acceptable design and layout in terms of its impact upon the appearance and character of the locality,

relationship to neighbouring properties and in terms of its impact upon the highway network.

The development therefore accords with the requirements of PPS1 and PPS3 and specifically Core Strategy Policies CS01, CS02, CS15, CS18, CS20, CS28, CS32, CS33, CS34 and Supplementary Planning Documents 1 and 2.

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

### **Recommendation**

In respect of the application dated **23/11/2009** and the submitted drawings, **Design & Access Statement, Flood Risk Assessment, Phase I and Phase II Geotechnical Reports, Transport Statement, Sustainability Statement, Statement of Community Involvement, Tree Survey, Ecological Survey, 09741 EX01A, 09741 EX04, 09741 SD08K, 09741 SD09B, 09741 SD10C, 09741 SD11C, 09741 SD12B, 09741 SD13C, 09741 SD15, 09741 SD20A, 09741 SD21, 09741 SD22, 09741 SD23, 09741 SD24, 09741 SD25, 09741 SD26, 09741 SD27, 09741 SD28, 09741 SD29, 09741 SD30, 09741 SD31A, 09741 SD32A, 09741 SD33A, 09741 SD34A, 09741 SD35, 09741 SD36, 09741 SD37, 10051 C100 P2, 10051 SK01 P1, Site Photographs (illustrative purposes only)**, , it is recommended to: **Grant conditionally subject to S106 Obligation, Delegated authority to refuse in event of S106 not signed by 22/02/10**

### **Conditions**

**DEVELOPMENT TO COMMENCE WITHIN 2 YEARS**

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

Reason:

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

**CODE OF PRACTICE DURING CONSTRUCTION**

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

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22



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

#### LAND QUALITY

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

##### 1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: Human health; Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; Adjoining land; Groundwaters and surface waters; Ecological systems; archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

##### 2. Submission of Remediation Scheme

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

### 3.Implementation of Approved Remediation Scheme

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

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

### 4.Reporting of Unexpected Contamination

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

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

### 5. Long Term Monitoring and Maintenance

Unless otherwise agreed in writing with the Local Planning Authority, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 2 years, and the provision of reports on the same must be prepared prior to any occupation of the development, 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 Core Strategy Policy CS22, CS34 and Government advice contained in PPS23.

#### ACCESS

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

#### Reason:

To ensure an adequate road access at an early stage in the development in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### STREET DETAILS

(5) Development shall not begin until details of the design, layout, levels, gradients, materials and method of construction and drainage of all roads and footways forming part of the development have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

#### Reason:

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

#### ROAD ALIGNMENT AND DRAINAGE

(6) Development shall not begin until details of the vertical alignment for the new street areas have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

#### Reason:

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

#### COMPLETION OF ROADS AND FOOTWAYS

(7) All roads and footways forming part of the development hereby permitted shall be completed in accordance with the details approved under condition 6 above before the first occupation of the penultimate dwelling.

#### Reason:

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

#### PROVISION OF PARKING AREA

(8) Each parking space shown on the approved plans shall be constructed, drained, surfaced and made available for use before the unit of accommodation that it serves is first occupied and thereafter that space shall not be used for any purpose other than the parking of vehicles.

#### Reason:

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

#### DETAILS OF NEW JUNCTION

(9) Development shall not begin until details of the junction between the proposed service road and the highway have been approved in writing by the Local Planning Authority; and no building shall be occupied until that junction has been constructed in accordance with the approved details.

#### Reason:

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

#### PRESERVATION OF SIGHT LINES

(10)No structure, erection or other obstruction exceeding one metre in height shall be placed, and no vegetation shall be allowed to grow above that height, within the approved sight lines to the site access at any time.

#### Reason:

To preserve adequate visibility for drivers of vehicles at the road junction in the interests of public safety in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### REINSTATEMENT OF FOOTWAY

(11) No dwelling shall be occupied until the existing footway crossing (now redundant) has been removed and the footway reinstated.

#### Reason:

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

#### EXTERNAL MATERIALS

(12) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### SURFACING MATERIALS

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

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### RESTRICTIONS ON PERMITTED DEVELOPMENT

(14) 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 or the 1995 Order with or without modification), no development falling within Class A of the Schedule to that Order shall be carried out unless, upon application, planning permission is granted for the development concerned.

Reason:

In order to protect the appearance and character of the development, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### LANDSCAPE DESIGN PROPOSALS

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

Reason:

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

#### SOFT LANDSCAPE WORKS

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

#### Reason:

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

#### LANDSCAPE WORKS IMPLEMENTATION

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

#### Reason:

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

#### LANDSCAPE MANAGEMENT PLAN

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

#### Reason:

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

#### TREE SURVEY

(19) The plans and particulars of the landscaping works submitted in accordance with condition 15 above shall include:

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

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

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

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

(e) details of the specification and position of fencing [and any other measures to be taken] for the protection of any retained tree from damage before or during the course of development;

(f) details of the size, species, and positions or density of all trees to be planted, and the proposed time of planting. All tree planting shall be carried out in accordance with those details and at those times.

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

Reason:

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

#### TREE REPLACEMENT

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

Reason:

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

#### TREE PROTECTION DURING CONSTRUCTION

(21) The existing trees and/or hedgerows shown to be retained on the approved plans shall be properly protected with appropriate fencing during construction works. The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with Section 9 of BS 5837:2005 (Trees in relation to construction - recommendations) before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall an excavation be made, without the written consent of the local planning authority.

Reason:

To ensure that any trees or hedgerows to be retained are protected during construction work in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### EXISTING TREE/HEDGEROWS TO BE RETAINED

(22) In this condition "retained tree or hedgerow" means an existing tree or hedgerow which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from

(a) No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with BS 3998:1989(Recommendations for Tree Work).

(b) If any retained tree or hedgerow is removed, uprooted or destroyed or dies, or is lopped or topped in breach of (a) above in a manner which, in the opinion of the Local Planning Authority, leaves it in such a poor condition that it is unlikely to recover and/or attain its previous amenity value, another tree or hedgerow shall be planted at the same place and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

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

Reason:

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

#### LIFETIME HOMES

(23) Notwithstanding the submitted drawings, unless otherwise previously agreed in writing with the Local Planning Authority, at least 20% of the residential units hereby permitted shall be first constructed and subsequently maintained to Lifetime Homes standards in accordance with details (including details of the precise siting of the specific units) which shall have been previously submitted to and agreed in writing by the Local Planning Authority. Unless otherwise agreed previously in writing with the Local Planning Authority, the approved details shall be fully implemented prior to completion



of the development or occupation of the 25th residential unit (whichever is the sooner) and thereafter so maintained and retained.

Reason:

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

#### SUSTAINABILITY

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

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

Reason:

To ensure that the development incorporates onsite renewable energy production equipment to off-set at least 10% of predicted carbon emissions for the period up to 2010, rising to 15% for the period 2010-2016 in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Central Government guidance contained within PPS22.

#### INFORMATIVE: SECTION 278 AGREEMENT HIGHWAYS ACT 1980

(1) The applicant is advised that the proposal includes works within an existing highway. As such, prior to any works commencing on the highway, the applicant must enter into a Section 278 agreement under the provision of the Highway Act 1980 with the Highway Authority.

#### INFORMATIVE : CODE OF PRACTICE DURING CONSTRUCTION

(2) The management plan required on connection with the Code of Practice During Construction Condition should 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.

d. details of an area to be created within the site for the parking of contractor's motor vehicles.

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

Having regard to the main planning considerations, which in this case are considered to be: The impact of the development upon the appearance and character of the area; The impact of the development upon neighbouring properties; The impact of the development upon the highway network, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (1) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents 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:

PPG13 - Transport

PPS3 - Housing

PPS9 - Biodiversity and geological conservation

PPS1 - Delivering Sustainable Development

PPS22 - Renewable Energy

PPS23 - Planning & Pollution Control

CS28 - Local Transport Consideration

CS32 - Designing out Crime

CS33 - Community Benefits/Planning Obligation

CS34 - Planning Application Consideration

CS14 - New Education Facilities

CS18 - Plymouth's Green Space

CS20 - Resource Use

CS22 - Pollution

CS01 - Sustainable Linked Communities

CS02 - Design

CS15 - Housing Provision

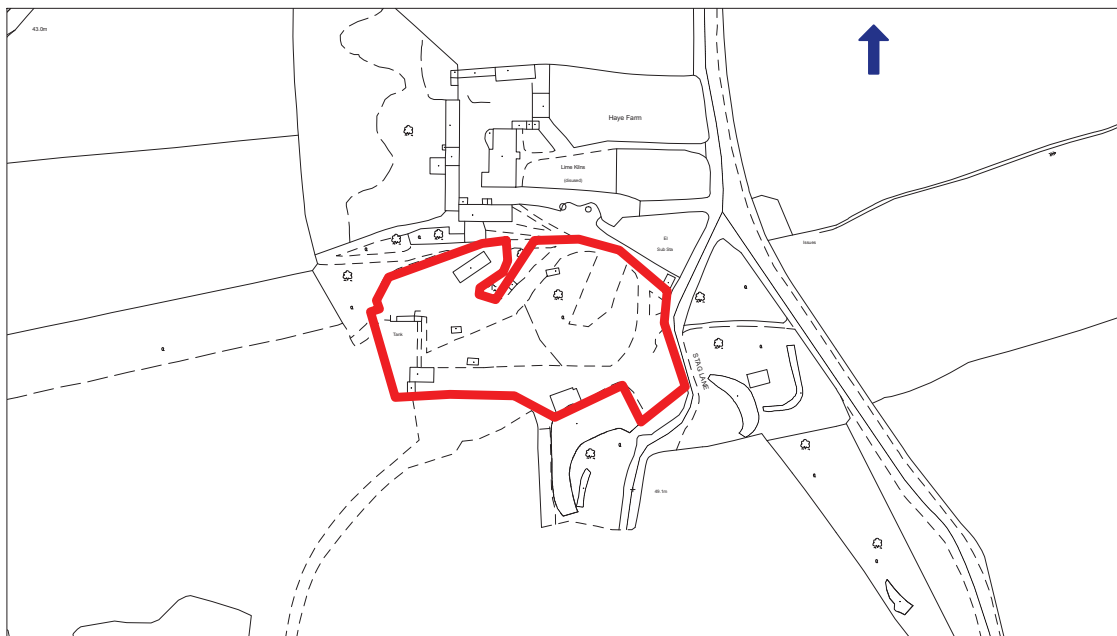
CS16 - Housing Sites

SPD2 - Planning Obligations and Affordable Housing

SPD1 - Development Guidelines

**ITEM: 10**

<b>Application Number:</b>	09/01787/FUL
<b>Applicant:</b>	Aggregate Industries UK Limited
<b>Description of Application:</b>	Variation of conditions imposed upon existing planning permissions to retain plant & equipment for the manufacture & distribution of ready mixed concrete until December 2010 (a 12 month extension)
<b>Type of Application:</b>	Full Application
<b>Site Address:</b>	HAYE QUARRY, STAG LANE PLYMOUTH
<b>Ward:</b>	Plymstock Dunstone
<b>Valid Date of Application:</b>	03/12/2009
<b>8/13 Week Date:</b>	<b>04/03/2010</b>
<b>Decision Category:</b>	Major Application
<b>Case Officer :</b>	Alan Hartridge
<b>Recommendation:</b>	Grant Conditionally
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



(c) Crown Copyright. All rights reserved. Plymouth City Council Licence No. 100018633 Published 2010 Scale 1:2500

## OFFICERS REPORT

### Site Description

This is an area of disturbed tipped land (Approx 2 ha ) within the northern extremity of the large Moorcroft Quarry complex, with un-surfaced haul-road access from the south from within the quarry complex and with surfaced access from the highway cul-de-sac that is the remnant Stag Lane off Haye Road to the east through a high security gate.

This piece of elevated tipped ground houses sheds and plant associated with a concrete batching plant, and some areas are partly colonised by shrubs, with established tree belts to the north and east.

The site lies south of a complex of converted Listed barns/lime kilns mainly with access from the former Haye Farm farmstead access with Haye Road, but the batching plant is screened from this residential 'enclave' by a fence and tree planting and a storage building. The access route to one of the converted barn dwellings runs for a short length within the northern boundary of the application site from Stag Lane (see site planning history).

### Proposal Description

Temporary planning permissions have been given by the relevant local planning authorities over more than 30 years at regular intervals for the retention of plant and equipment and business operations here associated with the manufacture and distribution of ready-mix concrete.

During the last 12 months the applicants secured planning permission for relocating to a suitable location within the complex. That would enable them to provide a new purpose built concrete batch plant on a site with better access to the Moorcroft Quarry main entrance and exit. It is envisaged that once relocated the Stag Lane access to Haye Road would be an emergency only access and the land comprising the current application site would be restored in accordance with the approved restoration scheme. However, the applicants state that the relocation programme has had to be rescheduled due to constraints resulting from the recent economic downturn and this proposal is a request to continue operations and extend the temporary planning permission.

### Relevant Planning History

7203/264/48 -- Planning permission, subject to conditions, for quarrying operations at Haye Quarry August 1949 (area subsequently absorbed into Moorcroft Quarry complex). Remodelling and landscaping to be to the satisfaction of the local planning authority.

6398 -- Planning application refused December 1960 for concrete block works because increased volume of traffic using Stag Lane would create traffic hazards in the locality.

215/65 -- Temporary planning permission for Haye Quarry plant.

1671/69 and 50/80 and 3859/88 -- Temporary permissions to retain plant and equipment for the manufacture and distribution of ready-mix concrete.

98/0535 -- Temporary permissions to retain plant and equipment for the manufacture and distribution of ready-mix concrete – with condition requiring the use to be discontinued and works removed no later than 30<sup>th</sup> June 2008 – the subject of the current application.

02/00369 and 370 – Planning permission and listed building consent for conversion and extension of a group of barns and listed lime kilns to form 5 dwellings set around the farm courtyard at Hays Farm, north of the application site, with a separate access to serve one of the dwellings (a Listed barn) off Stag Lane and with part of the access route within the northern boundary of the application site.

08/0481/FUL – planning permission for the variation of condition 1 imposed upon the last planning permission (ref 98/0535) to extend the time limit by which the use shall cease and the works shall be removed from 30<sup>th</sup> June 2008 to the suggested date of 31<sup>st</sup> December 2009.

## **Consultation Responses**

### **Highway Authority**

There is no objection to the continued, temporary operations at the site as proposed although it is suggested that the access onto Stag Lane be closed and used only as an emergency access once the batching plant has closed and planning permission has expired.

A condition is suggested.

### **Representations**

None

### **Analysis**

Condition 1 of Application 08/00481/FUL permitted the continued use of this site for ready-mixed concrete operations and plant for a temporary period expiring 31<sup>st</sup> December 2009 as it was envisaged that the activity would have moved by then to a more suitable and permanent site within the complex. The period was an additional 18 months time to enable the applicants to complete a site survey for a suitable location for a new purpose built concrete batch plant; complete any ground works required; order and construct the new plant and commission the new operation. However, although planning permission has been obtained for the new site, relocation has stalled. The current economic downturn was not envisaged. The applicants point out that in order to maintain continuity of ready mixed concrete supplies into the Plymouth market it is essential that the Hays Quarry plant is permitted to operate for a further 12 month period.

The main planning issue is whether a further extension of time is warranted on a site where the local planning authority has acknowledged that business activity has been warranted on successive limited period permissions only. The access for the batching plant is on Stag Lane which is public highway and leads to a junction with Hays Road which is an unlit 40mph road with limited visibility on some of the bends along it. The junction is also used as an access for a number of dwellings at Hays Farm (previous permission 02/00369/FUL

and 04/00045/FUL). For any significant new development proposal it would be necessary to provide some junction improvement at this location particularly to facilitate right turning movements however in this instance the use is already established and permission is sought only for a further 12 months of use. The traffic generation for this particular use is also very low generating around 5 deliveries per day and 15 members of staff.

In considering this sort of application (Section 73 of the 1990 Planning Act) a local planning authority may only consider the question of the condition, and mindful of case law, a local planning authority should also not consider imposing other conditions dealing with different subjects.

The application site was originally used to support mineral extraction for a quarry now incorporated within the Moorcroft quarry complex. The plant and equipment on the site could be cleared and the site landscaped in accordance with conditions originally envisaged in 1949 --condition (c) imposed upon that consent requires remodelling to the satisfaction of the lpa, and condition (e) requires tree and shrub screen planting to the satisfaction of the lpa, "to ensure that the amenities of the locality are safeguarded". With the recent provision of 5 new dwellings to the north (in accordance with the 2002 planning permission for conversions at Haye Farm) relocation and landscaping would be in the interests of the amenities of the area (in accordance with CS22 and CS34).

The original condition for a temporary retention of use was granted 11 years ago but modifications have been allowed to the permission as there have not been significant highway safety issues or serious disturbance issues for nearby residents or a sterilisation of much needed valuable mineral reserves (Policy CS23). Furthermore, the batching plant is well screened by existing tree cover and is not a prominent visual eyesore.

The North Plymstock Area Action Plan (NPAAP) recognises that Moorcroft Quarry mineral activities are ceasing and that the quarry area with its aggregate processing/storage activities and related activities will be used to support long term quarrying now focussed in Hazeldene. Proposal NP15 states that land which is no longer required to support mineral extraction should be safeguarded for waste management uses. However it is suggested that once relocation has taken place it is in the community interest that this particular area should be cleared of industrial plant and activities and landscaped -- as originally envisaged when the condition for Haye Quarry mineral extraction was imposed.

The present operation currently employs 15 staff and the proposal would be a step towards helping to safeguard this employment. The site has been in use for many years for mineral related employment uses but is not an ideal permanent employment site (in accordance with CS05). Concrete batching operations have been carried out on this site for many years with the importation of minerals and the distribution of concrete but the site is not an ideal site principally because of the tight Haye Road junction with the remnant Stag Lane, and it is considered to be in the interests of highway safety (and policy CS34) to agree to reduce vehicular activity on Stag lane and relocate the operation to purpose built premises site elsewhere within the quarry

complex where there is better access to the main entrance/exit with its extensive wheel cleaning facilities (in accordance with CS28).

The application appears to be a reasonable request for an amendment to a condition to enable the applicants to have an additional 12 months time to order and construct the new plant and commission the new operation. The applicants intention is that this would occur in the second half of 2010. The existing concrete batching plant would be dismantled and removed in this time period.

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.

### **Conclusion**

Variation of the condition to allow continued use for a further temporary 12 month period is warranted in the interests of employment use, highway safety, pollution control, visual amenities and long term retention of ready mixed concrete business use.

### **Recommendation**

In respect of the application dated **03/12/2009** and the submitted drawings, **6460/5(i); 6460/5** , it is recommended to: **Grant Conditionally**

### **Conditions**

#### **TEMPORARY PLANNING PERMISSION**

(1) The use hereby authorised to be continued with access off Stag Lane shall cease and the works, buildings and plant hereby authorised to be retained shall be removed , and the site shall be secured from vehicular access off Stag Lane and shall be remodelled and planted with trees and shrubs to the satisfaction of the local planning authority by not later than 31st December 2010.

Reason: The site is within an area which is required to be remodelled and landscaped to ensure that the amenities of the site are safeguarded and in the interests of highway safety, visual amenities and pollution control.

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

Having regard to the main planning considerations, which in this case are considered to be: Highways, Safety, visual impact and pollution, 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:

- PPS1 - Delivering Sustainable Development
- CS28 - Local Transport Consideration
- CS34 - Planning Application Consideration
- CS22 - Pollution
- NP15 - Moorcroft Quarry
- CS23 - Safeguard Mineral Resources



**PLANNING COMMITTEE**

Decisions issued for the following period: 21 December 2009 to 22 January 2010

**Note - This list includes:**

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

**Item No 1**

**Application Number:** 08/00976/FUL **Applicant:** The Thomas Pocklington Trust Mr

**Application Type:** Full Application

**Description of Development:** Formation of surface water attenuation/wildlife pond and associated works in connection with new development at Pocklington Rise

**Site**  
PLYMOUTH THE PATHFIELDS, SOUTH OF POCKLINGTON RISE

**Case Officer:** Carly Francis

**Decision Date:** 21/12/2009

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

**Item No 2**

**Application Number:** 09/00308/ADV **Applicant:** Virgin Media Ltd

**Application Type:** Advertisement

**Description of Development:** Internally illuminated fascia signs and temporary hoarding sign during shop refit

**Site**  
36 NEW GEORGE STREET PLYMOUTH

**Case Officer:** Thomas Westrope

**Decision Date:** 21/12/2009

**Decision:** Grant Conditionally

**Item No 3**

**Application Number:** 09/00309/FUL **Applicant:** Virgin Media Ltd  
**Application Type:** Full Application  
**Description of Development:** Retention of replacement shopfront and retention of replacement air conditioning units  
**Site** 36 NEW GEORGE STREET PLYMOUTH  
**Case Officer:** Thomas Westrope  
**Decision Date:** 21/12/2009  
**Decision:** Grant Conditionally

**Item No 4**

**Application Number:** 09/00523/FUL **Applicant:** Mr P Body  
**Application Type:** Full Application  
**Description of Development:** Change of use, conversion and alteration of basement to form self-contained flat  
**Site** 79 EMBANKMENT ROAD PLYMOUTH  
**Case Officer:** Stuart Anderson  
**Decision Date:** 22/01/2010  
**Decision:** Refuse

**Item No 5**

**Application Number:** 09/00542/LBC **Applicant:** Mr P Body  
**Application Type:** Listed Building  
**Description of Development:** Conversion and alteration of basement to form self-contained flat  
**Site** 79 EMBANKMENT ROAD PLYMOUTH  
**Case Officer:** Stuart Anderson  
**Decision Date:** 22/01/2010  
**Decision:** Grant Conditionally

**Item No 6**

**Application Number:** 09/00592/FUL **Applicant:** McDonalds's Restaurant Ltd  
**Application Type:** Full Application  
**Description of Development:** Alterations, refurbishment of building and external facilities  
**Site** MCDONALDS RESTAURANTS LTD, TAVISTOCK ROAD  
PLYMOUTH  
**Case Officer:** Thomas Westrope  
**Decision Date:** 23/12/2009  
**Decision:** Grant Conditionally

**Item No 7**

**Application Number:** 09/00788/FUL **Applicant:** Tallyspace Limited  
**Application Type:** Full Application  
**Description of Development:** Change of use of ground floor shop to hot food takeaway, with installation of extract ventilation flue above (located towards front of east elevation of building)  
**Site** 115 BLANDFORD ROAD PLYMOUTH  
**Case Officer:** Stuart Anderson  
**Decision Date:** 18/01/2010  
**Decision:** Refuse

**Item No 8**

**Application Number:** 09/00827/FUL **Applicant:** Mr Kamaie  
**Application Type:** Full Application  
**Description of Development:** Formation of residential apartment in roofspace, with front dormer windows and balconies  
**Site** 10 WOODSIDE FREEDOM FIELDS PLYMOUTH  
**Case Officer:** Stuart Anderson  
**Decision Date:** 20/01/2010  
**Decision:** Grant Conditionally

**Item No 9**

**Application Number:** 09/00828/LBC **Applicant:** Mr Kamaie  
**Application Type:** Listed Building  
**Description of Development:** Alterations to form residential apartment in roofspace, with front dormer windows and balconies  
**Site** 10 WOODSIDE FREEDOM FIELDS PLYMOUTH  
**Case Officer:** Stuart Anderson  
**Decision Date:** 20/01/2010  
**Decision:** Grant Conditionally

**Item No 10**

**Application Number:** 09/00925/FUL **Applicant:** Headland Surf Ltd  
**Application Type:** Full Application  
**Description of Development:** Variation of condition 2 of planning permission 08/01120/FUL to allow for the sale of food from the premises.  
**Site** "BOX" SURF SHOP 96 NORTH HILL PLYMOUTH  
**Case Officer:** David Jeffrey  
**Decision Date:** 18/01/2010  
**Decision:** Grant Conditionally

**Item No 11**

**Application Number:** 09/00973/FUL **Applicant:** Mrs Caroline Richards  
**Application Type:** Full Application  
**Description of Development:** Change of amenity land to become part of garden of No.18 Owen Drive, and associated Devon Hedge  
**Site** 18 OWEN DRIVE PLYMOUTH  
**Case Officer:** Simon Osborne  
**Decision Date:** 23/12/2009  
**Decision:** Grant Conditionally

**Item No 12**

**Application Number:** 09/00984/FUL **Applicant:** Mr Richard Bedford  
**Application Type:** Full Application  
**Description of Development:** Formation of hardstanding  
**Site** 21 SOMERSET PLACE PLYMOUTH  
**Case Officer:** Kirsty Barrett  
**Decision Date:** 22/01/2010  
**Decision:** Refuse

**Item No 13**

**Application Number:** 09/01018/FUL **Applicant:** Mr P Gill  
**Application Type:** Full Application  
**Description of Development:** Retention of smoking shelter in front garden area  
**Site** RAFFLES 5 ERMINGTON TERRACE PLYMOUTH  
**Case Officer:** David Jeffrey  
**Decision Date:** 07/01/2010  
**Decision:** Refuse

**Item No 14**

**Application Number:** 09/01054/FUL **Applicant:** Mr Shaun Dickerson  
**Application Type:** Full Application  
**Description of Development:** Erection of two disabled person's bungalows in front garden  
**Site** LAHOMA BUNGALOW, BICKHAM ROAD ST BUDEAUX PLYMOUTH  
**Case Officer:** Stuart Anderson  
**Decision Date:** 15/01/2010  
**Decision:** Grant Conditionally

**Item No 15**

**Application Number:** 09/01070/FUL **Applicant:** Mr and Mrs Ian Crabb  
**Application Type:** Full Application  
**Description of Development:** Change of use and conversion of ground floor offices with residential above to form two units of student accommodation (two cluster units)  
**Site** 29-30 REGENT STREET GREENBANK PLYMOUTH  
**Case Officer:** Stuart Anderson  
**Decision Date:** 20/01/2010  
**Decision:** Refuse

**Item No 16**

**Application Number:** 09/01139/FUL **Applicant:** Messrs Stewart & Moss  
**Application Type:** Full Application  
**Description of Development:** Change of use, conversion and alterations of dwelling to form house in multiple occupancy, with formation of rooms in roofspace, including front and rear dormer windows and rooflight  
**Site** 7 LISSON GROVE PLYMOUTH  
**Case Officer:** Stuart Anderson  
**Decision Date:** 07/01/2010  
**Decision:** Grant Conditionally

**Item No 17**

**Application Number:** 09/01166/FUL **Applicant:** Mrs T Shute  
**Application Type:** Full Application  
**Description of Development:** Erection of detached dwellinghouse  
**Site** 129 CROWNHILL ROAD PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 04/01/2010  
**Decision:** Grant Conditionally

**Item No 18**

**Application Number:** 09/01219/FUL **Applicant:** City College Plymouth  
**Application Type:** Full Application  
**Description of Development:** Alterations to form new hair and beauty salon including changes to windows and installation of external canopy  
**Site** CITY COLLEGE PLYMOUTH, KINGS ROAD DEVONPORT PLYMOUTH  
**Case Officer:** David Jeffrey  
**Decision Date:** 13/01/2010  
**Decision:** Grant Conditionally

**Item No 19**

**Application Number:** 09/01227/FUL **Applicant:** Hydon Developments  
**Application Type:** Full Application  
**Description of Development:** Construction of 12 business units (use classes B1 and B8) in two blocks on existing car park. (Renewal of planning permission notice 06/01140/FUL)  
**Site** CHRISTIAN MILL, TAMERTON FOLIOT ROAD PLYMOUTH  
**Case Officer:** Janine Warne  
**Decision Date:** 23/12/2009  
**Decision:** Grant Subject to S106 Obligation - Full

**Item No 20**

**Application Number:** 09/01235/FUL **Applicant:** Donson Ltd  
**Application Type:** Full Application  
**Description of Development:** Development of site by erection of 11 terraced houses  
**Site** LAND AT PLEASURE HILL CLOSE PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 14/01/2010  
**Decision:** Refuse

**Item No 21**

**Application Number:** 09/01272/FUL **Applicant:** Keith Co Ltd  
**Application Type:** Full Application  
**Description of Development:** Erection of conservatory type structure over part of outdoor seating area  
**Site** 3 to 4 SHERWELL ARCADE PLYMOUTH  
**Case Officer:** Stuart Anderson  
**Decision Date:** 15/01/2010  
**Decision:** Grant Conditionally

**Item No 22**

**Application Number:** 09/01275/FUL **Applicant:** Mr Martin Berkein  
**Application Type:** Full Application  
**Description of Development:** Two storey side extension including private motor garage (existing single storey extension & private motor garage to be removed).  
**Site** 7 CULVER CLOSE PLYMOUTH  
**Case Officer:** Kirsty Barrett  
**Decision Date:** 12/01/2010  
**Decision:** Grant Conditionally

**Item No 23**

**Application Number:** 09/01283/LBC **Applicant:** The National Trust  
**Application Type:** Listed Building  
**Description of Development:** Provision of Bi-fold doors and solid doors to restaurant area  
**Site** SALTRAM HOUSE SALTRAM, MERAFIELD ROAD PLYMOUTH  
**Case Officer:** Kate Saunders  
**Decision Date:** 22/01/2010  
**Decision:** Grant Conditionally



**Item No 24**

**Application Number:** 09/01293/FUL **Applicant:** Mr M Wixey  
**Application Type:** Full Application  
**Description of Development:** 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)

**Site** DRIFT COTTAGE, BORINGDON ROAD TURNCHAPEL  
PLYMOUTH

**Case Officer:** Jon Fox  
**Decision Date:** 13/01/2010  
**Decision:** Grant Conditionally

**Item No 25**

**Application Number:** 09/01316/FUL **Applicant:** Mr J Tope  
**Application Type:** Full Application  
**Description of Development:** Conversion of existing barn to two dwellings, erection of two new build dwellings, conversion of smaller barn to provide private motor garages and associated works

**Site** 14 SPRINGFIELD ROAD PLYMOUTH

**Case Officer:** Stuart Anderson  
**Decision Date:** 15/01/2010  
**Decision:** Grant Conditionally

**Item No 26**

**Application Number:** 09/01327/FUL **Applicant:** Gard & Co  
**Application Type:** Full Application  
**Description of Development:** Render ground floor front wall, replacement door, access ramp and external alterations.

**Site** 2 to 4 BRETONSIDE PLYMOUTH

**Case Officer:** Thomas Westrope  
**Decision Date:** 05/01/2010  
**Decision:** Grant Conditionally

**Item No 27**

**Application Number:** 09/01374/CAC **Applicant:** Devonport High School for Boys  
**Application Type:** Conservation Area  
**Description of Development:** Demolition of redundant gas meter enclosure  
**Site** DEVONPORT HIGH SCHOOL FOR BOYS, PARADISE ROAD  
PLYMOUTH  
**Case Officer:** Janine Warne  
**Decision Date:** 21/12/2009  
**Decision:** Grant Conditionally

**Item No 28**

**Application Number:** 09/01375/FUL **Applicant:** Brook St. Properties Ltd.  
**Application Type:** Full Application  
**Description of Development:** Redevelopment to provide new doctors surgery; 470sqm of  
A1/A2 commercial floorspace; 8x1 bed affordable  
flats/maisonettes; associated car parking and landscaping.  
**Site** FORMER CARDINAL SERVICE STATION WOLSELEY ROAD  
SEGRAVE ROAD PLYMOUTH  
**Case Officer:** Jeremy Guise  
**Decision Date:** 14/01/2010  
**Decision:** Grant Subject to S106 Obligation - Full

**Item No 29**

**Application Number:** 09/01376/LBC **Applicant:** 5-6 Elliot Terrace Ltd  
**Application Type:** Listed Building  
**Description of Development:** Re-coursing to flat section of the main roof  
**Site** 5 ELLIOT TERRACE PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 21/12/2009  
**Decision:** Grant Conditionally

**Item No 30**

**Application Number:** 09/01397/FUL **Applicant:** Mr C Hearne  
**Application Type:** Full Application  
**Description of Development:** Single storey side and rear extensions to provide kitchen and private motor garage (amendment to previous scheme 08/01399/FUL)  
**Site** 51 THE MEAD PLYMPTON PLYMOUTH  
**Case Officer:** Simon Osborne  
**Decision Date:** 23/12/2009  
**Decision:** Grant Conditionally

**Item No 31**

**Application Number:** 09/01432/FUL **Applicant:** BDW Trading LTD  
**Application Type:** Full Application  
**Description of Development:** Redevelopment of cattle market by erection of 49 dwellings with associated carparking, new vehicular access, landscaping construction of flood flow route, stream widening and creation of footpath to playing field (resubmission re-positioned and enlarged flood route and stream widening)  
**Site** PLYMPTON CATTLE MARKET, MARKET ROAD PLYMOUTH  
**Case Officer:** Mark Evans  
**Decision Date:** 23/12/2009  
**Decision:** Grant Subject to S106 Obligation - Full

**Item No 32**

**Application Number:** 09/01443/FUL **Applicant:** Mr Essy Kamie  
**Application Type:** Full Application  
**Description of Development:** Development of site by erection of ten 2 bed apartments with associated car parking, refuse and cycle storage  
**Site** CARPARK, WOODSIDE PLYMOUTH  
**Case Officer:** Robert Heard  
**Decision Date:** 23/12/2009  
**Decision:** Grant Subject to S106 Obligation - Full

**Item No 33**

**Application Number:** 09/01444/FUL **Applicant:** Mr B Norsworthy  
**Application Type:** Full Application  
**Description of Development:** Two-storey side extension (existing garage to be removed)  
**Site** 4 WOODLANDS PLYMSTOCK PLYMOUTH  
**Case Officer:** Simon Osborne  
**Decision Date:** 22/12/2009  
**Decision:** Grant Conditionally

**Item No 34**

**Application Number:** 09/01447/FUL **Applicant:** Amber New Homes  
**Application Type:** Full Application  
**Description of Development:** Change of use and conversion of loft space into self-contained, one bedroom flat, including rear dormer and front rooflights  
**Site** 1 SUTHERLAND ROAD PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 19/01/2010  
**Decision:** Grant Conditionally

**Item No 35**

**Application Number:** 09/01452/FUL **Applicant:** Higher Park Lodge  
**Application Type:** Full Application  
**Description of Development:** Proposed conservatory to existing care home  
**Site** HIGHER PARK LODGE DEVONPORT PARK, FORE STREET  
DEVONPORT PLYMOUTH  
**Case Officer:** Thomas Westrope  
**Decision Date:** 05/01/2010  
**Decision:** Refuse

**Item No 36**

**Application Number:** 09/01469/FUL **Applicant:** Mr R Russell  
**Application Type:** Full Application  
**Description of Development:** Excavation of front garden to form hardstanding with retaining walls, and provision of external steps and stairlift  
**Site** 15 TEIGN ROAD EFFORD PLYMOUTH  
**Case Officer:** David Jeffrey  
**Decision Date:** 21/12/2009  
**Decision:** Grant Conditionally

**Item No 37**

**Application Number:** 09/01477/LBC **Applicant:** Mr Duncan Matthews  
**Application Type:** Listed Building  
**Description of Development:** Alterations to 'garage' building, replacement pitched roof, internal alterations to farm house including the installation of two additional bathrooms, alterations to existing wc, bathroom, and store, installation and replacement of kitchen units in kitchen and lobby areas and the installation of two gas boilers and three woodburners  
**Site** HAYE FARMHOUSE, HAYE ROAD PLYMOUTH  
**Case Officer:** Simon Osborne  
**Decision Date:** 21/12/2009  
**Decision:** Grant Conditionally

**Item No 38**

**Application Number:** 09/01479/FUL **Applicant:** Mr Smale  
**Application Type:** Full Application  
**Description of Development:** Rear conservatory  
**Site** 38 LADY FERN ROAD PLYMOUTH  
**Case Officer:** Kate Saunders  
**Decision Date:** 21/12/2009  
**Decision:** Grant Conditionally

**Item No 39**

**Application Number:** 09/01483/FUL **Applicant:** Anderton & Rowland  
**Application Type:** Full Application  
**Description of Development:** Erection of roller coaster for use between 12 November 2009 and 3 January 2010  
**Site** CIVIC CENTRE PLAZA, ARMADA WAY PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 21/12/2009  
**Decision:** Grant Conditionally

**Item No 40**

**Application Number:** 09/01484/FUL **Applicant:** M & R Building Services  
**Application Type:** Full Application  
**Description of Development:** Two-storey side and rear extension  
**Site** 96 MILEHOUSE ROAD PLYMOUTH  
**Case Officer:** David Jeffrey  
**Decision Date:** 23/12/2009  
**Decision:** Grant Conditionally

**Item No 41**

**Application Number:** 09/01486/FUL **Applicant:** Mr Jim Van Deijl  
**Application Type:** Full Application  
**Description of Development:** Replace timber windows and door with uPVC units  
**Site** 128 PEVERELL PARK ROAD PLYMOUTH  
**Case Officer:** David Jeffrey  
**Decision Date:** 21/12/2009  
**Decision:** Grant Conditionally

**Item No 42**

**Application Number:** 09/01490/FUL **Applicant:** Vodafone LTD  
**Application Type:** Full Application  
**Description of Development:** Replacement of three Vodafone 2G antennas with three Vodaphone 2G/3G antennas, (three existing Vodafone 3G antennas to be taken over by Telefonica O2), one additional cabinet, and ancillary development, all on roof.  
**Site** GOSCHEN CENTRE, SALTASH ROAD KEYHAM PLYMOUTH  
**Case Officer:** Thomas Westrope  
**Decision Date:** 21/12/2009  
**Decision:** Grant Conditionally

**Item No 43**

**Application Number:** 09/01491/FUL **Applicant:** Mr Bryan Smith  
**Application Type:** Full Application  
**Description of Development:** Single storey rear extension  
**Site** 87 SHORTWOOD CRESCENT PLYMOUTH  
**Case Officer:** Simon Osborne  
**Decision Date:** 19/01/2010  
**Decision:** Grant Conditionally

**Item No 44**

**Application Number:** 09/01495/FUL **Applicant:** Mr John Luke & Mrs Raie Rice  
**Application Type:** Full Application  
**Description of Development:** Rear conservatory (existing conservatory to be removed)  
**Site** 12 ROTHBURY GARDENS PLYMOUTH  
**Case Officer:** Kirsty Barrett  
**Decision Date:** 22/01/2010  
**Decision:** Grant Conditionally

**Item No 45**

**Application Number:** 09/01509/FUL **Applicant:** Mr David Parker  
**Application Type:** Full Application  
**Description of Development:** Front raised vehicle hardstanding and associated vehicular access  
**Site** 82 BIGGIN HILL PLYMOUTH  
**Case Officer:** Thomas Westrope  
**Decision Date:** 14/01/2010  
**Decision:** Grant Conditionally

**Item No 46**

**Application Number:** 09/01510/FUL **Applicant:** Devon Contractors  
**Application Type:** Full Application  
**Description of Development:** Temporary use as construction site compound, (in relation to works to St Aubyn's Church) temporary boundry fencing, and temporary compound building (6 month temporary basis)  
**Site** BROWN BEAR,20 CHAPEL STREET DEVONPORT PLYMOUTH  
**Case Officer:** David Jeffrey  
**Decision Date:** 22/01/2010  
**Decision:** Grant Conditionally

**Item No 47**

**Application Number:** 09/01511/FUL **Applicant:** Mrs Christine Carbis  
**Application Type:** Full Application  
**Description of Development:** Various internal and external alterations and repairs (associated with rehabilitation of property) including replacement windows and doors.  
**Site** 319 NORTH ROAD WEST PLYMOUTH  
**Case Officer:** Thomas Westrope  
**Decision Date:** 21/12/2009  
**Decision:** Grant Conditionally



**Item No 48**

**Application Number:** 09/01516/FUL **Applicant:** Mrs Linda Western  
**Application Type:** Full Application  
**Description of Development:** Changes to vehicle and pedestrian access, construction of waiting area for vehicles and installation of a storage container  
**Site** DEVONPORT HIGH SCHOOL FOR GIRLS, LYNDHURST ROAD PLYMOUTH  
**Case Officer:** Kirsty Barrett  
**Decision Date:** 15/01/2010  
**Decision:** Grant Conditionally

**Item No 49**

**Application Number:** 09/01517/FUL **Applicant:** Vodafone Ltd  
**Application Type:** Full Application  
**Description of Development:** Erection of 17.5 metre high dual user telecommunications mast with associated equipment cabinet and ancillary development (existing 12 metre high mast to be removed)  
**Site** GRASSED AREA ADJACENT TO SUBWAY NORTH OF JUNCTION OF B3432 MAINSTONE PLYMOUTH  
**Case Officer:** Janine Warne  
**Decision Date:** 08/01/2010  
**Decision:** Grant Conditionally

**Item No 50**

**Application Number:** 09/01525/FUL **Applicant:** Mr K Herbert  
**Application Type:** Full Application  
**Description of Development:** Dormer window and recessed juliet balcony  
**Site** 5 ASHLEIGH CLOSE PLYMOUTH  
**Case Officer:** Thomas Westrope  
**Decision Date:** 21/12/2009  
**Decision:** Grant Conditionally

**Item No 51**

**Application Number:** 09/01528/FUL **Applicant:** University of Plymouth  
**Application Type:** Full Application  
**Description of Development:** Replacement of existing timber windows with double-glazed white powder coated aluminium windows and replacement of uPVC rainwater pipes and gutters with white powder coated aluminium pipes and gutters  
**Site** HEPWORTH HOUSE 83 - 91 NORTH ROAD EAST PLYMOUTH  
**Case Officer:** Simon Osborne  
**Decision Date:** 21/01/2010  
**Decision:** Grant Conditionally

**Item No 52**

**Application Number:** 09/01532/FUL **Applicant:** University of Plymouth  
**Application Type:** Full Application  
**Description of Development:** Replacement of existing timber windows with white powder coated aluminum windows, replacement of existing uPVC rainwater pipes and gutters with white powder coated aluminum pipes and gutters, and provision of disabled access ramps at front of properties.  
**Site** 2 - 11 KIRKBY PLACE PLYMOUTH  
**Case Officer:** Simon Osborne  
**Decision Date:** 19/01/2010  
**Decision:** Grant Conditionally

**Item No 53**

**Application Number:** 09/01542/FUL **Applicant:** Manuplas  
**Application Type:** Full Application  
**Description of Development:** Installation of two chimney stacks  
**Site** 18 ESTOVER ROAD PLYMOUTH  
**Case Officer:** Janine Warne  
**Decision Date:** 23/12/2009  
**Decision:** Grant Conditionally

**Item No 54**

**Application Number:** 09/01555/FUL **Applicant:** Mr George Rodway  
**Application Type:** Full Application  
**Description of Development:** Detached private motor garage for use in connection with 12 Staddon Green (amendment to previously approved scheme 07/01590/FUL)  
**Site** 16 STADDON GREEN PLYMOUTH  
**Case Officer:** Simon Osborne  
**Decision Date:** 07/01/2010  
**Decision:** Refuse

**Item No 55**

**Application Number:** 09/01558/FUL **Applicant:** Mr L Middlemore  
**Application Type:** Full Application  
**Description of Development:** Rear conservatory and associated steps (existing decking to be removed)  
**Site** 38 RASHLEIGH AVENUE PLYMOUTH  
**Case Officer:** Kate Saunders  
**Decision Date:** 21/12/2009  
**Decision:** Grant Conditionally

**Item No 56**

**Application Number:** 09/01561/ADV **Applicant:** Brian Marriott  
**Application Type:** Advertisement  
**Description of Development:** Internally illuminated fascia sign  
**Site** 32 ROYAL PARADE PLYMOUTH  
**Case Officer:** Thomas Westrope  
**Decision Date:** 11/01/2010  
**Decision:** Grant Conditionally

**Item No 57**

**Application Number:** 09/01565/FUL **Applicant:** Risesign Ltd  
**Application Type:** Full Application  
**Description of Development:** Erection of three blocks containing a total of 14 two bedroom flats with associated landscaping changes, parking facilities and refuse storage facilities.  
**Site** LAND AT 1-56 RAGLAN ROAD PLYMOUTH  
**Case Officer:** Carly Francis  
**Decision Date:** 11/01/2010  
**Decision:** Refuse

**Item No 58**

**Application Number:** 09/01566/FUL **Applicant:** Plymouth College of Art  
**Application Type:** Full Application  
**Description of Development:** Erection of a single storey extension to the gallery on the western elevation; re-cladding of the tower block entrance, gallery and studio theatre and landscaping of the car parking area by the entrance on the western part of the site and the erection of a platform lift for accessibility at the rear of the building

**Site** PLYMOUTH COLLEGE OF ART, TAVISTOCK PLACE  
PLYMOUTH

**Case Officer:** Robert McMillan  
**Decision Date:** 22/12/2009  
**Decision:** Grant Conditionally

**Item No 59**

**Application Number:** 09/01575/FUL **Applicant:** The Co-operative Group  
**Application Type:** Full Application  
**Description of Development:** Installation of re Fridgeration plant  
**Site** 27 MORSHEAD ROAD PLYMOUTH  
**Case Officer:** Kirsty Barrett  
**Decision Date:** 23/12/2009  
**Decision:** Refuse

**Item No 60**

**Application Number:** 09/01583/FUL **Applicant:** Mr M Mason  
**Application Type:** Full Application  
**Description of Development:** Single storey rear extension  
**Site** 65 BOWDEN PARK ROAD CROWNHILL PLYMOUTH  
**Case Officer:** Thomas Westrope  
**Decision Date:** 21/12/2009  
**Decision:** Grant Conditionally

**Item No 61**

**Application Number:** 09/01585/FUL **Applicant:** Babcock Marine  
**Application Type:** Full Application  
**Description of Development:** Installation of three modular portakabins (to replace existing two units)  
**Site** DEVONPORT ROYAL DOCKYARD, SALTASH ROAD  
DEVONPORT PLYMOUTH  
**Case Officer:** Kirsty Barrett  
**Decision Date:** 22/01/2010  
**Decision:** Grant Conditionally

**Item No 62**

**Application Number:** 09/01588/FUL **Applicant:** Mr and Mrs Lawler  
**Application Type:** Full Application  
**Description of Development:** Single storey front and rear extensions  
**Site** 74 SHERFORD ROAD ELBURTON PLYMOUTH  
**Case Officer:** Simon Osborne  
**Decision Date:** 23/12/2009  
**Decision:** Grant Conditionally

**Item No 63**

**Application Number:** 09/01590/FUL **Applicant:** Pilling Care Homes Limited  
**Application Type:** Full Application  
**Description of Development:** Extension to nursing home by erection of three two storey buildings to south to provide six self contained apartments with provision of a covered link to existing nursing home (removal of two existing garages)  
**Site** LELANT NURSING HOME, GLEN ROAD MANNAMEAD PLYMOUTH  
**Case Officer:** Jeremy Guise  
**Decision Date:** 14/01/2010  
**Decision:** Refuse

**Item No 64**

**Application Number:** 09/01591/FUL **Applicant:** Mr Jez Lavers  
**Application Type:** Full Application  
**Description of Development:** Develop land by erection of a pair of semi-detached dwellings with integral private motor garages  
**Site** LAND BETWEEN 25 AND 29 FRENHAM AVENUE GLENHOLT PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 23/12/2009  
**Decision:** Grant Conditionally

**Item No 65**

**Application Number:** 09/01593/FUL **Applicant:** Mr Ben Hayden  
**Application Type:** Full Application  
**Description of Development:** Change of use, conversion and alteration of basement to form self contained flat, including reinstatement of front staircase, installation of front railings and new windows and doors.  
**Site** 98 GEORGE STREET PLYMOUTH  
**Case Officer:** Janine Warne  
**Decision Date:** 20/01/2010  
**Decision:** Grant Conditionally

**Item No 66**

**Application Number:** 09/01595/ADV **Applicant:** Barbican Steakhouse  
**Application Type:** Advertisement  
**Description of Development:** Individual, non-illuminated, letters to first floor elevation  
**Site** 61-62 NOTTE STREET PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 21/12/2009  
**Decision:** Refuse

**Item No 67**

**Application Number:** 09/01596/FUL **Applicant:** Brunswick Ltd  
**Application Type:** Full Application  
**Description of Development:** Renovation, conversion, and second floor extension of existing building, with erection of a new two storey building, to provide five student cluster units, with conversion of existing garage to laundry and cycle store  
**Site** 10 LISSON GROVE MUTLEY PLYMOUTH  
**Case Officer:** David Jeffrey  
**Decision Date:** 20/01/2010  
**Decision:** Grant Conditionally

**Item No 68**

**Application Number:** 09/01597/FUL **Applicant:** Mr Craig Maw  
**Application Type:** Full Application  
**Description of Development:** Single storey rear extension, single storey rear conservatory, raised access platform & steps, and boundary treatment (rendered blockwork pillars with wooden panel inserts)  
**Site** 368 TAUNTON AVENUE WHITLEIGH PLYMOUTH  
**Case Officer:** Thomas Westrope  
**Decision Date:** 13/01/2010  
**Decision:** Grant Conditionally

**Item No 69**

**Application Number:** 09/01602/FUL **Applicant:** Plymouth City Council  
**Application Type:** Full Application  
**Description of Development:** Extension to provide additional classroom and stores  
**Site** LONGCAUSE SCHOOL, LONGCAUSE PLYMPTON ST  
MAURICE PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 07/01/2010  
**Decision:** Grant Conditionally

**Item No 70**

**Application Number:** 09/01603/FUL **Applicant:** Mr & Mrs S Morgan  
**Application Type:** Full Application  
**Description of Development:** First floor side extension over existing double garage  
**Site** 2 Llantillio Drive PLYMOUTH  
**Case Officer:** David Jeffrey  
**Decision Date:** 21/12/2009  
**Decision:** Grant Conditionally

**Item No 71**

**Application Number:** 09/01604/FUL **Applicant:** Vodafone Ltd  
**Application Type:** Full Application  
**Description of Development:** Replacement of existing 14.4 metre high column (including antenna) with 19.8 metre high dual user (Vodafone and O2) column (including antenna), an additional ground based cabinet and ancillary development.  
**Site** SITE OF EXISTING MOBILE PHONE COLUMN HIGHWAYS LAND  
OUTSIDE PEARN HOUSE, EGGBUCKLAND ROAD PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 12/01/2010  
**Decision:** Application Withdrawn



**Item No 72**

**Application Number:** 09/01610/EXU **Applicant:** Mr G Blight  
**Application Type:** LDC Existing Use  
**Description of Development:** 6 self contained flats  
**Site** 12 GRAND PARADE THE HOE PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 23/12/2009  
**Decision:** Issue Certificate - Lawful Use

**Item No 73**

**Application Number:** 09/01611/REM **Applicant:** Taylor Wimpey Exeter  
**Application Type:** Reserved Matters  
**Description of Development:** Erection of a temporary vehicular access off Lulworth Drive, temporary car park for 7 spaces, conversion of a garage building to a temporary ancillary sales office and temporary landscaping of part of the site.  
**Site** PARCEL 1A SOUTHWAY CLITTAFFORD ROAD SOUTHWAY PLYMOUTH  
**Case Officer:** Robert McMillan  
**Decision Date:** 12/01/2010  
**Decision:** Grant Conditionally

**Item No 74**

**Application Number:** 09/01617/FUL **Applicant:** Mr R Parsos and Mr R Shilton  
**Application Type:** Full Application  
**Description of Development:** Formation of rooms in roofspace including provision of rear dormer and three front rooflights  
**Site** 7A TOTHILL AVENUE PLYMOUTH  
**Case Officer:** Kate Saunders  
**Decision Date:** 04/01/2010  
**Decision:** Grant Conditionally

**Item No 75**

**Application Number:** 09/01618/FUL **Applicant:** Mr and Mrs Richard Holmes  
**Application Type:** Full Application  
**Description of Development:** Alterations, and rear and side first-floor extension  
**Site** NYSSTARA 1 LOWER SALTRAM PLYMOUTH  
**Case Officer:** Simon Osborne  
**Decision Date:** 23/12/2009  
**Decision:** Refuse

**Item No 76**

**Application Number:** 09/01625/FUL **Applicant:** The Secretary of State for  
**Application Type:** Full Application  
**Description of Development:** Installation of 'cacti' anti climb units on 2 sections of wrought iron railings  
**Site** STONEHOUSE BARRACKS, DURNFORD STREET PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 23/12/2009  
**Decision:** Grant Conditionally

**Item No 77**

**Application Number:** 09/01626/LBC **Applicant:** The Secretary of State for  
**Application Type:** Listed Building  
**Description of Development:** Installation of 'cacti' anti climb units on 2 sections of wrought iron railings  
**Site** STONEHOUSE BARRACKS, DURNFORD STREET PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 23/12/2009  
**Decision:** Grant Conditionally

**Item No 78**

**Application Number:** 09/01627/FUL **Applicant:** Mrs Rosalyn Boundy  
**Application Type:** Full Application  
**Description of Development:** Single storey rear extension  
**Site** 37 AMADOS DRIVE PLYMPTON PLYMOUTH  
**Case Officer:** Simon Osborne  
**Decision Date:** 15/01/2010  
**Decision:** Grant Conditionally

**Item No 79**

**Application Number:** 09/01629/FUL **Applicant:** Mr and Mrs Jim Bannerman  
**Application Type:** Full Application  
**Description of Development:** Two storey side extension with single storey front section and front porch (existing porch to be removed)  
**Site** 29 MOORLAND ROAD PLYMOUTH  
**Case Officer:** Kate Saunders  
**Decision Date:** 22/01/2010  
**Decision:** Grant Conditionally

**Item No 80**

**Application Number:** 09/01632/FUL **Applicant:** Sailport Plc  
**Application Type:** Full Application  
**Description of Development:** Four replacement marina walkway piles, attached to sea wall  
**Site** MAYFLOWER MARINA, RICHMOND WALK PLYMOUTH  
**Case Officer:** Thomas Westrope  
**Decision Date:** 05/01/2010  
**Decision:** Grant Conditionally

**Item No 81**

**Application Number:** 09/01635/FUL **Applicant:** Mr Steven Davey  
**Application Type:** Full Application  
**Description of Development:** Change of use of existing hotel (use class C1) to dwelling house (use class C3) with associated internal alterations  
**Site** THE WILTUN HOTEL, 39 GRAND PARADE THE HOE  
PLYMOUTH

**Case Officer:** Thomas Westrope  
**Decision Date:** 21/01/2010  
**Decision:** Grant Conditionally

**Item No 82**

**Application Number:** 09/01636/LBC **Applicant:** Mr Steven Davey  
**Application Type:** Listed Building  
**Description of Development:** Internal alterations in association with change of use to dwelling  
**Site** THE WILTUN HOTEL, 39 GRAND PARADE THE HOE  
PLYMOUTH

**Case Officer:** Thomas Westrope  
**Decision Date:** 21/01/2010  
**Decision:** Grant Conditionally

**Item No 83**

**Application Number:** 09/01644/TCO **Applicant:** Mr Neil Brown  
**Application Type:** Trees in Cons Area  
**Description of Development:** 2 Yew & 1 Western Red Cedar - various tree works  
**Site** 1 MEADFOOT TERRACE PLYMOUTH

**Case Officer:** Chris Knapman  
**Decision Date:** 14/01/2010  
**Decision:** Grant Conditionally

**Item No 84**

**Application Number:** 09/01646/FUL **Applicant:** Mr and Mrs Stephen Shirley  
**Application Type:** Full Application  
**Description of Development:** Extension to existing care home to provide additional en-suite bedrooms, extension to existing dayroom and formation of new laundry and staff room below existing single-storey bedroom wing  
**Site** COPPER BEECHES, 90-92 PLYMSTOCK ROAD PLYMSTOCK PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 11/01/2010  
**Decision:** Refuse

**Item No 85**

**Application Number:** 09/01647/FUL **Applicant:** Mr and Mrs Mark Snell  
**Application Type:** Full Application  
**Description of Development:** Single storey side extension  
**Site** 60 TREVENEAGUE GARDENS PLYMOUTH  
**Case Officer:** David Jeffrey  
**Decision Date:** 07/01/2010  
**Decision:** Grant Conditionally

**Item No 86**

**Application Number:** 09/01648/FUL **Applicant:** Mr Darren Haynes  
**Application Type:** Full Application  
**Description of Development:** Single storey rear extension including formation of balcony  
**Site** 11 HIGHER MOWLES HIGHER COMPTON PLYMOUTH  
**Case Officer:** David Jeffrey  
**Decision Date:** 08/01/2010  
**Decision:** Refuse

**Item No 87**

**Application Number:** 09/01649/PRD **Applicant:** Mr Hugh Lieching  
**Application Type:** LDC Proposed Develop  
**Description of Development:** Single storey side extension  
**Site** THE BIRCHES, PLYMBRIDGE ROAD GLENHOLT PLYMOUTH

**Case Officer:** David Jeffrey  
**Decision Date:** 08/01/2010  
**Decision:** Issue Certificate - Lawful Use

**Item No 88**

**Application Number:** 09/01656/FUL **Applicant:** Mr and Mrs S Crocker  
**Application Type:** Full Application  
**Description of Development:** Single storey and first floor rear extensions, enlargement of roof (including increase in height) to provide additional living space, and erection of private motor garage and hardstanding to rear (existing garage and shed to be removed)  
**Site** 40 DUNSTONE ROAD PLYMSTOCK PLYMOUTH

**Case Officer:** David Jeffrey  
**Decision Date:** 08/01/2010  
**Decision:** Grant Conditionally

**Item No 89**

**Application Number:** 09/01657/FUL **Applicant:** Mr Jeremy Evans  
**Application Type:** Full Application  
**Description of Development:** Raised rear decking  
**Site** 18 UNDERLANE PLYMSTOCK PLYMOUTH

**Case Officer:** Kate Saunders  
**Decision Date:** 08/01/2010  
**Decision:** Grant Conditionally

**Item No 90**

**Application Number:** 09/01658/EXU **Applicant:** Mr Gerald Hamling  
**Application Type:** LDC Existing Use  
**Description of Development:** Use of property as two self-contained flats  
**Site** 81 SALISBURY ROAD PLYMOUTH  
**Case Officer:** Stuart Anderson  
**Decision Date:** 11/01/2010  
**Decision:** Issue Certificate - Lawful Use

**Item No 91**

**Application Number:** 09/01666/FUL **Applicant:** Mr T Ali  
**Application Type:** Full Application  
**Description of Development:** Change of use of ground floor and lower ground floor from salon (Class A1) to café (class A3) with installation of kitchen extraction flue to rear of building.  
**Site** 23 MUTLEY PLAIN PLYMOUTH  
**Case Officer:** Stuart Anderson  
**Decision Date:** 13/01/2010  
**Decision:** Refuse

**Item No 92**

**Application Number:** 09/01667/ADV **Applicant:** Mr Elie Kadoche  
**Application Type:** Advertisement  
**Description of Development:** Illuminated fascia signs and projecting "bus stop" sign  
**Site** UNDERWOOD CORNER SHOP 46 MARKET ROAD PLYMPTON PLYMOUTH  
**Case Officer:** Kate Saunders  
**Decision Date:** 11/01/2010  
**Decision:** Advertisement Split Decision

**Item No 93**

**Application Number:** 09/01668/TPO **Applicant:** Mrs Joy Riley  
**Application Type:** Tree Preservation  
**Description of Development:** 2 Poplar - reduce back to previous pruning points  
**Site** 6 HAZEL DRIVE ELBURTON PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 21/12/2009  
**Decision:** Grant Conditionally

**Item No 94**

**Application Number:** 09/01669/TPO **Applicant:** Mr Pearce  
**Application Type:** Tree Preservation  
**Description of Development:** 2 Poplar - reduce back to previous pruning points  
**Site** 4 HAZEL DRIVE ELBURTON PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 21/12/2009  
**Decision:** Grant Conditionally

**Item No 95**

**Application Number:** 09/01670/TPO **Applicant:** Mr Ronald Gettins  
**Application Type:** Tree Preservation  
**Description of Development:** Poplar - reduce to previous pruning points or fell  
Poplar - Reduce to previous pruning points  
**Site** 8 HAZEL DRIVE ELBURTON PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 21/12/2009  
**Decision:** Grant Conditionally



**Item No 96**

**Application Number:** 09/01671/24 **Applicant:** Vodafone Ltd  
**Application Type:** GPDO PT24  
**Description of Development:** Determination as to whether prior approval is required for siting and appearance of replacement of existing 14.4 metre high column (including antenna) with 14.8 metre high dual user (Vodafone and O2) column (including antennas) and additional ground based cabinet.  
**Site** HIGHWAYS LAND AT BELL CLOSE NEWNHAM INDUSTRIAL ESTATE PLYMPTON PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 08/01/2010  
**Decision:** Prior approval not req PT24

**Item No 97**

**Application Number:** 09/01672/FUL **Applicant:** Plymouth NHS  
**Application Type:** Full Application  
**Description of Development:** Change of use from office to office and counselling therapy rooms  
**Site** GROUND FLOOR CENTRE COURT, EXETER STREET PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 13/01/2010  
**Decision:** Grant Conditionally

**Item No 98**

**Application Number:** 09/01673/FUL **Applicant:** Plymstock Properties Ltd  
**Application Type:** Full Application  
**Description of Development:** Single-storey rear extension to shop to provide additional commercial space (existing single-storey structure to be removed)  
**Site** 250 DEAN CROSS ROAD PLYMSTOCK PLYMOUTH  
**Case Officer:** Stuart Anderson  
**Decision Date:** 07/01/2010  
**Decision:** Grant Conditionally

**Item No 99**

**Application Number:** 09/01674/TCO **Applicant:** RWH (West End) Ltd  
**Application Type:** Trees in Cons Area  
**Description of Development:** Re - pollard 15 lime tress and 4 horse chestnut trees  
**Site** THE SQUARE, THE MILLFIELDS PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 22/12/2009  
**Decision:** Grant Conditionally

**Item No 100**

**Application Number:** 09/01675/TPO **Applicant:** Mrs Julia Tindall-Jones  
**Application Type:** Tree Preservation  
**Description of Development:** Sycamore - reduce on south west side by 2 metres  
**Site** 35 EFFORD ROAD PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 22/12/2009  
**Decision:** Grant Conditionally

**Item No 101**

**Application Number:** 09/01676/FUL **Applicant:** Mr & Mrs P Soane  
**Application Type:** Full Application  
**Description of Development:** Single storey side extension & formation of rear dormer  
**Site** 71 RHEOLA GARDENS PLYMOUTH  
**Case Officer:** Kirsty Barrett  
**Decision Date:** 12/01/2010  
**Decision:** Grant Conditionally

**Item No 102**

**Application Number:** 09/01679/FUL **Applicant:** M Uddin  
**Application Type:** Full Application  
**Description of Development:** Single storey rear extension and formation of rooms in roofspace including rear dormer  
**Site** 67 NORTH ROAD EAST PLYMOUTH  
**Case Officer:** Simon Osborne  
**Decision Date:** 11/01/2010  
**Decision:** Grant Conditionally

**Item No 103**

**Application Number:** 09/01681/FUL **Applicant:** Mr Peter Tracey and Ms Julie  
**Application Type:** Full Application  
**Description of Development:** Continue use of public house garden as part of garden of 12 Elford Drive with associated retaining wall and fence  
**Site** LAND REAR OF 12 ELFORD DRIVE PLYMOUTH  
**Case Officer:** Kate Saunders  
**Decision Date:** 08/01/2010  
**Decision:** Grant Conditionally

**Item No 104**

**Application Number:** 09/01682/FUL **Applicant:** Mr Peter Tracey and Ms Julie  
**Application Type:** Full Application  
**Description of Development:** Continue use of public house garden as part of garden of 10 Elford Drive with associated retaining wall and fence  
**Site** LAND REAR OF 10 ELFORD DRIVE ORESTON PLYMOUTH  
**Case Officer:** Kate Saunders  
**Decision Date:** 08/01/2010  
**Decision:** Grant Conditionally

**Item No 105**

**Application Number:** 09/01685/FUL **Applicant:** Keedollan Properties Ltd  
**Application Type:** Full Application  
**Description of Development:** Change of use and conversion of former office premises (currently being converted to a house under permission 01/01755/FUL) to form two self contained flats  
**Site** ADJACENT TO 18 HOOE ROAD HOOE PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 14/01/2010  
**Decision:** Grant Conditionally

**Item No 106**

**Application Number:** 09/01691/FUL **Applicant:** Mr Paul Taylor  
**Application Type:** Full Application  
**Description of Development:** Retention of enlarged window opening to form doorway  
**Site** 4 FORTESCUE PLACE HARTLEY PLYMOUTH  
**Case Officer:** Kirsty Barrett  
**Decision Date:** 15/01/2010  
**Decision:** Grant Conditionally

**Item No 107**

**Application Number:** 09/01692/TPO **Applicant:** Miss S Bray  
**Application Type:** Tree Preservation  
**Description of Development:** Tree management works including felling and reduction of Sycamore trees  
**Site** 36 MEDWAY PLACE EFFORD PLYMOUTH  
**Case Officer:** Chris Knapman  
**Decision Date:** 11/01/2010  
**Decision:** Grant Conditionally

**Item No 108**

**Application Number:** 09/01693/TPO **Applicant:** Mrs Griffiths  
**Application Type:** Tree Preservation  
**Description of Development:** Minor pruning works to oak tree  
**Site** 37 HOLTWOOD ROAD GLENHOLT PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 22/12/2009  
**Decision:** Grant Conditionally

**Item No 109**

**Application Number:** 09/01696/FUL **Applicant:** Mr K Pethick  
**Application Type:** Full Application  
**Description of Development:** Part two storey, part single storey side and front extension including private motor garage (existing side extension to be removed)  
**Site** 34 DOWNHAM GARDENS TAMERTON FOLIOT PLYMOUTH  
**Case Officer:** David Jeffrey  
**Decision Date:** 12/01/2010  
**Decision:** Grant Conditionally

**Item No 110**

**Application Number:** 09/01699/TPO **Applicant:** Mr R J Hill  
**Application Type:** Tree Preservation  
**Description of Development:** Two oak - cut back low branches over garden  
**Site** 419 TAVISTOCK ROAD ROBOROUGH PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 22/12/2009  
**Decision:** Grant Conditionally

**Item No 111**

**Application Number:** 09/01700/FUL **Applicant:** Mr D Rowntree  
**Application Type:** Full Application  
**Description of Development:** Side extension to existing dwelling (comprising garage at ground floor level with two floor above).  
**Site** 26 FREDINGTON GROVE PLYMOUTH  
**Case Officer:** Kirsty Barrett  
**Decision Date:** 18/01/2010  
**Decision:** Grant Conditionally

**Item No 112**

**Application Number:** 09/01704/FUL **Applicant:** KFC GB Ltd  
**Application Type:** Full Application  
**Description of Development:** Single storey side and rear extension and external alterations  
**Site** 227 TAVISTOCK ROAD PLYMOUTH  
**Case Officer:** Stuart Anderson  
**Decision Date:** 12/01/2010  
**Decision:** Grant Conditionally

**Item No 113**

**Application Number:** 09/01706/FUL **Applicant:** Noakes Habermehl & Kerr  
**Application Type:** Full Application  
**Description of Development:** Two storey front extension to provide new reception area and staircase, and internal alterations and rearrangement (application for new planning permission to replace permission 04/01923/FUL in order to extend time limit for implementation)  
**Site** 62 RIDGEWAY PLYMPTON PLYMOUTH  
**Case Officer:** David Jeffrey  
**Decision Date:** 15/01/2010  
**Decision:** Grant Conditionally

**Item No 114**

**Application Number:** 09/01707/FUL **Applicant:** Sutton Harbour Company  
**Application Type:** Full Application  
**Description of Development:** Two new serveries and canopies  
**Site** CAP'N JASPERS, THE WHITEHOUSE PIER THE BARBICAN PLYMOUTH  
**Case Officer:** Thomas Westrope  
**Decision Date:** 22/01/2010  
**Decision:** Application Withdrawn

**Item No 115**

**Application Number:** 09/01709/FUL **Applicant:** Mr C R Pearce  
**Application Type:** Full Application  
**Description of Development:** Two storey rear / side extension and replacement of corrugated asbestos roof cladding with tiles to match dwelling  
**Site** 253 TAUNTON AVENUE WHITLEIGH PLYMOUTH  
**Case Officer:** Thomas Westrope  
**Decision Date:** 19/01/2010  
**Decision:** Grant Conditionally

**Item No 116**

**Application Number:** 09/01710/FUL **Applicant:** Plymouth Highbury Trust  
**Application Type:** Full Application  
**Description of Development:** Single storey extension to provide additional office space (to adult day care facility)  
**Site** PLYMOUTH HIGHBURY TRUST 207 OUTLAND ROAD PLYMOUTH  
**Case Officer:** Simon Osborne  
**Decision Date:** 20/01/2010  
**Decision:** Grant Conditionally

**Item No 117**

**Application Number:** 09/01711/FUL **Applicant:** Mr & Mrs Paz  
**Application Type:** Full Application  
**Description of Development:** Rear conservatory  
**Site** 64 GLENFIELD ROAD PLYMOUTH  
**Case Officer:** Kirsty Barrett  
**Decision Date:** 18/01/2010  
**Decision:** Grant Conditionally

**Item No 118**

**Application Number:** 09/01712/FUL **Applicant:** Mr N Harman  
**Application Type:** Full Application  
**Description of Development:** Single storey rear extension  
**Site** 35 LYNWOOD AVENUE PLYMPTON PLYMOUTH  
**Case Officer:** Kate Saunders  
**Decision Date:** 08/01/2010  
**Decision:** Grant Conditionally

**Item No 119**

**Application Number:** 09/01713/FUL **Applicant:** Mr & Mrs Hockaday  
**Application Type:** Full Application  
**Description of Development:** Front porch and rear conservatory  
**Site** 233 ST PANCRAS AVENUE PLYMOUTH  
**Case Officer:** Kirsty Barrett  
**Decision Date:** 18/01/2010  
**Decision:** Grant Conditionally

**Item No 120**

**Application Number:** 09/01716/FUL **Applicant:** Mr & Mrs S Rowe  
**Application Type:** Full Application  
**Description of Development:** Two storey side extension  
**Site** 18 TREWITTHY COURT PLYMOUTH  
**Case Officer:** Kirsty Barrett  
**Decision Date:** 18/01/2010  
**Decision:** Grant Conditionally

**Item No 121**

**Application Number:** 09/01718/PRD **Applicant:** Mr and Mrs Roger Allcock  
**Application Type:** LDC Proposed Develop  
**Description of Development:** Side conservatory (LDC proposed development)  
**Site** 112 UPLAND DRIVE PLYMOUTH  
**Case Officer:** Kirsty Barrett  
**Decision Date:** 20/01/2010  
**Decision:** Issue Certificate - Lawful Use



**Item No 122**

**Application Number:** 09/01720/FUL **Applicant:** Mr Cousins  
**Application Type:** Full Application  
**Description of Development:** Part single storey, part two storey, part first-floor side and rear extension  
**Site** 5 PARKSTONE LANE PLYMPTON PLYMOUTH  
**Case Officer:** Simon Osborne  
**Decision Date:** 19/01/2010  
**Decision:** Refuse

**Item No 123**

**Application Number:** 09/01721/FUL **Applicant:** Mrs V Lamerton  
**Application Type:** Full Application  
**Description of Development:** Two storey rear extension, and side extension to form internal staircase  
**Site** 19 WOODWAY PLYMSTOCK PLYMOUTH  
**Case Officer:** Simon Osborne  
**Decision Date:** 21/01/2010  
**Decision:** Grant Conditionally

**Item No 124**

**Application Number:** 09/01722/LBC **Applicant:** Mrs Denise Kehoe  
**Application Type:** Listed Building  
**Description of Development:** Insertion of two internal fire doors  
**Site** 43 NEW STREET PLYMOUTH  
**Case Officer:** Thomas Westrope  
**Decision Date:** 14/01/2010  
**Decision:** Grant Conditionally

**Item No 125**

**Application Number:** 09/01725/FUL **Applicant:** Mr and Mrs Perry  
**Application Type:** Full Application  
**Description of Development:** Part single storey, part two storey rear extension.  
**Site** 153 BILLACOMBE ROAD BILLACOMBE PLYMOUTH  
**Case Officer:** David Jeffrey  
**Decision Date:** 20/01/2010  
**Decision:** Grant Conditionally

**Item No 126**

**Application Number:** 09/01729/FUL **Applicant:** Radio Plymouth  
**Application Type:** Full Application  
**Description of Development:** Installation of one "Sira Dipole" antenna on existing tower with associated feeder cables and relocation of one existing Colinear antenna.  
**Site** STADDON FORT, STADDON LANE PLYMOUTH  
**Case Officer:** Stuart Anderson  
**Decision Date:** 11/01/2010  
**Decision:** Grant Conditionally

**Item No 127**

**Application Number:** 09/01732/PRD **Applicant:** Mr & Mrs Richard Edwards  
**Application Type:** LDC Proposed Develop  
**Description of Development:** Change of finishing material to an existing dormer wall (to render)  
**Site** 33 MEREDITH ROAD PEVERELL PLYMOUTH  
**Case Officer:** Kirsty Barrett  
**Decision Date:** 20/01/2010  
**Decision:** Issue Certificate - Lawful Use

**Item No 128**

**Application Number:** 09/01733/FUL **Applicant:** Plym Valley Railway Co Ltd  
**Application Type:** Full Application  
**Description of Development:** Reinstatement of railway passenger platform  
**Site** PLYMBRIDGE PLATFORM PLYMBRIDGE PLYMOUTH  
**Case Officer:** David Jeffrey  
**Decision Date:** 22/01/2010  
**Decision:** Grant Conditionally

**Item No 129**

**Application Number:** 09/01735/FUL **Applicant:** Mr P Searle  
**Application Type:** Full Application  
**Description of Development:** Removal of part of single storey extension, and construction of new larger single storey extension  
**Site** 1 RUSSELL AVENUE MANNAMEAD PLYMOUTH  
**Case Officer:** Kirsty Barrett  
**Decision Date:** 22/01/2010  
**Decision:** Grant Conditionally

**Item No 130**

**Application Number:** 09/01737/FUL **Applicant:** Family Matters  
**Application Type:** Full Application  
**Description of Development:** Change of use from A2 (financial and professional services) to D1 (non-residential institution)  
**Site** 46 - 48 DEVONPORT ROAD STOKE PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 22/01/2010  
**Decision:** Grant Conditionally

**Item No 131**

**Application Number:** 09/01738/PRD **Applicant:** Mr M Hanvey  
**Application Type:** LDC Proposed Development  
**Description of Development:** Rear extension  
**Site** 66 FURNEAUX ROAD PLYMOUTH  
**Case Officer:** Kirsty Barrett  
**Decision Date:** 22/01/2010  
**Decision:** Issue Certificate - Lawful Use

**Item No 132**

**Application Number:** 09/01741/FUL **Applicant:** Mr Fairfax Luxmoore  
**Application Type:** Full Application  
**Description of Development:** Rear conservatory and formation of room in roofspace including rooflights  
**Site** 7 ACRE COTTAGES PLYMOUTH  
**Case Officer:** Kirsty Barrett  
**Decision Date:** 22/01/2010  
**Decision:** Grant Conditionally

**Item No 133**

**Application Number:** 09/01744/FUL **Applicant:** Mrs C Crease  
**Application Type:** Full Application  
**Description of Development:** Erection of private motor garage to front  
**Site** 162 ABERDEEN AVENUE MANADON PLYMOUTH  
**Case Officer:** Kirsty Barrett  
**Decision Date:** 22/01/2010  
**Decision:** Grant Conditionally

**Item No 134**

**Application Number:** 09/01755/LBC **Applicant:** University of Plymouth  
**Application Type:** Listed Building  
**Description of Development:** Installation of access ramp and associated handrail, plus stepped access  
**Site** 20 PORTLAND VILLAS PLYMOUTH  
**Case Officer:** Kate Saunders  
**Decision Date:** 22/01/2010  
**Decision:** Grant Conditionally

**Item No 135**

**Application Number:** 09/01758/FUL **Applicant:** Mr & Mrs Rogers  
**Application Type:** Full Application  
**Description of Development:** Front porch (revised application following refusal of 09/01117/FUL)  
**Site** 38 TANGMERE AVENUE ERNESETTLE PLYMOUTH  
**Case Officer:** Kirsty Barrett  
**Decision Date:** 22/01/2010  
**Decision:** Grant Conditionally

**Item No 136**

**Application Number:** 09/01760/FUL **Applicant:** Amber New Homes  
**Application Type:** Full Application  
**Description of Development:** Retention of window in west elevation  
**Site** COACH HOUSE 1a, REAR OF 1 SUTHERLAND ROAD MUTLEY PLYMOUTH  
**Case Officer:** Stuart Anderson  
**Decision Date:** 13/01/2010  
**Decision:** Grant Conditionally

**Item No 137**

**Application Number:** 09/01761/LBC **Applicant:** Secretary of state for defence  
**Application Type:** Listed Building  
**Description of Development:** Installation of ventilation unit for radon remediation  
**Site** BUILDING 104 ROYAL CITADEL, HOE ROAD PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 22/01/2010  
**Decision:** Grant Conditionally

**Item No 138**

**Application Number:** 09/01766/FUL **Applicant:** Wharfdale Ltd  
**Application Type:** Full Application  
**Description of Development:** Extension (to former public house) to provide an additional 10 units of student accommodation with communal facilities and amenity area  
**Site** PENNYCOMEQUICK CENTRAL PARK AVENUE PLYMOUTH  
  
**Case Officer:** Jeremy Guise  
**Decision Date:** 15/01/2010  
**Decision:** Refuse

**Item No 139**

**Application Number:** 09/01769/TCO **Applicant:** Mr M Lander  
**Application Type:** Trees in Cons Area  
**Description of Development:** Fell 2 Lawson Cypress  
**Site** BRYNTIRION, SEYMOUR ROAD MANNAMEAD PLYMOUTH  
  
**Case Officer:** Jane Turner  
**Decision Date:** 05/01/2010  
**Decision:** Refuse

**Item No 140**

**Application Number:** 09/01771/TCO **Applicant:** Mr G Callis  
**Application Type:** Trees in Cons Area  
**Description of Development:** Beech - Reduce on building side by 2.5m  
Crown lift over drive and pavement to 4m above ground  
Thin crown by 15%  
**Site** BETWEEN 91 AND 93 MANNAMEAD ROAD PLYMOUTH  
  
**Case Officer:** Chris Knapman  
**Decision Date:** 13/01/2010  
**Decision:** Grant Conditionally

**Item No 141**

**Application Number:** 09/01775/CAC **Applicant:** Sisters of Nazareth Charitable  
**Application Type:** Conservation Area  
**Description of Development:** Demolitions/alterations of parts of existing building associated with amendment to existing consent (05/01356/FUL for the development of care village and alterations and extension to existing care home) to amend the proposals for the second floor convent to the existing care home  
**Site** NAZARETH HOUSE, DURNFORD STREET STONEHOUSE PLYMOUTH  
**Case Officer:** Kate Saunders  
**Decision Date:** 22/01/2010  
**Decision:** Grant Conditionally

**Item No 142**

**Application Number:** 09/01780/PRD **Applicant:** Mr & Mrs James  
**Application Type:** LDC Proposed Develop  
**Description of Development:** Single-storey rear extension  
**Site** 15 COMPTON VALE PLYMOUTH  
**Case Officer:** Kirsty Barrett  
**Decision Date:** 22/01/2010  
**Decision:** Issue Certificate - Lawful Use

**Item No 143**

**Application Number:** 09/01796/FUL **Applicant:** Mr Andrew Thorne  
**Application Type:** Full Application  
**Description of Development:** Two-storey side and rear extension (existing single-storey extension to be removed)  
**Site** 43 PLYMSTOCK ROAD PLYMSTOCK PLYMOUTH  
**Case Officer:** Kate Saunders  
**Decision Date:** 05/01/2010  
**Decision:** Application Withdrawn

**Item No** 144

**Application Number:** 09/01806/CAC **Applicant:** Mr Fairfax Luxmoore

**Application Type:** Conservation Area

**Description of Development:** Rear conservatory and formation of room in roofspace including rooflights

**Site** 7 ACRE COTTAGES PLYMOUTH

**Case Officer:** Kirsty Barrett

**Decision Date:** 22/01/2010

**Decision:** Grant Conditionally



The following decisions have been made by the Planning Inspectorate on appeals arising from decisions of the City

Application Number **08/01958/FUL**  
Appeal Site **88 ASHFORD CRESCENT MANNAMEAD PLYMOUTH**  
Appeal Proposal Single-storey extension at lower ground floor level, for use as part of granny annex proposed by conversion of existing private motor garage and store  
Case Officer Kirsty Barrett

Appeal Category  
Appeal Type Written Representations  
Appeal Decision Dismissed  
Appeal Decision Date 01/10/2009  
Conditions  
Award of Costs Awarded To

Appeal Synopsis

Inspector considered the development would be significantly greater in width and of different character to the existing principle elevation and therefore would be a prominent and obtrusive feature that would significantly disturb the regular rhythm of the streetscene, and would not accord with CS34. Inspector also ruled that the development would lead to increased on-street parking which would place additional pressure on the already congested conditions and therefore development would also be contrary to CS28 and SPG1.

Application Number **08/01984/LBC**  
Appeal Site **13 ALFRED STREET HOE PLYMOUTH**  
Appeal Proposal Replacement of 4 timber sash windows with UPVC sash windows  
Case Officer Kirsty Barrett

Appeal Category  
Appeal Type Written Representations  
Appeal Decision Dismissed  
Appeal Decision Date 10/12/2009  
Conditions  
Award of Costs Awarded To

Appeal Synopsis

Inspector agrees with reasoning of PPG15 C.49 and with regard to UPVC being thicker in profile than timber and would therefore be more visible. Inspector ruled that the timber windows would not respect the historic fabric and detailing of the Listed Building and therefore concluded that the proposal would not preserve special architectural details and the historical interest and therefore contrary to policies CS02, CS03, CS34 and PPG15

Application Number **08/02167/FUL**  
Appeal Site **47 ALMA ROAD PLYMOUTH**  
Appeal Proposal Change of use and conversion of garage/gymnasium to one bedroom residential unit with integral garage and erection of detached two storey dwelling house and detached private motor  
Case Officer Stuart Anderson

Appeal Category  
Appeal Type Written Representations  
Appeal Decision Allowed  
Appeal Decision Date 30/11/2009  
Conditions  
Award of Costs Awarded To

Inspector considered that although it would be a small unit of accommodation, the proposed one bedroom unit would be adequate for a single person. The proposed two storey dwelling would also offer an adequate standard of amenity, subject to the removal of permitted development rights. He considered that the privacy of surrounding properties would not be affected. Also, the loss of the existing car parking spaces along the lane, which were originally provided to serve the children's nursery in the adjoining villa to the north, was no longer an issue on the case as the nursery now has an extensive car parking area within its own curtilage. He imposed a number of conditions, mainly relating to car parking and removal of permitted development rights.

Application Number **08/02265/FUL**  
 Appeal Site **300 RINGMORE WAY WEST PARK PLYMOUTH**  
 Appeal Proposal Retention of extended rear balcony area with raising of part of rear garden level and boundary  
 Case Officer Kirsty Barrett

Appeal Category REF  
 Appeal Type Written Representations  
 Appeal Decision Allowed  
 Appeal Decision Date 17/11/2009  
 Conditions  
 Award of Costs Awarded To

## Appeal Synopsis

Inspector allowed for increase in decking area subject to a condition that a screen to the boundary be erected no more than 1.8 metres. Inspector concluded that the proposed screen to the boundary of the decking area would not result in an unacceptable loss of daylight or outlook and therefore would not conflict with Policy CS34 or SPG guidance note 2.

Application Number **09/00034/OUT**  
 Appeal Site **WOODLANDS, RIDGE ROAD PLYMOUTH**  
 Appeal Proposal Outline application to develop part of garden by erection of a dwelling.  
 Case Officer Stuart Anderson

Appeal Category  
 Appeal Type Written Representations  
 Appeal Decision Dismissed  
 Appeal Decision Date 27/11/2009  
 Conditions  
 Award of Costs Awarded To

## Appeal Synopsis

Inspector agreed that a new dwelling on this site would not be sustainably located in relation to public transport, employment opportunities and other services. Inspector concluded that the creation of a new residential unit in this location would not result in a sustainable pattern of development and would be in conflict with policies CS01, CS16 and CS28, Strategic Objective 3 and PPS7.

Application Number **09/00138/FUL**  
 Appeal Site **STORE REAR OF 190 ALBERT ROAD DEVONPORT PLYMOUTH**  
 Appeal Proposal Change of use and conversion of store building to form two self-contained flats  
 Case Officer Karen Gallacher

Appeal Category  
 Appeal Type Written Representations  
 Appeal Decision Allowed  
 Appeal Decision Date 17/12/2009  
 Conditions  
 Award of Costs Awarded To

## Appeal Synopsis

The main issue was whether the proposed flats would be acceptable without any parking in a location that is heavily parked. The inspector considered that the development was likely to be inhabited by people without vehicles and was in a sustainable location and was therefore acceptable without parking.

Application Number **09/00835/FUL**  
Appeal Site **HELLENSLEIGH, COBB LANE PLYMOUTH**  
Appeal Proposal Conversion of detached private motor garage to annex  
Case Officer Simon Osborne

Appeal Category  
Appeal Type Written Representations  
Appeal Decision Allowed  
Appeal Decision Date 24/11/2009

Conditions  
Award of Costs Awarded To

Appeal Synopsis

The inspector considered that the use of the proposed annex as a separate dwelling unit could be prevented by the imposition of an appropriate condition and therefore felt the proposal would not lead to unacceptable loss of privacy to existing and future occupiers. The inspector did not feel the proposal would harm the character or appearance of the surrounding area.

This page is intentionally left blank