

Public Document Pack



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

www.plymouth.gov.uk/democracy

Date: 14/04/10 Telephone Enquiries 01752 304469 / 01752 307815 Fax 01752 304819
Please ask for Ross Jago / Katey Johns e-mail ross.jago@plymouth.gov.uk / katey.johns@plymouth.gov.uk

PLANNING COMMITTEE

DATE: THURSDAY 22 APRIL 2010
TIME: 2.30 PM
PLACE: COUNCIL HOUSE, ARMADA WAY, PLYMOUTH

Members –

Councillor Lock, Chair
Councillor Mrs Stephens, Vice Chair
Councillors Mrs Bowyer, Delbridge, Mrs Foster, 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 - 8)

The Committee will be asked to confirm the minutes of the meeting held on 1 April 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 9 - 10)

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.

6.1.6 TORRIDGE ROAD, PLYMOUTH 10/00287/FUL

(Pages 11 - 14)

Applicant:	Mr and Mrs Nicholls
Ward:	Plympton St Mary
Recommendation:	Grant Conditionally

6.2.3 PARK CRESCENT, PLYMOUTH 10/00292/FUL **(Pages 15 - 20)**

Applicant: Mr and Mrs S Millmore
Ward: Plymstock Radford
Recommendation: Grant Conditionally

6.3. EAST QUAYS BOATYARD, SUTTON ROAD, **(Pages 21 - 48)**
PLYMOUTH 09/01882/FUL

Applicant: Sutton Harbour Property and Regeneration Ltd
Ward: Sutton and Mount Gould
Recommendation: Grant Conditionally subject to S106 obligation

6.4. 66 TO 68 NEW GEORGE STREET, PLYMOUTH **(Pages 49 - 76)**
10/00135/FUL

Applicant: LV = Asset Management Ltd
Ward: St Peter and The Waterfront
Recommendation: Grant conditionally subject to the satisfactory completion of the S106 obligation. Delegated authority to refuse the application should the S106 obligation not be signed by the 3 May 2010.

6.5. FORMER ARK ROYAL PUBLIC HOUSE, **(Pages 77 - 90)**
DEVONPORT, PLYMOUTH 09/01910/FUL

Applicant: Devon and Cornwall Constabulary
Ward: Devonport
Recommendation: Grant

6.6. LAND NORTH AND SOUTH OF COTTAGE FIELD, **(Pages 91 - 98)**
CENTRAL PARK, MAYFLOWER DRIVE,
PLYMOUTH 10/00274/FUL

Applicant: Balfour Beatty
Ward: Peverall
Recommendation: Grant Conditionally

6.7. MOUNT STONE HOUSE, MOUNT STONE ROAD, **(Pages 99 - 104)**
PLYMOUTH 10/00216/FUL

Applicant: Mr and Mrs Jeffery
Ward: St Peter and The Waterfront
Recommendation: Refuse

6.8. MOUNT STONE HOUSE, MOUNT STONE ROAD, (Pages 105 - 108)
PLYMOUTH 10/00217/LBC

Applicant: Mr and Mrs Jeffery
Ward: St Peter and The Waterfront
Recommendation: Refuse

6.9. WOODLAND TERRACE LANE, LIPSON, (Pages 109 - 120)
PLYMOUTH 10/00180/FUL

Applicant: Bibio Limited
Ward: Drake
Recommendation: Grant conditionally subject to the satisfactory completion of the S106 obligation. Delegated authority to refuse the application should the S106 obligation not be signed by the 14 May 2010.

6.10 LONGCAUSE SCHOOL, LONGCAUSE, PLYMOUTH (Pages 121 - 132)
10/00010/FUL

Applicant: Mr Mike Jelly
Ward: Plympton Erle
Recommendation: Grant Conditionally

7. **OBJECTION TO TREE PRESERVATION ORDER NO. 467, (Pages 133 - 136)**
'BRYNTIRION', SEYMOUR ROAD, PLYMOUTH

To consider a report on an objection to preservation order no. 467.

8. **PLANNING APPLICATION DECISIONS ISSUED (Pages 137 - 164)**

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 20 March 2010 to 9 April 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.

9. APPEAL DECISIONS

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

10. 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) 5 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.

11. ERILL RETAIL PARK - TO FOLLOW

The committee will consider a report on the Erill Retail Park.

This page is intentionally left blank

Planning Committee

Thursday 1 April, 2010

PRESENT:

Councillor Lock, in the Chair.

Councillor Mrs. Stephens, Vice-Chair.

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

Apologies for absence: Councillors Mrs. Bowyer and Roberts.

The meeting started at 2.30 p.m. and finished at 5.55 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.

95. 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 Delbridge	99.3 – Former Plymouth College Preparatory School, Hartley Road, Plymouth 090/01930/FUL	Links to the applicant	Prejudicial
Councillor Mrs. Foster	99.3 – Former Plymouth College Preparatory School, Hartley Road, Plymouth 090/01930/FUL	Knows family Whose daughter attends Kings School	Personal
Councillor Michael Foster	99.3 – Former Plymouth College Preparatory School, Hartley Road, Plymouth 090/01930/FUL	Links to the applicant	Prejudicial
Councillor Mrs. Stephens	99.3 – Former Plymouth College Preparatory School, Hartley Road, Plymouth 090/01930/FUL	Links to the applicant	Prejudicial

Councillor Thompson	99.3 – Former Plymouth College Preparatory School, Hartley Road, Plymouth 090/01930/FUL	Links to the applicant	Prejudicial
Councillor Delbridge	99.4 – Plymouth Airport Approach Site, Glenfield Road, Plymouth 09/01652/REM	Board Member of Airport Consultative Committee	Prejudicial
Councillor Foster	99.4 – Plymouth Airport Approach Site, Glenfield Road, Plymouth 09/01652/REM	Attended public Meeting and speaking against the application	Prejudicial
Councillor Stevens	99.4 – Plymouth Airport Approach Site, Glenfield Road, Plymouth 09/01652/REM	Person speaking on the application is known to him	Personal

96. **MINUTES**

Resolved that the minutes of the meeting held on 4 March, 2010, be confirmed as a correct record, subject to the amendment of minute 90.6 to read –

“Application **DEFERRED** for further consideration of the widening of the access road and turning facilities. Authority for approval delegated to the Assistant Director of Development in consultation with Vice-Chair and nominated Labour and Conservative Committee Members”.

97. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

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

There were no questions from members of the public.

99. **PLANNING APPLICATIONS FOR CONSIDERATION**

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

Addendum reports were submitted in respect of minute numbers 99.3, 99.4, 99.6 and 99.7.

- 99.1 22 TREVOSE WAY, EFFORD, PLYMOUTH 09/01650/FUL**
(Mr. Daniel Devall)
Decision:
Application **GRANTED**.
- 99.2 9 PLEASURE HILL CLOSE, PLYMSTOCK, PLYMOUTH 10/00199/FUL**
(Mr. G. Luscombe)
Decision:
Application **GRANTED** conditionally.
- 99.3 FORMER PLYMOUTH COLLEGE PREPARATORY SCHOOL, HARTLEY ROAD, PLYMOUTH 09/01930/FUL**
(London & Westcountry Estates Limited)
Further to the addendum report, the Committee was informed that an additional representation had been received relating to the retention of the retaining wall.
Decision:
Application **GRANTED** conditionally (including the addition of conditions 29, 30 and 31, as detailed within the addendum report) subject to a S106 Agreement, delegated authority to refuse in event of S106 not signed by 14 April, 2010.

(Councillor Nicholson, having been proposed by the Chair and seconded by Councillor Viney, was appointed Vice-Chair for this particular item).

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

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

(Councillors Delbridge, Michael Foster, Mrs. Stephens and Thompson, having declared prejudicial interests in respect of the above item, withdrew from the meeting).

- 99.4 PLYMOUTH AIRPORT APPROACH SITE, GLENFIELD ROAD, PLYMOUTH 09/01652/REM**
(Cavanna Homes (Cornwall) Ltd.)
Further to the addendum report, the Committee was informed that additional representations had been received in respect of the overlooking of plot 56 and inadequate community involvement. Members were also advised that a 28-signature petition opposing the development had also been submitted.
Decision:
Application **GRANTED** conditionally (including the addition of condition 4 and informative 2, as detailed within the addendum report).

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

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

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

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

(Councillors Delbridge and Michael Foster, having declared prejudicial interests in respect of the above item, withdrew from the meeting).

99.5 ALSTON HOUSE, 2 PLYMBRIDGE ROAD, PLYMPTON, PLYMOUTH 09/01900/FUL

(Alston Homes Ltd.)

Decision:

Application **GRANTED** conditionally subject to the amendment of condition 10, as detailed below, and to a S106 Agreement, delegated authority to refuse in event of S106 not signed by 1 July, 2010.

EXTERNAL MATERIALS

(10) Notwithstanding the materials demonstrated on the submitted plans, 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, which shall include hanging slate and render, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

99.6 163-191 STUART ROAD, PLYMOUTH 10/00093/FUL

(Mr. Frank Phillips)

Further to the addendum report, the Committee was informed that additional representations had been received in respect of overlooking and overshadowing.

Decision:

Application **GRANTED** conditionally (including the addition of condition 8, as detailed within the addendum report).

99.7 LAND AT BELL CLOSE (EAST OF PARKSTONE LANE), NEWNHAM INDUSTRIAL ESTATE, PLYMPTON, PLYMOUTH 10/00174/FUL

(Mr. and Mrs. Rowland)

Further to the addendum report, the Committee was informed that additional representations had been received in respect of the site's unsuitability for residential use and health and safety.

Decision:

Application **DEFERRED** for further information.

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

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

(Councillor Nicholson's proposal to defer for further information, having been seconded by Councillor Wheeler, was put to the vote and declared carried).

100. **PLANNING APPLICATION DECISIONS ISSUED**

The Committee received a report of the Assistant Director of Development (Planning Services) on decisions issued for the period 23 February to 19 March, 2010, including –

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

Resolved that the report be noted.

101. **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.

102. **EXEMPT BUSINESS**

There were no items of exempt business.

SCHEDULE OF VOTING

PLEASE NOTE

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

This page is intentionally left blank

PLANNING COMMITTEE

DATE OF MEETING – 1 April, 2010

SCHEDULE OF VOTING

Application / Minute No.	Voting For	Voting Against	Abstained	Excluded from voting due to Interests Declared	Absent
6.1 22 Trevoze Way, Efford, Plymouth 09/01650/FUL	Unanimous				
6.2 9 Pleasure Hill Close, Plymstock, Plymouth 10/00199/FUL	Unanimous				
6.3 Former Plymouth College Preparatory School, Hartley Road, Plymouth 09/01930/FUL	Councillors Foster, Nicholson and Viney (4) Chair's casting vote (5)	Mrs. Lock and Councillors Stevens, Tuohy, Vincent and Wheeler (4)		Councillors Delbridge, Michael Foster, Mrs. Stephens and Thompson	
6.4 Plymouth Airport Approach Site, Glenfield Road, Plymouth 09/01652/REM	Councillors Foster, Nicholson, Stephens, Thompson, Tuohy, Viney and Wheeler	Mrs. Lock, Mrs. Stephens, Vincent and	Councillor Stevens	Councillors Delbridge and Michael Foster	
6.5 Alston House, 2 Plymbridge Road, Plympton, Plymouth 09/01900/FUL	Councillors Delbridge, Foster, Mrs. Foster, Mrs. Stephens, Thompson, Tuohy, Vincent and Wheeler	Mrs. Michael Lock,	Councillors Nicholson, Stevens and Viney		
6.6 163-191 Stuart Road, Plymouth 10/00093/FUL	Councillors Delbridge, Michael Foster, Lock, Mrs. Stephens, Stevens, Thompson, Tuohy, Vincent and Wheeler		Councillors Mrs. Foster and Nicholson		Councillor Viney
6.7 Land at Bell Close (East of Parkstone Lane), Newnham Industrial Estate, Plympton, Plymouth 10/00174/FUL Amended Recommendation	Councillors Delbridge, Foster, Mrs. Foster, Lock, Nicholson, Mrs. Stephens, Stevens, Thompson, Tuohy, Vincent and Wheeler				Councillor Viney

This page is intentionally left blank

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.

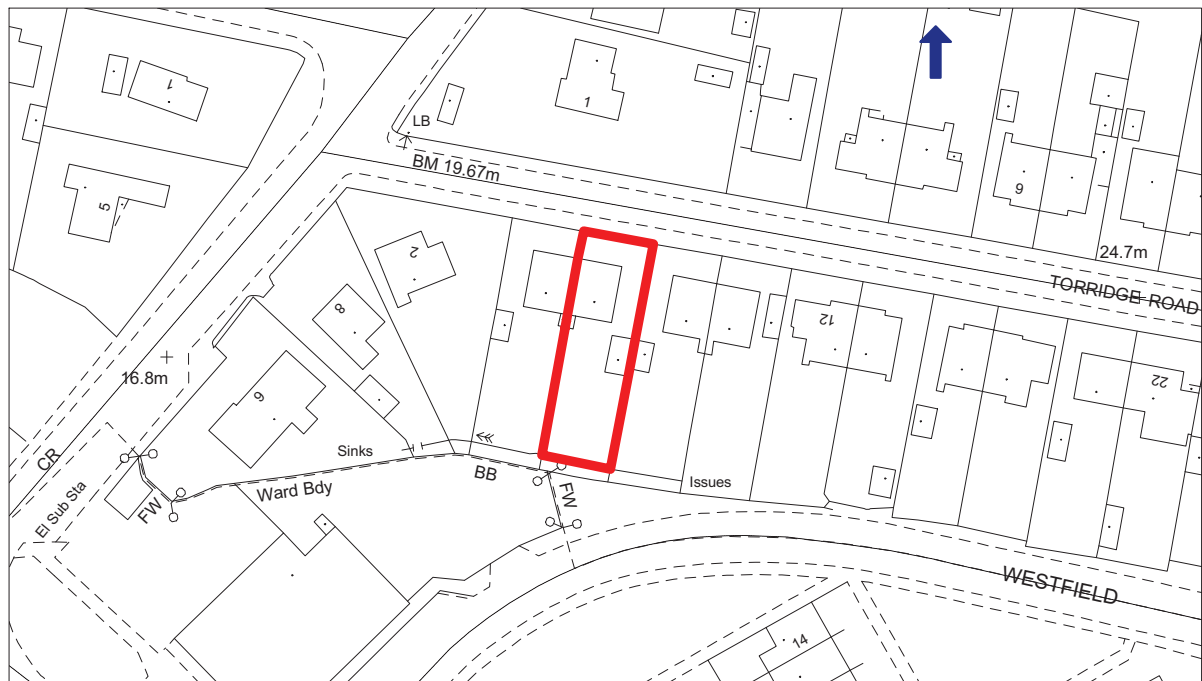
Decisions contrary to Officer recommendation

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

Application Number:	10/00287/FUL
Applicant:	Mr and Mrs S Nicholls
Description of Application:	Part two-storey, part single-storey side extension
Type of Application:	Full Application
Site Address:	6 TORRIDGE ROAD PLYMOUTH
Ward:	Plympton St Mary
Valid Date of Application:	03/03/2010
8/13 Week Date:	28/04/2010
Decision Category:	Member/PCC Employee
Case Officer :	Kate Saunders
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



(c) Crown Copyright. All rights reserved. Plymouth City Council Licence No. 100018633 Published 2010 Scale 1:1000

OFFICERS REPORT

Site Description

6 Torridge Road is a 1930s, semi-detached property located in the Plympton area of the City. The property is bounded by neighbouring properties to the east and west with the rear of the site backing on to Westfield.

Proposal Description

Part two-storey, part single-storey side extension to provide a private motor garage with en-suite bedroom above. The existing garage at the property would be converted to a utility room and linked to rear of the new garage.

Relevant Planning History

No relevant background planning history

Consultation Responses

South West Water – no objections

Representations

No letters of representation received at the time of preparing this report

Analysis

The main issues to consider with this application are the effect on the amenities of neighbouring properties and the impact on the streetscene.

This application is being brought to committee as the applicants are Council employees.

The proposal is for a two-storey side extension which will measure approximately 3.5 metres wide by 6.9 metres long and will be set back 1.5 metres from the front building line of the property. A small lean-to measuring 1.5 metres deep will be added to the back of the extension in order to allow connection to the existing garage building.

The extension has been well designed to match the form and detailing of the original property. Matching materials will be utilised, fenestration patterns will match existing and the current front canopy will be extended across on to the extension. It is considered that the extension will cause no harm to the character or visual appearance of the area.

The development will have no impact on the adjoining property, No. 4; however, the development will be located within 0.6 metre of the boundary with the neighbouring property, No. 8. The neighbouring property has some windows in the side elevation, however it appears that these do not serve habitable rooms and therefore any loss of light will not be harmful to the occupiers' quality of life. The two-storey element will not extend beyond the existing rear building line and as such will cause no loss of light or outlook to neighbouring rear habitable rooms.

A window will be placed in the rear of the extension at first-floor level which may cause some overlooking of the neighbouring garden, but no new overlooking relationships will be introduced. A side-facing window to the bedroom is proposed to be obscure glazed and non-opening. The small single-storey part of the extension will also cause no issues regarding privacy, outlook or light.

The ground-floor of the extension will be used as garage and parking will still remain forward of the proposal, therefore 2 off-street parking spaces will be retained. This is considered sufficient for a property of this size.

South West Water does not object but has provided comments on the proposal, including that there is a public sewer in close proximity to the extension. An informative is recommended.

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

Equalities & Diversities issues

No equality and diversity issues to be considered

Conclusions

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

Recommendation

In respect of the application dated **03/03/2010** and the submitted drawings, **Location plan, MM923.PL1** , 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

(2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order or the 1995 Order with or

without modification), the window in the east side elevation of the extension at first-floor level shall at all times be obscure glazed and non-openable. No further windows or other openings shall at any time be provided in the said elevation at first-floor level, nor shall the approved window in that elevation be altered or enlarged at any time.

Reason:

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

INFORMATIVE - SOUTH WEST WATER

(1) Attention is drawn to the letter from South West Water (SWW) of 23 March 2010 which has been copied by SWW to the applicants' agent.

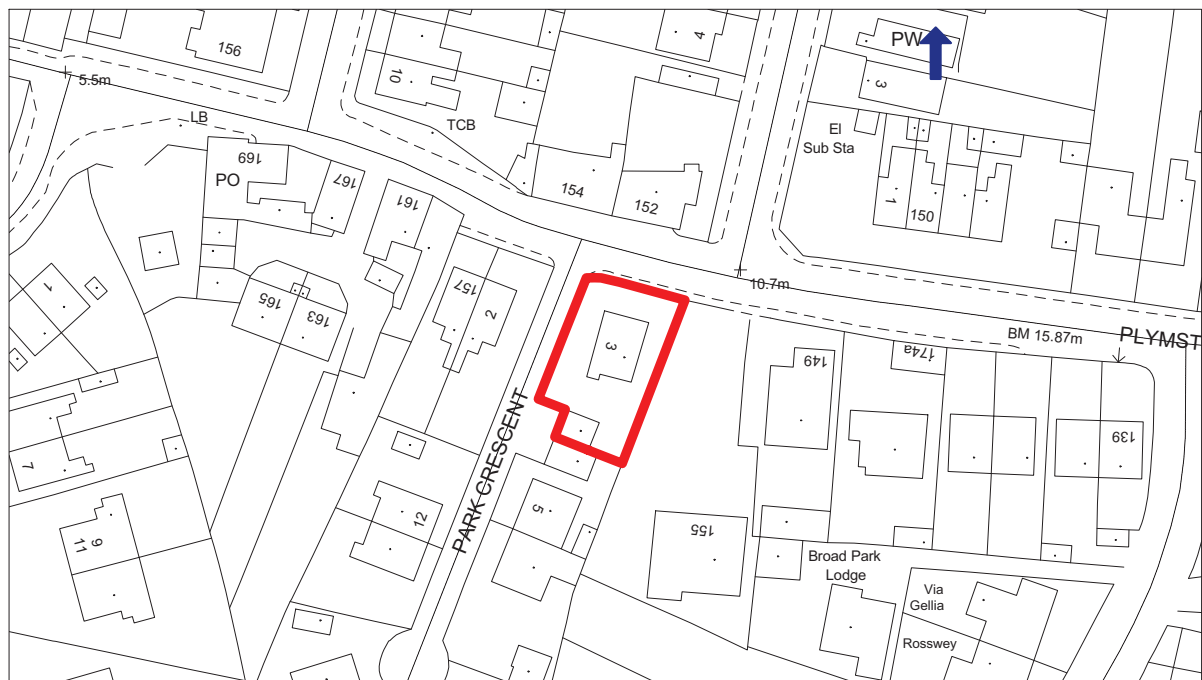
Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: effect on neighbouring properties and the impact on 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
SPD1 - Development Guidelines

ITEM: 02

Application Number:	10/00292/FUL
Applicant:	Mr and Mrs S Millmore
Description of Application:	Two-storey side/rear extension, single-storey rear lean-to (existing WC structure to be removed), detached private motor garage (existing garage to be removed), replacement and enlargement of hardstanding, and boundary fence
Type of Application:	Full Application
Site Address:	3 PARK CRESCENT PLYMOUTH
Ward:	Plymstock Radford
Valid Date of Application:	03/03/2010
8/13 Week Date:	28/04/2010
Decision Category:	Member/PCC Employee
Case Officer :	Simon Osborne
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



(c) Crown Copyright. All rights reserved. Plymouth City Council Licence No. 100018633 Published 2010 Scale 1:1000

OFFICERS REPORT

Site Description

3 Park Crescent is a detached dwelling located on the corner of Plymstock Road and Park Crescent (a private road) in the Plymstock area of Plymouth. The property is bounded by neighbouring properties to the east and south.

Proposal Description

The proposal is for a two-storey side/rear extension, a single storey rear lean to, a detached private motor garage to replace the existing, the replacement and enlargement of the existing hard-standing, and the erection of a 1.8 metre fence fronting Park Crescent.

The two-storey extension would measure approximately 2.8 metres wide and 10.9 metres deep. It is proposed to include a room for use as an office.

The detached motor garage would measure approximately 5.9 metres deep, 3.9 metres wide, and 3.4 metres in height at the apex of the pitched roof.

The lean-to would measure 1.4 metres deep, 2.2 metres wide, and 3.0 metres in height.

Relevant Planning History

There is no relevant planning history for 3 Park Crescent.

Consultation Responses

Transport - The transport officer has no objection to the existing garage being removed and replacement garage being set back into the garden to provide a longer length driveway. However on the west side of the existing access is a telegraph pole and it is the transport officers understanding that BT would not allow the driveway to be within 1 metre of the telegraph pole.

The street is considered highway but not Highway Maintainable at Public Expense; any runoff from the driveway should be prevented from reaching the highway.

Transport recommend a condition regarding run-off and safeguarding the use of the drive for parking cars, and an informative regarding the telegraph pole.

Representations

No letters of representation have been received regarding this application.

Analysis

Two-storey side/rear extension

This application turns upon Policies CS02 and CS34 of the Plymouth Local Development Framework Core-Strategy (2006-2021) 2007 and Supplementary Planning Document (SPD) 'Development Guidelines'. The main issues to consider are the impact on visual amenity, residential amenity and highway safety as detailed below.

Although the extension would be set down from ridge height, it would not be set back a metre from the front elevation and would therefore to some extent lack subordination. However the subject property is detached and the other properties in the area are not of a uniform design or layout. It is therefore considered that, despite a lack of subordination, the extension would appear sympathetic in design, materials and scale to the subject dwelling and would not detract from the character or appearance of the area.

The proposal is located an adequate distance from neighbouring dwellings to ensure the extension would have no unreasonable impact on amenities in terms of loss of outlook or sunlight daylight. It is considered that, should the application be approved, a condition be attached to ensure that the first-floor windows in the east elevation (which serve bathrooms) are obscure glazed in order to prevent unreasonable overlooking of the adjacent garden. With this condition in place the proposal is not considered to cause any unreasonable loss of privacy.

It is noted that the proposal would present a two-storey elevation within approximately 1.2 metres of the adjacent neighbouring front garden, however it is considered that, due to the large and sloping nature of the garden, the extension would not appear over dominant or unreasonably overbearing.

As an office is shown on the layout plan, a use restriction condition is recommended.

Private motor garage, enlargement of hardstanding and 1.8 metre fence

The proposed garage would be located only slightly further west than the existing garage and would be located an adequate distance from neighbouring properties to ensure that any impact on amenities would be negligible.

The proposed garage is similar in appearance to the existing garage and would not detract from the visual appearance or character of the area.

The proposed hardstanding would not detract from the appearance of the area and would not present a hazard to highway users or pedestrians. The material would be porous or have provision for surface water to drain onto a porous material in accordance with the SPD. In line with the transport consultation, it is considered appropriate to secure this drainage by condition. With regard to the telegraph pole, the requirements of BT would not be a valid reason to refuse the application and therefore it is considered appropriate to advise the applicant to contact BT via an informative. It should also be noted that it is likely the hardstanding could be constructed using permitted development rights.

The proposed fence would have no adverse impact on neighbouring properties and would be located in a less prominent location along Park Crescent. Fencing is already a feature of the area and the proposed fence is not considered to detract from visual amenity.

Lean-to extension

The proposed lean-to would only be marginally bigger than the existing structure it would replace and is unlikely to have any greater impact on neighbouring properties. The proposal is relatively small and would not detract from the appearance of the dwelling or the surrounding area.

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 further issues

Section 106 Obligations

N/A

Conclusions

This application is considered to comply with the relevant policies and is recommended for approval

Recommendation

In respect of the application dated **03/03/2010** and the submitted drawings, **Site Location Plan, MM1002.S1, MM1002.PL1A** , 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

(2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order or the 1995 Order with or without modification), the first-floor windows on the east elevation of the two-storey extension hereby approved shall be obscure glazed (not less than level 5 obscurity rating) and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level of the room in

which the window is installed. The said window shall not at any time be altered, nor shall any further windows or other openings (additional to those shown on the approved plans) be provided at any time at first floor level in the extension hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the privacy of the neighbouring property, to comply with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

HARDSTANDING

(3) The hardstanding hereby approved shall be constructed from block pavings (self draining or drained to an on-site soakaway through channel and gully) as shown on drawing MM1002.PL1A and the area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason:

To ensure that runoff does not drain onto the adjacent highway and does not contribute to local flooding, and 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 CS21 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

FURTHER DETAILS: BOUNDARY FENCE

(4) The boundary fence (along Park Crescent) hereby approved shall not be erected until further details of its design and materials have been submitted and approved in writing, by the Local Planning Authority.

Reason:

To ensure the fence does not have an adverse impact on the visual appearance of the area, to comply with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

MATERIALS

(5) The materials to be used in the construction of the external surfaces of the two-storey extension hereby permitted shall match those used in the existing building unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that the extension is in keeping with the existing dwelling, to comply with policies CS02 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

USE RESTRICTION (OFFICE)

(6) The proposed office shall only be ancillary to the use as a dwellinghouse or shall only be used for purposes incidental to the enjoyment of the dwellinghouse as such.

Reason:

To ensure that no adverse effect upon the amenities of the neighbourhood may arise out of the proposed development in accordance with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE: TELEGRAPH POLE

(1) The applicant is advised to seek advice from British Telecom to establish if there are restrictions regarding the distance between the hardstanding and the telegraph pole.

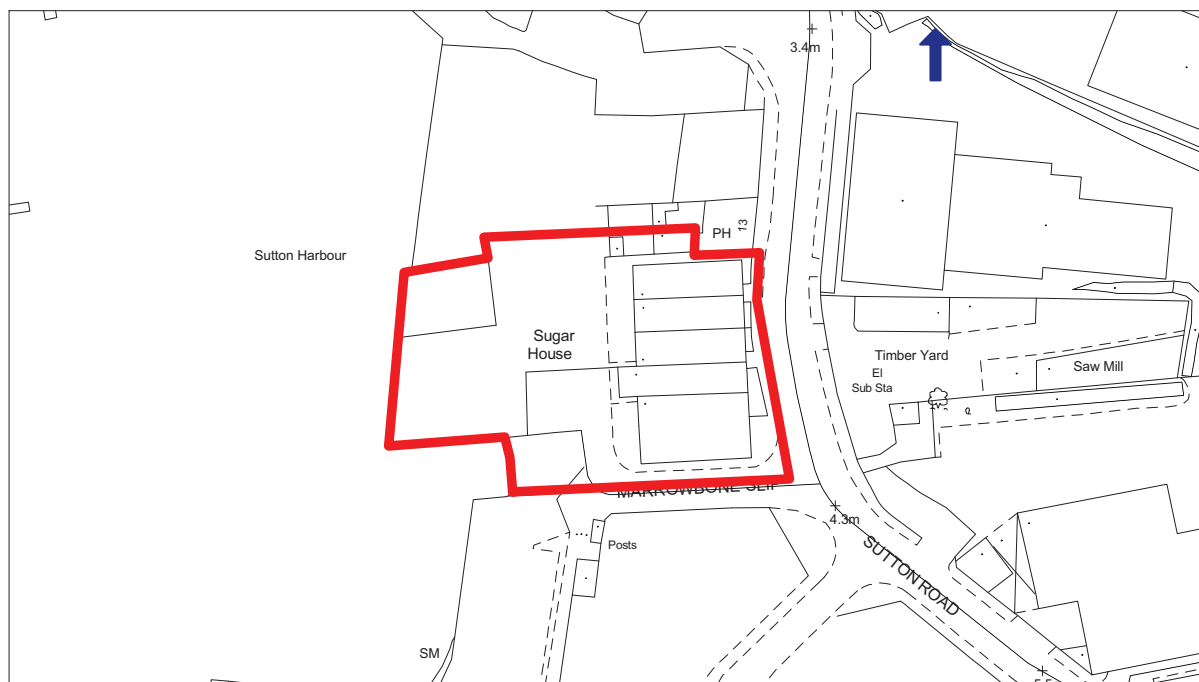
Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: visual amenity, residential amenity 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:

- CS28 - Local Transport Consideration
- CS34 - Planning Application Consideration
- CS21 - Flood Risk
- CS22 - Pollution
- CS02 - Design
- SPD1 - Development Guidelines

ITEM: 03

Application Number:	09/01882/FUL
Applicant:	Sutton Harbour Property & Regeneration Ltd
Description of Application:	Development of mixed use residential scheme comprising 62 residential apartments (C3 use) and 4 ground floor commercial/retail units (A1, A2, A3, A4, B1a and B1 (marine related employment use)), within a 5/10 storey building, with associated car parking, services and public realm works
Type of Application:	Full Application
Site Address:	EAST QUAYS BOATYARD SUTTON ROAD PLYMOUTH
Ward:	Sutton & Mount Gould
Valid Date of Application:	21/12/2009
8/13 Week Date:	22/03/2010
Decision Category:	Major Application
Case Officer :	Mark Evans
Recommendation:	Grant conditionally subject to S106 Obligation
Click for Application Documents:	www.plymouth.gov.uk



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

OFFICERS REPORT

Site Description

The application site is approximately 0.5 Hectares in area and comprises land that has been partly reclaimed from Sutton Harbour.

The site is prominently located, fronting onto Sutton Harbour, and is open to close up and distant public vantage points from around Sutton Harbour and the Barbican and Sutton Road, from which it has direct vehicular and pedestrian access.

Marrow Bone Slip lies immediately to the south and provides public access to the water. Sutton Road lies to the east and the access lane adjoining Salt Quay House to the north.

The site is currently in temporary use as a car park.

Proposal Description

Development of mixed use residential scheme comprising 62 residential apartments (C3 use) and 4 ground floor commercial/retail units (A1, A2, A3, A4, B1a and B1 (marine related employment use)), within a 5/10 storey building, with associated carparking, services and public realm works

It is proposed to provide an 89 space multi-storey car park located internally within the main core of the building and accessed by a car lift system, together with secure, covered cycle parking.

The development includes a generous, publicly accessible waterfront strip, designed to link with the adjoining public waterfront walkway at the front of the recently constructed Salt Quay House building and Eau 2 mixed use residential scheme. This will enable improved public and pedestrian access to the waterfront of the harbour.

Living accommodation will be varied in type, size, cost and tenure, with a range of one, two, three and four bed apartments.

The external materials palette for the development includes a mix of limestone rainscreen cladding, render, metal cladding and paneling, seamless tinted glass balustrades, clear glass Juliette balconies, powder coated aluminium, and a glazed curtain walling system.

Relevant Planning History

09/00763/FUL - Change of use of land from boatyard to temporary carpark to accommodate 49 vehicular spaces, 4 motorcycle spaces and associated access and circulation areas and works (3 year consent) - APPROVED

08/02194/FUL - Erection of mixed use office scheme (including use classes A1, A2, A3, and B1) within a three/four storey building, with associated internal car parking and the erection of an external electricity substation building - APPROVED

06/01368/FUL - Demolition of light industrial unit/office unit, redundant public house and erection of mixed use residential scheme (including use classes A1, A2, A3, B1a and B1 Marine related employment uses) comprising 101 residential flats within a ten/eleven storey building and three storey office building, with associated parking - APPROVED

06/00394/FUL - Demolition of light industrial/office unit and erection of mixed use residential scheme (including use classes A1, A2, A3, A4, B1, B2 and B8) comprising 107 residential flats within a ten storey building and four storey office building, with associated parking, waterfront piazza and retention, extension and refurbishment of public house – WITHDRAWN

Consultation Responses

Highway Authority

Raises no objections in principle but raises concerns regarding over-provision of parking (29 spaces) associated with the adjoining Foot Anstey Office Building at Salt Quay House. This is considered to increase traffic movements associated with the adjoining Salt Quay House development in conflict with the Transport Assessment and associated Travel Plan submitted as part of that original Planning Consent. Recommends conditions.

Public Protection

No objections subject to conditions.

Environment Agency

Objection on grounds that the development has not been demonstrated to be safe with respect to flood risks over its lifetime.

Representations

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

1. No objections to application but considers that condition should be imposed to ensure adequate soundproofing to apartments on east side of Sutton Road to take account of industrial noise that emanates from long established industrial site on opposite side of road.
2. No objections to principle of development but objection to A4 use on basis such a use will only lead to problems with noise and anti social behaviour and create danger of extending the existing Barbican "Heavy Drinking Zone".
3. Generally in favour of scheme but concern regarding design of the elevations particularly in respect of the balconies which are considered to appear as "bolted on" extras rather than an integral part of the design, As a result, it is considered that the building appears bland with little architectural merit.
4. Question whether the Barbican has reached saturation point as regards the number of flats; question whether there is already enough eating places in the area with existing ones suffering from lack of custom; Concern regarding close proximity of development to East Quay House with resultant loss of light and privacy.

5. Current site is considered to be a mess blotting this plot however it is considered that the building should be no higher than the other buildings adjacent to it; The residential building is considered to comprise an “awful” design, looking like it belongs in Benidorm rather than Plymouth. It is suggested that a little more imagination should be applied to the building design to prevent this blighting the others surrounding it.

Analysis

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

The aims of the initiative are:

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

The Market Recovery Action Plan does NOT:

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

Following a “call for sites” this site is one of 16 sites that were submitted by the deadline of 22nd December 2009 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.

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 independently verified as part of the consideration of this application.

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

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

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

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

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

The proposal has met this requirement as the applicant has accepted in writing 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.

Key Issues

The key issues of this development proposal are:

1. The impact of the development on 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.
4. The impact of the development on the appearance, character and setting of the adjoining listed building (China House).

Policy Context:

The application should be assessed primarily against adopted Core Strategy Policies CS01 (Sustainable Linked Communities); CS02 (Design); CS03 (Historic Environment); Strategic Objective 5 (Delivering Regeneration) and Area Vision 5 (Sutton Harbour); AV03 (Plymouth City Centre); CS04 (Future Employment Provision); CS05 (Development of Existing Sites); CS12 (Cultural / Leisure Development Considerations); CS13 (Evening/Night Time Economy Uses); CS15 (Housing Provision); CS18 (Plymouth's Green Space); CS19 (Wildlife); CS20 (Resource Use); CS21 (Flood Risk); CS22 (Pollution); CS28 (Local Transport Considerations); CS32 (Designing Out Crime); CS33 (Community Benefits/Planning Obligations); CS34 (Planning Application Considerations).

The proposed development should also be assessed against the adopted Sutton Harbour Area Action Plan (AAP). This sets out 6 strategic objectives which provide a touchstone against which development proposals for the area should be considered. Policies SH6 and SH7 are of particular relevance. The objectives include:

1. To promote the positive mixed-use regeneration of disused or under-used land and buildings, including where appropriate, tall buildings;
2. To conserve and enhance the special historic character of the Barbican, Bretonside and Coxside for future generations – capitalising on historic assets while respecting the character of existing communities, uses, buildings and structures that make the area distinctive;
3. To create a safe, high quality environment, that capitalises on the waterfront setting. This should include a linked network of attractive public spaces including a vibrant, publicly and visually accessible waterfront – enlivened with entertainment, leisure and cultural uses;
4. To provide enhanced local centres for the Barbican, Bretonside and Coxside with services, activities and amenities that meet the needs of local people, employees, businesses, visitors and the wider community;
5. To create a high-quality integrated mixed-use development to the east and west of Sutton Road, Coxside – including a mixture of housing types and tenures, and opportunities to live, work, shop and socialise locally;
6. To ensure the area is easy to walk and cycle to and through – connecting effectively to surrounding neighbourhoods and the city centre, with excellent access to public transport.

Preferred Option 9 (Sites East and West of Sutton Road) seeks to raise the area's profile through the creation of new landmarks in key strategic locations to widely announce the area's presence and to create a positive sense of arrival. The Vision for Plymouth document was the first to suggest the

opportunity for high quality tall buildings here relating to a major new waterfront public square and acting as positive, widely visible, memorable landmarks for the Sutton Harbour East Area, Coxside. The subsequent Tall Buildings Strategy has identified the site as part of an area “where there may be opportunity for landmark buildings or individual towers”.

Government guidance contained within PPS1, PPS3, PPS4, PPS5, PPS9, PPG13, PPG16, PPS22, PPS23, PPS24 and PPS25 together with the adopted Design Supplementary Planning Document, emerging Development Guidelines Supplementary Planning Document, CABE Tall Building Guidance, City of Plymouth Draft Tall Building Strategy and the Vision for Plymouth Interim Planning Statement is also of relevance.

Planning Policy Statement 1 (PPS1) sets out the overarching planning policies on the delivery of sustainable development through the planning system. This PPS replaces *Planning Policy Guidance (PPG) Note 1, General Policies and Principles*, published in February 1997. PPS1 establishes the Government’s firm commitment to creating sustainable communities. It emphasises that good planning is critical to realising this commitment through delivering this objective. Guidance on quality of design is clear: *Good design ensures attractive, usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning’ (para 33)*

Good design should contribute positively to making places better for people (para 34) Thus planning authorities should plan positively to secure high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted: *High quality design ensures usable, durable and adaptable places and is a key element in achieving sustainable development..Good design is not just about the architecture of individual buildings, but also about the functionality and impact of the development on the overall character, quality and sustainability of an area including resources efficiency (for example energy consumption) There should be no acceptance of ill-conceived designs which do not contribute positively to making places better for people.*

CABE guidance advises that applicants seeking planning permission for tall buildings should ensure that the “*relationship to context, including natural topography, scale, height, urban grain, streetscape and built form, and the effect on the skyline*” are fully addressed. “*Tall buildings should have a positive relationship with relevant topographical features and other tall buildings; the virtue of clusters when perceived from all directions should be considered in this light.*”

In addition, developers are advised to consider the “*contribution made to the permeability of the site and the wider area; opportunities to offer improved*

linkages on foot, and where appropriate, the opening up, or effective closure, of views to improve the legibility of the city and the wider townscape”.

Design

The locally distinctive building form of Sutton Harbour is the variety of building styles rather than the repetition of one style or design. Specific care and attention has been given to ensuring that the design and form of the proposed development maintains this variety and also that it remains in keeping with the appearance and character of the locality. As a result the development is considered to contribute positively to the existing high quality waterfront design and is in keeping with the variety of building styles that give Sutton Harbour and the Barbican its locally distinctive character. Such development is supported by adopted Core Strategy policies CS01, CS02, CS03, CS34, adopted Sutton Harbour Area Action Plan policy SH06, CABE guidance and relevant Central Government guidance.

The proposed design, scale and massing of the proposed development by virtue of how the proposed volumes are arranged across the site, maintains the townscape/skyline continuity with respect to the adjoining Eau 1 and Eau2 (East Quay House) buildings. Taking into account the City Centre location where higher building densities are a typical character of the locality, the siting, design and massing of the development is considered to have an acceptable relationship to the neighbouring development at East Quays House. A material planning consideration is the previous grant of planning consent for a comparable mixed use residential development in comparable proximity to East Quay House. Due to the fact that the development is located to the North of this building, is not considered to have an adverse impact on existing neighbouring residential units in terms of overshadowing or loss of light. Such development is therefore in accordance with adopted Core Strategy Policies CS01, CS02, CS03, CS34, adopted Sutton Harbour Area Action Plan policy SH06 and relevant Central Government advice.

The proposed development, by virtue of its siting, design, massing and use of active ground floor facades, is considered to have a positive relationship with Sutton Road, creating a high quality street environment and in addition is considered to create a satisfactory relationship with the quayside. The proposed development is considered to create a vibrant, attractive waterfront with respect to the Sutton Harbour basin as it takes the opportunity to maximise active ground floor uses onto the waterfront by aligning with the harbour wall.

A condition is recommended to ensure that the use of the majority of key ground floor commercial/retail units are predominantly retail or café/restaurant uses to maximise the vibrancy of the development's key frontages rather than a less “active” office use in accordance with the provisions of policies CS12, CS13 and Area Action Plan policy SH06.

The third party representations regarding the principle of A4 use on the site are noted. A condition is recommended to ensure that no more than one A4 use is permitted on the ground floor to prevent the cumulative impact of such

uses in close proximity having a significant detrimental impact upon residential amenity of the proposed development or locality in accordance with the provisions of policy CS13.

A condition is also recommended in accordance with the provisions of policy CS22 to ensure adequate soundproofing to apartments to meet the "Good Criteria" for noise during day time and night time, as outlined under BS8233:1999 : Sound Insulation and Noise Reduction for Buildings, particularly applicable to those on the east side of Sutton Road, which will be subject to traffic noise and noise generated by the existing industrial use on the adjoining site.

The development is therefore supported by adopted Sutton Harbour Area Action Plan objectives and policies SH06 and SH07. Such development is supported by adopted Core Strategy policies CS01, CS02, CS03, CS13, CS22 and CS34 and relevant Central Government Guidance contained within PPS1.

Car Parking and Vehicular Access/Service

The Highway Authority does not object to the proposed car parking and access arrangements associated with the development and on this basis the development is considered to be acceptable and accord with adopted policies CS28, CS34 and relevant Central Government advice contained in PPG13.

Concerns have been raised by the Highway Authority regarding the proposal to allocate 29 of the car parking spaces located within the development to the adjoining Foot Anstey Solicitor's offices on the basis that this an over-provision of parking spaces associated with the adjoining Foot Anstey Office Building at Salt Quay House. This is considered by the Highway Authority to increase traffic movements associated with the adjoining Salt Quay House development in conflict with the Transport Assessment and associated Travel Plan which were submitted and approved as part of that original Planning Consent.

Whilst these concerns are noted, the impact of 29 car parking spaces being associated with Salt Quay House offices is not considered to have a significant adverse impact upon the highway network and not so significant to warrant refusal of the planning application.

Flood Risk Mitigation Measures

The objection of the Environment Agency is noted. Negotiations are taking place with the Environment Agency to address this matter, with a view to producing an appropriate level of flood risk mitigating measures in line with PPS25 guidance. A material planning consideration is the previous grant of planning consent for a comparable mixed use residential development on the site. An update on progress on this matter will be reported as an addendum.

Impact on the adjoining Listed Building (The China House)

Policy CS03 covers the setting of listed buildings. By virtue of the distance of the site from the China House and the proposed high quality building design

and massing, the proposed development is not considered to have any significant adverse impact upon the nearby listed China House, and is considered to contribute to the enhancement of its setting.

Community Benefits

(a) Affordable Housing

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

The S106 Obligation, previously required under the last grant of planning permission on the site (Planning reference) 06/1368, equated to 20 units of affordable housing on site, a capital sum equivalent to 10 off-site residential units, and a financial contribution of £349,407 to off-set the impact of the development upon community infrastructure. It has been demonstrated that in the current economic climate, this previous development proposal is not economically viable.

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 phased-in temporary concessions to be granted for developments in relation to the Plymouth Development Tariff. It has been agreed that as part of these measures, for residential development of 15 homes or more, a reduced affordable housing requirement of up to 50% of the full requirement may be considered if the case is proven through an open book viability appraisal that the development is unviable at the higher level. Similarly 50% of the tariff will be charged for the development of previously developed brown-field land.

On this basis, if the application were to be considered outside of the umbrella of the Market Recovery Action Plan, but within the reduced Development Tariff, on the basis of the independently verified viability assessment submitted with the application, the development would be required to deliver 15% affordable housing on-site (9 units), or an equivalent off-site contribution towards affordable housing delivery, (in this case a financial contribution of approximately £1,526,846 Million would apply), together with a financial contribution of £282,544 towards the Plymouth Development Tariff.

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

It is clear from the submitted viability assessment (that has been independently verified by the Council) that the S106 Obligation required in line with policy, even taking into account the reductions agreed by Cabinet,

(including 15% of the residential units to be developed as affordable housing), is not deliverable.

Although the proposed off-site affordable housing financial contribution of £760,000 is less than the £1,526,846 off-site affordable housing contribution required by Council policy, it will be payable upon commencement of development. It will be targeted to the provision of either assisting in addressing the significant shortfall of affordable housing in the city, or to support the delivery of key strategic housing projects. This approach is supported by adopted Core Strategy Policy CS15.

Under the parameters of the Market Recovery Action Plan, the impact of one site failing to fully deliver the 15% affordable housing level required by Council policy, when set against the context of delivering the wider housing target over the plan period as set out in the Core Strategy, is considered to be insignificant.

Area Vision 5 of the Core Strategy Local Development Framework seeks to consolidate and develop the Sutton Harbour area as an attractive and sustainable mixed use city quarter creating a unique, high quality environment that will attract investment and new residents. The proposed development will accord with this vision.

(b) Other Community Infrastructure.

It is clear from the viability assessment submitted with the application that the development cannot afford to make a contribution towards the Plymouth Development Tariff.

On this basis the development fails to make adequate provision to mitigate the adverse community infrastructure impacts of the development as required by adopted Core Strategy policy CS01, nor can it be argued that it supports the development of a sustainable linked community in every aspect.

In accordance with policy CS01 however, 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 and safe community.

Core Strategy Policy CS05 states that development of sites with existing employments uses for alternative purpose will be permitted where there are clear environmental regeneration and sustainable community benefits from the proposal. In accordance with this policy, the development will deliver a high quality development on this high profile, strategically important waterfront site, and contribute to the further enhancement of the Sutton Harbour's visitor/tourist offer in its own right. This will continue the impetus of the regeneration of the Sutton Harbour waterfront, which in turn is anticipated to act as a catalyst for the further regeneration of the less prosperous areas and environs to the east of the harbour.

It is recommended that a “clawback” clause be incorporated within the S106 Obligation in order to ensure, should the final development profit exceed that predicted within the submitted viability assessment, that this additional profit is paid back to the Council to increase the development contribution towards the delivery of additional off-site affordable housing and/or the delivery of community infrastructure.

(c) Community Benefits – Conclusions

The weaknesses in the scheme’s deliverable community benefits (described above) should be balanced against the wider benefits of achieving the delivery of this multi million pound, high quality development on this high profile, strategically important waterfront site. This will continue the impetus of the regeneration of the Sutton Harbour waterfront and environs in accordance with adopted Sutton Harbour Area Action Plan policy, despite the current severity of the economic climate, under the parameters of the Market Recovery Action Plan. The development is therefore considered to be acceptable. Such development will in turn send out positive messages to potential investors, which could have a knock-on effect in attracting future investment and developers to the city.

Sustainable Resource Use

Adopted policy CS20 requires that the development incorporates on-site 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 and to ensure that the development fully accords with the requirements of Policy CS20 and Government advice contained within PPS22.

Human Rights Act

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 third party representation querying the need for the proposed additional residential and commercial units in the locality is not an overriding material planning consideration.

Equalities & Diversities issues

The redevelopment of this prominent waterfront site which will further contribute to the regeneration of the area will provide residential accommodation 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.

The benefits to all groups will be positive as it will provide accessible residential accommodation in the city centre together with significant areas of waterfront public realm.

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

Pedestrian access will be improved by the creation of a new publicly accessible waterfront public realm, continuing the pedestrian walkway and Sutton Harbour Trail around the Sutton Harbour basin.

Section 106 Obligations

Under the parameter of the Market Recovery Plan, a S106 Obligation is required to ensure the development will deliver the following:

1. £495,000 off-site financial contribution to support the delivery of key strategic housing projects in the city, payable upon commencement of development;
2. £265,000 off-site financial contribution to support the delivery of key strategic housing projects in the city, payable upon completion of the development at a payment trigger to be agreed.
3. Development to commence within 2 years, (precise parameters that define “commencement” to be stipulated);
4. Developer to commission a post scheme development appraisal to be submitted to the Local Planning Authority, and support other monitoring arrangements in order for Planning Services to review the impact of the Market Response Action Plan.
5. A “clawback” clause be incorporated within the S106 Obligation to ensure, should the above post development appraisal identify that the final development profit has exceeded 15%, that 100% of this additional profit is paid back to the Council to increase the development contribution towards the delivery of additional off-site affordable housing and/or the delivery of community infrastructure in line with adopted planning policy (up to the maximum amount that would have otherwise been required under the full Plymouth Development Tariff. In this case £3,618,780). The precise mechanism of this clawback clause is currently being negotiated.

The outcome of the negotiations regarding the S106 Obligation will be reported as an addendum to the planning officer’s report.

Conclusions

The weaknesses in the scheme's deliverable community benefits (described above) should be balanced against the wider benefits of achieving the redevelopment of this prominent waterfront site which will further contribute to the regeneration of the area as a whole.

The siting, design, materials and finish of the development are considered to be acceptable and will be in keeping with the appearance and character of the site and locality. It is therefore recommended to approve the application subject to the following conditions and satisfactory completion of the S106 Obligation.

Recommendation

In respect of the application dated **21/12/2009** and the submitted drawings, **Design and Access Statement, Transport Statement, Archaeology Statement, Flood Risk Assessment, Sustainability Statement, Geo-technical & Interpretive Reports, 1413 (PL) 001 Rev A, 1413 (PL) 002 Rev A, 1413 (PL) 002 Rev A, 1413 (PL) 003 Rev A, 1413 (PL) 004 Rev A, 1413 (PL) 005 Rev A, 1413 (PL) 006 Rev A, 1413 (PL) 007 Rev A, 1413 (PL) 008 Rev A, 1413 (PL) 009 Rev A, 1413 (PL) 010 Rev A, 1413 (PL) 011 Rev A, 1413 (PL) 012 Rev A, 1413 (PL) 013 Rev A, 1413 (PL) 014 Rev A, 1413 (PL) 015 Rev A, 1413 (PL) 016 Rev A, 1413 (PL) 017 Rev A, 1413 (PL) 018 Rev A, Three Dimensional Images (Revised - For Illustration Only)** , it is recommended to: **Grant conditionally subject to S106 Obligation**

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.

ARCHAEOLOGY

(3) No part of the development allowed by this permission shall be commenced until the applicant (or their agent or his successors in title) has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or other such details as may subsequently be agreed in writing by the Planning Authority.

Reason

In accordance with Core Strategy Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

FLOOD MITIGATION MEASURES

(4) Notwithstanding the submitted details, the development hereby permitted shall not commence until a detailed scheme of flood risk mitigation measures and management, including the use of flood boards and flood resilient building techniques to be used in the construction of the development have been submitted to and agreed in writing by the Local Planning Authority. Development shall accord strictly with the approved details and shall thereafter be so maintained and retained. The development shall not be occupied until the agreed flood mitigation measures are implemented on site.

Reason

In order to enable the LPA to consider the details of proposed flood mitigation measures which shall be used in the development, in order to provide a reasonable level of flood protection in accordance with adopted Planning Policy CS21 and relevant Central Government advice contained within PPS25.

LAND QUALITY

(5) Implementation of Approved Remediation Scheme - The approved remediation scheme shall 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.

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. 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:
 - a. human health,
 - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - c. adjoining land,
 - d. groundwaters and surface waters,
 - e. ecological systems,
 - f. archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

Following completion of measures identified in the approved remediation scheme, a verification report (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.

ACCESS

(6) 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

(7) Development shall not begin until details of the design, layout, levels, gradients, materials and method of construction and drainage of all roads and footways forming part of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

Reason:

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

FURTHER DETAILS

(8) Notwithstanding the submitted details, unless otherwise agreed previously in writing with the Local Planning Authority, no work shall commence on site until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz:-

1. Details of the proposed design, materials and finish of the curtain walling and cladding systems;
2. Details of the design, materials and finish of the proposed balconies including all balustrades, partitions and privacy screens;
3. Details of the design of any external building lighting proposed;
4. Details of the proposed design, materials and finishes to the external doors; garage/car lift doors; window system, windows/shopfronts to the ground floor commercial units;
5. Details of the proposed siting, design and external materials of any roof plant, services or lift rooms and any wall or roof vents, ducts, pipes or other accretions to the roof or elevations. Unless otherwise agreed in writing with the Local Planning Authority, before any roof plant and/or machinery is used on the premises, it shall be enclosed with sound insulating material and mounted in such a way which will minimise the transmission of structure borne sound in accordance with a scheme to be approved in writing by the Local Planning Authority;

The approved works shall conform to the approved details.

REASON:

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with adopted policies CS01, CS02, CS03, CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and relevant Central Government advice.

EXTERNAL MATERIALS

(9) Unless otherwise agreed previously in writing with the Local Planning Authority, no development shall take place until samples of the materials to be used in the construction of all external surfaces of the development hereby permitted, including that of the proposed design and method of construction, materials and finish of the roofing and cladding systems including details of the flying roof soffit, metal infill panels, together with details of the type and method of application of the render, the movement joints for the render and the type, fixing, coursing and pointing of any stonework, 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 Policies CS01, CS02, CS03, CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and relevant Central Government advice.

SURFACING MATERIALS

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

Reason:

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

CAR PARKING PROVISION

(11) The development shall not be occupied until space has been laid out within the site in accordance with details to be previously submitted to and agreed in writing with the Local Planning Authority for a maximum of 89 cars to be parked including a minimum of 15 disabled car parking spaces, and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. Unless otherwise previously agreed in writing with the Local Planning Authority, a minimum of 62 car parking spaces shall be allocated to the proposed residential units and thereafter so maintained and retained.

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.

LOADING AND UNLOADING PROVISION

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

Reason:

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

USE OF LOADING AREAS

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

Reason:

To ensure that space is available at all times to enable such vehicles to be loaded and unloaded off the public highway so as to avoid:- a. damage to amenity; b. prejudice to public safety and convenience, and c. interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

COMMERCIAL DELIVERIES RESTRICTION

(14) Unless otherwise agreed previously in writing with the Local Planning Authority, all commercial deliveries to the ground floor commercial/retail units shall be made within the following hours Monday - Sunday 8am-6pm.

Reason: To protect existing and proposed residents from potentially noisy activity outside reasonable hours in accordance with policy CS13, CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

AMENDMENTS TO TRAFFIC REGULATION ORDERS

(15) No occupation of the ground floor retail units that front onto Sutton Road shall take place until the applicant has sought to amend any existing Traffic Regulation Orders (TRO) in order to provide a loading/unloading bay on Sutton Road in the location of the existing limited waiting parking spaces. The mechanism to secure the amendment to the TRO shall have been previously submitted to and agreed in writing by the Local Planning Authority.

Reason

To ensure that adequate loading/unloading facilities are provided for the ground floor retail units that front onto Sutton Road in the interests of highway safety in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021)2007.

PEDESTRIAN/CYCLE ACCESS

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

Reason:

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

CYCLE PROVISION

(17)Unless otherwise previously agreed in writing with the Local Planning Authority, 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 42 bicycles to be parked. (for the avoidance of doubt, 31 shall be within a secure and covered area).

Reason:

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

CYCLE PROVISION

(18) Unless otherwise previously agreed in writing with the Local Planning Authority, the commercial units 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 6 bicycles to be parked.

Reason:

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

CYCLE STORAGE

(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.

STAFF TRAVEL PLAN

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

Reason:

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

GABION WALL

(21) Notwithstanding the submitted details, no work shall commence until details of the refurbishment of the quayside gabion wall have been submitted to and agreed in writing with the LPA. Unless otherwise agreed previously in writing, the agreed details shall be strictly adhered to during the course of development, completed prior to occupation of the building and thereafter so maintained and retained. Unless otherwise agreed previously in writing with the Local Planning Authority, the temporary slipway gabion walls abutting the quayside along Marrowbone Slipway shall be removed prior to occupation of the development.

Reason

To enable the LPA to consider the details of the refurbishment of the gabion wall in the interests of the appearance and character of the development and locality in accordance with Policies CS02, CS03, CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and relevant Central Government advice.

LANDSCAPE DESIGN PROPOSALS

(22) 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; proposed landscaped roof over the car parking area and for the fifth floor roof of the building fronting onto Sutton Road; hard surfacing materials; minor artifacts 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

(23) 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.

MAINTENANCE SCHEDULE

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

Reason:

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

DETAILS OF TREE PLANTING

(25) The plans and particulars of the landscaping works submitted in accordance with condition 22 above shall include details of the size, species and positions or density of all trees to be planted, and the proposed time of planting.

Reason:

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

TREE REPLACEMENT

(26) 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.

LIFETIME HOMES

(27) 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 20th 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 Plymouth Local Development Framework Core Strategy (2006-2021) 2007 Objective 10, Policy CS15, and relevant Central Government advice.

SUSTAINABILITY

(28) 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.

SOUND INSULATION

(29) Unless otherwise agreed previously in writing with the Local Planning Authority, all residential units shall be constructed so as to meet the "Good Criteria" for noise during Daytime and Nighttime, as outlined under BS8233:1999 : Sound Insulation and Noise Reduction for Buildings. Details of the proposed glazing and acoustic ventilation for the residential apartments shall be submitted to and agreed in writing by the LPA, and subsequently installed on site in accordance with the agreed details prior to any residential use commencing.

Reason

To enable the LPA to consider the details of the proposed glazing and acoustic ventilation in the interests of the residential amenity of occupiers of the new development and in accordance with adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Central Government advice.

USE OF UNITS

(30) Prior to the commercial or retail use of any of the ground floor units commencing, the specific use class proposed for each unit shall have been submitted to and agreed in writing by the Local Planning Authority. Unless otherwise previously agreed in writing with the Local Planning Authority, the approved use class for that unit shall thereafter be so maintained. For the avoidance of doubt, unless otherwise previously agreed in writing with the Local Planning Authority, a maximum of one A4 use and one B1 use will be permitted within the development.

REASON:

The Local Planning Authority wishes to control the type of use class proposed for the ground floor units in order to maintain a vibrant and active ground floor frontage and to ensure a positive, interactive relationship with the surrounding public realm is maintained in accordance with the provisions of Area Vision 5 and policies CS01, CS02, CS04, CS12, CS13 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, adopted Sutton Harbour Area Action Plan policy SH06 and relevant Central Government guidance.

COMMERCIAL/RETAIL WINDOW DISPLAYS

(31) Unless otherwise previously agreed in writing with the Local Planning Authority, at least 75% of the ground floor commercial unit display windows shall be constructed so as to permit open views into the commercial unit. For the avoidance of doubt, no more than 25% of the total display window area shall be obscured in whole or in part by walling, screening, obscure glazing or other such similar fixed or applied screening..

Reason

In order to maximise the extent of visibly active ground floor uses in the interests of the appearance and character of the building and locality and in accordance with adopted Core Strategy policies CS01, CS02, CS34 and relevant Government advice contained in PPS1 and PPG6.

OPENING HOURS

(32) Notwithstanding the submitted information, unless otherwise agreed previously in writing with the Local Planning Authority, the commercial/retail uses hereby permitted shall not be open to customers outside the following times: 07.00 - 23.00 hours Mondays to Saturdays inclusive and 0800 to 2200 hours on Sundays and Bank or Public Holidays.

Reason: To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

AMPLIFIED MUSIC

(33) No amplified or other music shall be played in the premises outside the following times: 11.00 - 18.00 hours Monday to Sunday.

Reason: To protect the residential and general amenity of the area from any harmfully polluting effects, such as noise and vibration, and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

NO TAKE AWAY HOT FOOD

(34) Notwithstanding the permitted use falling within Class A3 of the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), the premises shall not be used, on an ancillary basis, for the sale of hot food for consumption off the premises. For the avoidance of doubt, ancillary takeaway use to any A3 Use is not permitted by this grant of planning consent.

Reason:

The ancillary use of the commercial A3 premises for such a purpose would be likely to harm local residential amenity due to increased noise and disturbance caused by the frequent arrival and departure of customers, and/or traffic and parking problems outside the premises and in adjacent streets contrary to Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE - CODE OF CONSTRUCTION

(1) The management plan required in 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 equipment and materials.

INFORMATIVE - EXCLUSION FROM CONTROLLED PARKING ZONE

(2) The applicant's attention is drawn to the fact that the development will be excluded from obtaining business or residential permits for the Controlled Parking Zone that is in operation within the area.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: The impact of the development on the appearance and character of the area; The impact of the development upon neighbouring properties; The impact of the development on the City Centre; 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
- PPG16 - Archaeology and Planning
- PPG24 - Planning and Noise
- 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
CS13 - Evening/Night-time Economy Uses
CS18 - Plymouth's Green Space
CS19 - Wildlife
CS20 - Resource Use
CS21 - Flood Risk
CS22 - Pollution
CS05 - Development of Existing Sites
CS03 - Historic Environment
CS01 - Sustainable Linked Communities
CS02 - Design
CS04 - Future Employment Provision
CS15 - Housing Provision
CS12 - Cultural / Leisure Development Considerations
PPS25 - Development and Flood Risk
DSPD - Design Supplementary Planning Document
PPS4 - Economic Growth
PPS5 - Planning for the Historic Environment

This page is intentionally left blank

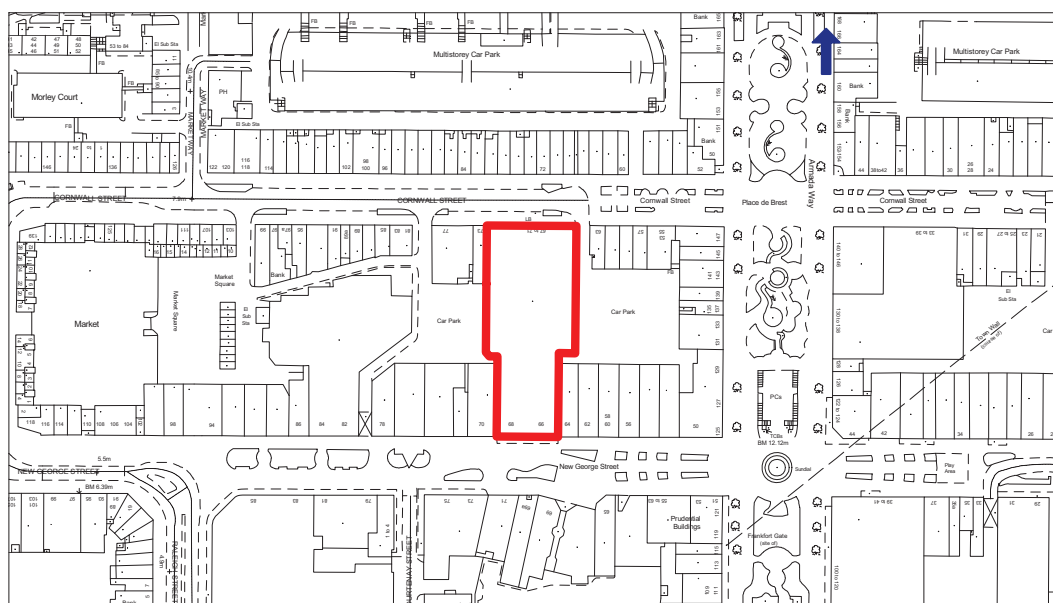
ITEM: 04**Application Number:** 10/00135/FUL**Applicant:** LV = Asset Management Ltd

Description of Application: Demolition of buildings and redevelopment of site to include 16/21/23 storey building for a mixed use development comprising arts and culture centre, retail, food and drink uses, financial and professional services, (Use Classes D1, A1, A2, A3, A4 and A5), 608 student rooms, highways improvements including new pedestrian link between New George Street and Cornwall Street and associated landscaping and cycle parking

Type of Application: Full Application**Site Address:** 66 TO 68 NEW GEORGE STREET PLYMOUTH**Ward:** St Peter & The Waterfront**Valid Date of Application:** 01/02/2010**8/13 Week Date:** **03/05/2010****Decision Category:** Major Application**Case Officer :** Mark Evans

Recommendation: Grant conditionally subject to the satisfactory completion of the S106 Obligation. Delegated authority to refuse the application should the S106 Obligation not be signed by the 3rd May 2010.

Click for Application Documents: www.plymouth.gov.uk



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

Planning Committee: 22 April 2010

OFFICERS REPORT

Site Description

The site forms part of the post-war city centre precinct, and was for many years (until 2009), occupied but left vacant by the national retailer “Woolworths”.

The application site is located in the West End of the city centre with a plot running north-south between New George Street and Cornwall Street which run in an east-west direction across the city centre.

The current vacant building on the site is predominantly three stories in height with a set back fourth storey.

Proposal Description

Demolition of buildings and redevelopment of site to include a 16/21/23 storey building for a mixed use development comprising arts and culture centre, retail, food and drink uses, financial and professional services, (Use Classes D1, A1, A2, A3, A4 and A5), 608 student rooms, highways improvements including new pedestrian link between New George Street and Cornwall Street and associated landscaping and cycle parking.

The proposed uses comprise 1,702 sqm of retail and commercial floorspace (Use classes A1, A2, A3, A4 and A5), 2,038sqm of Exhibition/Café space (Class D1), 608 units of student accommodation. A highly glazed, double height student lounge bar is also proposed on the top 14th and 15th floors of the building which will incorporate an external feature lighting scheme.

The building comprises a three storey podium with three sides designed to present a public face to the retail/commercial areas and building entrance and over which will be constructed the main residential accommodation. The main body of the residential accommodation is arranged in a strong north/south alignment and in order to break up the mass of the building, the development has been designed as two main building sections (16 and 21 stories high – approximately 58m and 68m above respective street ground level) and comprising a roofline which steps down from the north, linked by a higher central vertical core (23 stories high – approximately 75m high). The central core also highlights the entrance location at the base of the podium.

Key proposals of the scheme include the provision of a new cultural facility in the form of the café/exhibition floor space; improvements to pedestrian circulation by providing a new north-south pedestrian link between New George Street and Cornwall Street and the introduction of a significant element of residential development to inject activity throughout the day and outside business hours through the provision of 608 units of student accommodation.

The proposed materials include: Anodised metal cladding systems, a green roof to the main podium area, anodised curtain walling systems and glazed curtain walling; brise soleil and vertical and horizontal solar louvres; hard landscaping details include the use of natural stone, mainly light grey granite for paving and edging.

The Design and Access Statement submitted with the application states that it is proposed that the development will introduce a high quality, landmark, tall building, to improve the local distinctiveness of the cityscape, replacing the existing, vacant retail unit with a series of smaller, modern retail units.

It is stated that the development will provide a low carbon development with capability of connecting to a district heating network.

The Design and Access Statement submitted with the application states that there will also be benefits beyond the city centre district as the proposals will help to meet the University's objective to provide all first year students with dedicated student accommodation, and the Core Strategy objective to relieve pressure on neighbouring residential communities from studentification.

The application is supported by a technical Wind Assessment and Daylight and Sunlight Assessments.

Relevant Planning History

Nothing of relevance.

Consultation Responses

Highway Authority

Concerns regarding proposed location and design of cycle spaces and regarding lack of on-site disabled car parking spaces.

Public Protection

No objections subject to conditions

South West Design Review Panel

"The principal question posed by Plymouth City Council, who took part at the review, was whether the design quality was good enough to justify a tall building. The Panel's response is that the scheme, though exciting and positive in terms of increasing the density and liveliness of the city centre, is not of a high enough quality to justify a tall building and the impact it will have on the coherence of the city centre.

The proportions of the forms are not sufficiently considered. It is two broad slabs. In fact, unfortunately, with its core, it reads as three distinct vertical forms. Approaches that might work better are: a simple and elegant single structure; or a carefully asymmetrical (in plan and elevation) structure. The current scheme is neither of these. Either of these approaches could allow the tall parts of the scheme to be further set back from the streets.

It would help if the brief could be eased. 608 student accommodation units are a great many to accommodate on this site. We were not convinced that this number had any compelling virtue. It was argued that it was an 'ideal' number for the University but the capacity of the site may have to moderate that number. A further question is whether student accommodation is right as the sole or even predominant use for a tall building here.

As well as the impact on the wider city centre, the effects on New George Street and Cornwall Street need to be assessed. The presentation did not show street elevations so we did not form a view on how the scheme would contribute to the two streets. No doubt the City Council will consider this. A test is whether the scheme contributes a quality at least equivalent to that of the subtle elegance of the existing Woolworth's building. The judicious use of stone on the podium elevations would serve to make this proposal more specific to this place's existing character. We'd expect the scheme to acknowledge the hierarchy in form from New George Street down to Cornwall Street. It did seem to us that more could be made of the podium and that this would help maintain the baseline in the two streets. The Mackay vision's guidance on heights to streets will be pertinent.

Tall buildings, according to CABE, should set exemplary standards in design because of their high profile and local impact. Proposals should therefore 'exceed the latest regulations and planning policies for minimising energy use and reducing carbon emissions'. The Panel fears that far from exceeding regulations, this scheme may fall short of 2010 Building Regulations requirements. The slabs are over glazed which would result in a massive solar gain. The louvered shading shown will have little impact on this problem. Having a Combined Heat and Power system for the scheme is welcome and a detailed proposal needs to be considered.

The long-term resource and energy efficiency of tall buildings will be enhanced if their design can be adapted over time. We felt this scheme was low on flexibility. If at some future date the building had to be adapted to a different occupancy or use, it would be costly in money and resources to alter it. This concern is not just about the residential floor plans; a full basement would be more future proof than the partial one proposed. Incidentally, the City Council will consider in detail, we trust, how this large scheme on a small footprint in a city centre would be serviced.

We'd encourage you to undertake a wind study. The microclimatic effects locally could be considerable. It may be that the design of the podium edge could be made to alleviate the down draught the slabs would inevitably engender. Indeed setting the tower back from the streets behind a substantial podium building would be likely to improve the wind environment at ground level from wind downdraught.

The new pedestrian link between New George Street and Cornwall Street is welcome in principle and is an interesting addition to the urban structure, but in practice would not be as appealing as shown in the images of people sitting outdoors. Wind would be one problem, and it would be shady rather than

sunlit as portrayed. It would work as a route through, but not as a place to linger. The ground plane and surfaces would need to be of a quality to equal the building. Furthermore, the existing plan articulates streets and corners in a very specific manner and this scheme should adopt similar subtlety.

Much as the Panel recognises the wish of Plymouth to regenerate its city centre, we must enter strong reservations about the current scheme. We feel that the architects have the ability to resolve the issues we have raised, but we feel that architecturally and environmentally the scheme as yet is short of what is required to meet national policies and standards.”

Representations

14 Letters of representation have been received, comments can be summarised as:

Plymouth Chamber of Commerce and Industry:

1. Plymouth City Council’s Tall Building Strategy, together with the more recent City Centre AAP, defines the geographical areas where the opportunity for tall buildings occurs within the city centre. This site lies well outside of those defined areas.
2. The Chamber of Commerce and Industry fully supports and welcome the significant commercial investment that this planning application will represent for the City of Plymouth, and the mixed-use principle that this development will offer. In particular we fully support the use to which the proposed building will be put such as the provision of student accommodation which we consider to meet a key strategic need. Allied to that we support development in Cornwall Street as being an integral component of the successful regeneration of the city centre.
3. The City Centre AAP calls for ‘intensification’ and ‘mixed-use development’ for the Woolworth’s site as part of this area of the city centre. The proposed building is clearly much more than ‘intensification’, and in the context of CABE’s definition, the statements of your own website, and at 21 storeys, it is undeniably a Tall Building.
4. Whilst on this basis we would anticipate future development proposals for this part of the city centre to increase building heights, we believe (in the context of the Mackay Vision) that these should not exceed 10 storeys in height, particularly as the existing, predominately 3-storey buildings within the streetscape of this part of the centre sit comfortably within their surroundings.
5. This planning proposal represents a slab like building mass rising to one and a half times the height of the Civic Centre and stretching from New George Street through to Cornwall Street. This potential development would therefore completely overshadow the existing properties and any future, viable ‘intensification’.
6. In conclusion therefore it is important that the impact of this proposal is critically assessed from a design perspective and a rigorous examination carried out, before it is determined. We request that, with the Plymouth Design Panel having now been abolished, the application is put forward for consideration by the South West Regional Design Panel.

7. In that context we would fully support and recommend consent for a high quality, mixed use development contained within a maximum height of 10 storeys. We believe that this will meet the objectives of the City Centre AAP and at the same time improve considerably the prospects of the building's commercial viability which is in everyone's interest.

Other Third Party Representations:

1. The proposal is considered to constitute overdevelopment with the building's form presenting an insensitive slab wall of development that potentially destroys the very distinctiveness of the city centre. The slab-like building will destroy Plymouth's comfortable sense of scale and break down the cohesive urban structure. This will visually sever the West End from the heart of the city and does not respect MacKay's Vision or the Abercrombie legacy. The development ignores the Council's own Tall Building Strategy.
2. The mass and scale will dominate the whole of the surrounding area and will eventually encourage a retail market primarily focused on serving a large transient student market population. This is not considered to make the city more humane or liveable and will blight Plymouth's future.
3. The development will negatively impact upon the recent achievements of the enhancement of the west end public realm.
4. Concern that if development goes ahead, the delivery of the neighbouring (and attached) Training Course establishment, which only has single glazing and shares a party wall with the application building, running daily examinations invigilated under normal exam conditions (including the requirement for a quiet atmosphere) will be significantly adversely affected due to noise and vibration caused by both the demolition of the building as well as noise during construction.
5. Concern at noise, disturbance and disruption caused by vibration and dust during construction. Appropriate steps should be taken to minimise disturbance caused by construction particularly ball demolition and dirty building work to be 100% shrouded in plastic to maintain a clean environment. Vehicle construction movements should be under the most stringent conditions during normal shopping hours 0800 to 1800 with vehicle deliveries using the shortest routes and to be out of shopping hours.
6. Council should bear in mind ground leases have covenanted to ensure "quiet enjoyment" for the tenants/occupiers of the building and therefore will claim for any losses incurred by failure to ensure that appropriate measures are taken. The Council has a duty to compensate all businesses who could be adversely affected by the development.
7. Complete redevelopment of the site is not justified when set against the disturbance/disruption of lengthy period of building works to a large number of already struggling businesses in the immediate vicinity.
8. Building is completely out of keeping with all nearby buildings with most of the city centre retail area being two or three stories.
9. The proposed development is a good idea and in the long run will breathe fresh life in to the city centre. However, short term concern is

expressed regarding damage the development building works programme will do to business in the West End at a time when trading conditions are already very hard. Suggest that open dialogue takes place between developers and local businesses.

10. Plymouth Civic Society welcomes the prospect of the redevelopment of the site and the investment in Plymouth this would involve. Only objection is to the two proposed tower blocks on the grounds that they are substantially too tall and out of scale with the rest of the Beaux Arts City Centre.
11. Support application but want to ensure that operation of adjoining commercial store is not adversely affected - specific reservations expressed regarding service access to rear of adjoining "Boots" commercial premises which will need to be respected and maintained as a continuous access. The development is much needed and will rejuvenate the central areas making it an attractive area in which to live and work. A development in the George Street area has been much needed since the opening of the Drake's Circus Shopping Centre and can only be beneficial both for "Boots" and stores in the locality.
12. Concern at scale of the building and the proposed number of student rooms. It is difficult to envisage full student occupancy unless there is a dramatic rise in the number of students or private residential accommodation is to decline drastically. Concern that accommodation on this scale could lead to empty student rooms affecting landlord's revenues to the extent that they are unable to cover their financial obligations.
13. Fully support scheme as it will generate a lot of much needed trade into the City Centre especially the Western Sector.
14. Objection on basis of impact on surrounding area particularly as there are no parking spaces planned for the new development and this will impact on any nearby residential streets where no resident parking schemes are in place. It is considered to be short-sighted to propose abandoning the undercroft car parking which is considered a valuable asset. The development will increase demand for car parking and exacerbate problem of obstructed accesses, cracked paving slabs caused by unauthorised pavement parking and should be opposed.
15. The retail units on ground floor should be of a size and rental cost appropriate to smaller independent traders rather than multinationals which would be more in keeping with the philosophy of creating an "Independent Quarter" in the west end.
16. No more food and drink outlets in the city centre are needed as many existing outlets are struggling to survive.
17. Laws should be enforced to stop cyclists riding bikes on the pedestrianised areas as several accidents happen every year with cyclists riding at speed. Signs should be erected in pedestrianised areas to prevent cycling by law.
18. Any Arts and Culture Centre must not be a commercial retail enterprise as this would adversely affect adjoining arts business which already finds it difficult to survive.
19. Too many "pigeon cote" cells masquerading as single person units.

Analysis

Key Issues

The key issues of this case are:

1. The impact of the proposed design, scale and massing of the development on the appearance and character of the city;
2. The impact of the proposed student apartments on the city centre and highway network;
3. The impact of the development upon neighbouring uses;
4. The impact of the development upon the appearance, character and setting of the listed buildings in the locality.

Policy Context:

The application should be assessed primarily against adopted Local Development Framework Core Strategy. This report therefore has due regard to the following policies: CS01 (Sustainable Linked Communities); CS02 (Design); CS03 (Historic Environment); CS04 (Future Employment Provision); CS05 (Development of Existing Sites); CS06 (City Centre); CS12 (Cultural / Leisure Development Considerations); CS13 (Evening/Night Time Economy Uses); CS15 (Housing Provision); CS16 (Housing Sites); CS18 (Plymouth's Green Space); CS20 (Sustainable Resource Use); CS21 (Flood Risk); CS22 (Pollution); CS28 (Local Transport Considerations); CS32 (Designing Out Crime); CS33 (Community Benefits/Planning Obligations); CS34 (Planning Application Considerations) and Area Vision 3 (Plymouth City Centre).

Consideration should also be given to PPS1 - Delivering Sustainable Development, PPS3 – Housing, PPS6 – Town Centres, PPG13 – Transport, PPS5 – Historic Environment, PPG16 – Archaeology, PPS22 – Renewable Energy, PPS23 – Pollution Control, PPG24 – Noise, PPS25 – Flood Risk, CABE Tall Building Guidance, emerging City Centre and University Area Action Plan, adopted Design Supplementary Planning Document (2009) and draft Development Guidelines Supplementary Planning Document (2009).

The impact of the proposed design, scale and massing of the development on the appearance and character of the city:

Planning Policy Statement 1 (PPS1) sets out the overarching planning policies on the delivery of sustainable development through the planning system. This PPS replaces *Planning Policy Guidance (PPG) Note 1, General Policies and Principles*, published in February 1997. PPS1 establishes the Government's firm commitment to creating sustainable communities. It emphasises that good planning is critical to realising this commitment through delivering this objective. Guidance on quality of design is clear: *Good design ensures attractive, usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning'* (para 33)

Good design should contribute positively to making places better for people (para 34) Thus planning authorities should plan positively to secure high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Design which is inappropriate in its context, or which fails to take the opportunities

available for improving the character and quality of an area and the way it functions should not be accepted: *High quality design ensures usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is not just about the architecture of individual buildings, but also about the functionality and impact of the development on the overall character, quality and sustainability of an area including resources efficiency (for example energy consumption) There should be no acceptance of ill-conceived designs which do not contribute positively to making places better for people.*

CABE guidance advises that applicants seeking planning permission for tall buildings should ensure that the *“relationship to context, including natural topography, scale, height, urban grain, streetscape and built form, and the effect on the skyline”* are fully addressed. *“Tall buildings should have a positive relationship with relevant topographical features and other tall buildings; the virtue of clusters when perceived from all directions should be considered in this light.”*

In addition, developers are advised to consider the *“contribution made to the permeability of the site and the wider area; opportunities to offer improved linkages on foot, and where appropriate, the opening up, or effective closure, of views to improve the legibility of the city and the wider townscape”*.

Within the emerging Local Development Framework City Centre and University Area Action Plan (2006-2011) the aim of which is to facilitate the Urban Development Framework preceding it, Chapter 7 highlights the strategic objective (4, Item 5) of supporting proposals within the West End – Market and Independent District which introduce mixed use schemes and more specifically the provision of “more homes and student accommodation” within this area. The provision of student accommodation in this location is therefore fully in accordance with adopted and emerging policies.

Taking into account the context of the emerging City Centre and University Area Action Plan, the proposed development will enable the delivery of a number of key strategic objectives which will be positive for the future regeneration of the area. (For example, the development supports the function of New George Street and Cornwall Street as the shopping streets which provide the main retail draw of the city centre in accordance with Strategic Objective 5 by providing a mixed use urban scheme incorporating the provision of a significant level of student accommodation with a key cultural use; Creation of new pedestrian linkages between New George Street and Cornwall Street and the creation of new high quality public realm, as recommended by David MacKay in the Vision for Plymouth).

One key feature of the site land ownership is that it spans the whole city block in a north / south orientation. In keeping with the Vision for Plymouth outlined by MBM Architects masterplan, this affords the opportunity of creating a new public route facilitating the future development of the plan. A sustainable, complimentary mix of uses is proposed for the site which has the potential to act as a catalyst for the regeneration of this key section of the city.

The Planning Inspector's report on the independent examination into the City Centre and University Area Action Plan states:

"The inescapable conclusion is that if Plymouth is to perform its role as a regional shopping destination, serve the needs of an expanding population in the sub region and attract the level of investment needed to enhance the Centre's built environment and thereby achieve the Core Strategy vision, more intensive commercial development is needed. Given the constraints imposed by the highway network and the opportunities provided by the low intensity and poor quality of some existing City Centre buildings, the most feasible and attractive option is to selectively redevelop and intensify existing sites."

The adopted Design Supplementary Planning Document (2009), which supersedes the draft Tall Building Strategy, demonstrates that whilst the site is not specifically within the adopted "Zone of Opportunity for tall buildings" this does not therefore necessarily preclude the site from the development of a tall building. The site is identified as being within a "Zone of Intensification". Such zones are noted as being "Areas where there are opportunities for an overall increase in block height to provide a more intensely populated urban environment and better enclosure to streets and spaces. This could include punctuation of the built form at appropriate locations with landmark buildings or towers".

The supporting documentation submitted with the application includes an urban design masterplan study of the locality. This has been designed to demonstrate that it is appropriate to punctuate the long run of shop frontages on both Cornwall Street and New George Street with a tall or landmark building in order to act as a midpoint focus to this large block, which when viewed in conjunction with potential future taller buildings at the western and eastern ends of the block, could serve to draw pedestrian traffic to the west end of the city.

Taking into account the above points, on balance, the quality of the building design, height and general massing of the proposed development is not considered to have a significant adverse impact upon the appearance and character of the city and is supportable in accordance with Core Strategy policy CS01, CS02 and CS34 together with the policies and provisions of the adopted Design Supplementary Planning Document, emerging City Centre and University Area Action Plan and draft Development Guidelines Supplementary Planning Document.

The impact of the proposed student apartments on the highway network

The Highway Authority has concerns regarding the location and design of the proposed cycle spaces and the fact that the development currently fails to provide a minimum standard of disabled car parking in line with adopted policy.

It is acknowledged that there is currently a shortfall in the policy requirement for on-site disabled car parking spaces within the development. However the

close proximity to several adjoining public car parks including Woolworth West car park which solely provides 13 disabled car parking spaces, together with on-street parking in Cornwall and New George Street is noted. This matter is currently being negotiated with the applicant. The outcome of these negotiations will be reported as an addendum.

The impact of the development upon the appearance, character and setting of the listed buildings in the locality

It is acknowledged that the development, by virtue of its height and massing will have an impact upon the setting of a number of listed buildings within the city centre, including the Grade II Listed Pannier Market and Grade II Listed Civic Centre. This impact is not considered to be so significant to warrant a refusal of the application on this basis. The development therefore accords with adopted Core Strategy Policy CS03 and Government advice contained in PPS5.

Sustainable Resource Use

Adopted policy CS20 requires that the development incorporates on-site 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 and to ensure that the development fully accords with the requirements of Policy CS20 and Government advice contained within PPS22.

Community Benefits

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 phased-in 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.

If the application were to be considered outside of the parameters of the reduced Development Tariff, the full Tariff contribution would be £2,631,609. Under the above-mentioned concessionary level, on the basis of the independently verified viability assessment submitted with the application, the development would therefore be required to pay a financial contribution of £1,315,805 towards the Plymouth Development Tariff.

It is clear from the submitted viability assessment (that has been verified by the Council) that the above payment of the Plymouth Development Tariff required in line with adopted policy, even taking into account the Plymouth Development Tariff reductions agreed by Cabinet, is not deliverable.

It is proposed by the applicant that the development should contribute a reduced financial contribution of £327,000 towards the Plymouth Development Tariff.

It is acknowledged that on this basis, the proposed development will not make adequate provision to mitigate the adverse community infrastructure impacts of the development as required by adopted Core Strategy policy CS01, nor can it be argued that it supports the development of a sustainable linked community in every aspect.

In accordance with policy CS01 however, 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; Contribute to the promotion of a positive sense of place and identity and contribute to the creation of a well connected, accessible, inclusive and safe community.

Core Strategy policy CS05 states that development of sites with existing employments uses for alternative purpose will be permitted where there are clear environmental regeneration and sustainable community benefits from the proposal. In accordance with this policy, the development will deliver a high quality development on this high profile, strategically important site, and contribute to the further enhancement and regeneration of Plymouth City Centre

(b) Community Benefits – Conclusions

The weaknesses in the scheme's deliverable community benefits (described above) should be balanced against the wider benefits of achieving the delivery of this multi-million pound, high quality development on this high profile, strategically important site, which will continue the impetus of the regeneration of the City Centre and environs in accordance with adopted Core Strategy policy, despite the current severity of the economic climate, under the parameters of the Council's economic recovery measures. The development is therefore considered to be acceptable. Such development will in turn send out positive messages to potential investors, which could have a knock-on effect in attracting future investment and developers to the city.

It is recommended that a "clawback" clause be incorporated within the S106 Obligation in order to ensure, should the final (post-development) viability assessment identify that the development profit has exceeded that predicted within the originally submitted (pre-development) viability assessment, that this additional profit is paid back to the Council to increase the development contribution towards the delivery of additional community infrastructure as required by the Development Tariff.

Comments on Design Review Panel representations

In response to the comments of the South West Design Review Panel, the applicant has stated that it is not agreed that the scheme as proposed would not justify a tall building at this location as it has always been the intention that

a high quality development will be produced. The resulting stepped form of the building roofline is stated as being the product of this development addressing the massing, site orientation, internal arrangement and topography of the City. It is stated that the development will have a substantial regenerative benefit to the City Centre and particularly to the commercial area to the west of Armada Way which has been detrimentally affected by the success of Drakes Circus.

The applicant considers that the subjective design approach suggested by the Design Review Panel would provide either a taller competing tower to the consented Derry's Cross building or produce an altogether more monolithic building with a subsequently greater impact on the street view. The applicant considers that both of these alternative approaches advised would have delivered a development of increased physical presence at the heart of the north / south block - in contrast to that outlined in the Mackay Vision.

In the professional opinion of your planning officers, the design approach suggested by the Design Review Panel has merit and would improve the design, scale and massing of the development by having the potential to create either a more simple and elegant single structure, or a carefully asymmetrical structure (in plan and elevation).

The applicant has however advised that a redesign of the scheme at this stage to address the Design Review Panel comments is not possible. This is due to the limited economic viability of the development and due to the developer's tight timescales associated with the delivery of the student accommodation in time for the student intake in September 2012.

The applicant advises that the scale of the building which includes over 600 student rooms is a reflection of the massive demand by Plymouth University for student bed spaces and also to the financial viability of the development which has offered both a new public thoroughfare and a 20,000 sq ft business and arts facility for the City. The scheme has been demonstrated to be viable based on 608 student rooms and 25,000 sq ft of retail space which allows for the inclusion of the proposed commercial and arts facility offering in the region of 20,000 sq ft of space. It is the stated intention that, if planning permission is granted, site works will commence in Summer 2010 with a planned completion in Summer 2012 in time for the student intake in September 2012.

In light of the comments made by the Design Review Panel and the subsequent request by your officers that these comments be given due consideration by the applicant, the applicant has confirmed that additional consideration will be given to the use of contextual materials and by extending the subtlety of the design of the public interface spaces through the integration of paving, seating, lighting and perimeter cladding to the building itself.

With regard to the Panel's reference to "minimising energy use and reducing carbon emissions" the scheme as submitted has highlighted the Combined Heat and Power (CHP) proposal and by default the 28% reduction target

associated with this. The development will deliver 2010 Building Regulations requirements as referred to by the Design Review Panel. A condition is recommended to ensure on-site renewable energy equipment is implemented in accordance with adopted policy CS20.

A pedestrian level wind microclimate study has been undertaken and submitted with the application. The study has not highlighted any issues of substantial downdraught experienced at street level and has classified the environment as suitable for leisure / business walking. A condition has been recommended to ensure that the wind mitigation measures advised in the study are fully implemented.

Comments on Third Party representations not previously covered within the report

Concerns regarding the potential for the construction phase of the development to cause disruption to existing commercial uses are noted. Whilst it is acknowledged that this is a city centre site where a level of disruption can be reasonably expected during redevelopment or construction work occurring on development sites in the locality, it is considered to be appropriate to impose restrictions through planning conditions on the developer's construction practice (Code of Construction) including restricting hours of construction deliveries, construction vehicle routes through the city and requiring appropriate mitigating measures for noise, vibration, dust and smell nuisance. A condition to address this matter is recommended accordingly.

The issues regarding the existence of covenants that may exist between the Council and tenants/occupiers of nearby buildings and the potential for compensatory payments to be made to those businesses that may be affected during the construction phase of the development are not a material planning consideration.

The concern that the scale of student accommodation will compete with other existing student accommodation in the locality to the possible detriment of that accommodation is not considered to be an over-riding, material planning consideration.

The suggestion that the retail units on the ground floor should be of a size and rental cost appropriate to smaller independent traders in keeping with the philosophy of creating an "Independent Quarter" in the west end are noted. The development proposes a mix/range of unit sizes that will achieve this principle and will enhance the retail and commercial capacity of the area. The development is therefore supported by adopted Core Strategy policy and Government advice contained in PPS6.

Concern expressed that laws should be enforced to stop cyclists riding bikes on the pedestrianised areas within the city is noted. Traffic Regulation Orders to prevent cycling within the pedestrianised zone already exist. The Traffic Regulation Orders and current lack of associated signage are currently being

reviewed by the Council and work is anticipated to commence shortly on upgrading the Orders and signage to address the problem of cyclists within the pedestrianised zones of the city centre. It should be noted that enforcement of the Traffic Regulation Order is the responsibility of the Police.

Human Rights Act

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 redevelopment of this prominent site which will further contribute to the regeneration of the area will provide much needed student accommodation.

The key equality groups particularly benefiting from the development are younger people and those with disabilities as percentage of the units will be built so as to be fully accessible to disabled persons.

The benefits to all groups will be positive as it will provide accessible student accommodation in the city centre together with a new pedestrian street linking New George Street and Cornwall Street.

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

Section 106 Obligations

1. Financial contribution of £150,000 towards the Plymouth Development Tariff payable upon commencement of development.
2. Financial contribution of £177,000 towards the Plymouth Development Tariff payable upon completion of development.
3. Development to commence within 2 years, (precise parameters that define "commencement" to be stipulated);
4. Developer to commission a post scheme development appraisal to be submitted to the Local Planning Authority, and support other monitoring arrangements in order for Planning Services to review the impact of the Market Response Action Plan.
5. A "clawback" clause be incorporated within the S106 Obligation to ensure, should the above post development appraisal identify that the final development profit has exceeded 15%, that 100% of this additional profit is paid back to the Council to increase the development contribution towards the delivery of community infrastructure in line with adopted planning policy, up to the maximum amount that would have otherwise been required under the Plymouth Development Tariff.

The above obligation is being negotiated with the applicant. The conclusions of this negotiation will be reported as an addendum.

Conclusions

The proposal is considered to deliver a high quality development which will further contribute to not only the regeneration of the immediate locality, but more significantly, the city as a whole in line with adopted Core Strategy Policy.

The siting, design, materials and finish of the development are considered to be acceptable and would be in keeping with the appearance and character of the site and locality. The redevelopment of this prominent city centre site would not have a significant adverse impact upon neighbouring properties and will contribute significantly to the regeneration of the area as a whole. The proposal to locate a tall building in this location would accord with the McKay "Vision for Plymouth", adopted Design Supplementary Planning Document and emerging City Centre and University Area Action Plan, and is therefore recommended that the development be conditionally approved subject to the satisfactory completion of the above S106 Obligation.

Recommendation

In respect of the application dated **01/02/2010** and the submitted drawings, **Design and Access Statement, Wind Climate Assessment, Planning Statement, Building Services Energy Report, Carbon Emission Report, Building Engineering Services and Utility Status Report, 8700 (03)000, 8700 (03)001, 8700 (03)001D, 8700 (04)001, 8700 (04)002, 8700 (05)001, 8700 (05)001D, 8700 (03)100-Mez, 8700 (03)100, 8700 (03)101, 8700 (03)102, 8700 (03)103, 8700 (03)114, 8700 (03)115, 8700 (03)116, 8700 (03)117, 8700 (03)119, 8700 (03)121, 8700 (03)122, 8700 (03)B01** , it is recommended to: **Grant conditionally subject to the satisfactory completion of the S106 Obligation. Delegated authority to refuse the application should the S106 Obligation not be signed by the 3rd May 2010.**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 2 YEARS

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

Reason:

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

CODE OF PRACTICE DURING CONSTRUCTION

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

The development shall be constructed in accordance with the management plan.

Reason:

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

LAND QUALITY

(3) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until points 1 to 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 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,
archeological sites and ancient monuments;
- (iv) an appraisal of remedial options, and proposal of the preferred option(s).

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

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and

other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority.

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

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

Reason:

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

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

Reason:

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

FURTHER DETAILS

(6) Notwithstanding the submitted details, unless otherwise agreed previously in writing with the Local Planning Authority, no work shall commence on site until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz:-

1. Details of the proposed design, materials, finish and colour of the curtain walling window and cladding systems;
2. Details of the design of any external building lighting proposed;
4. Details of the proposed design, materials and finishes to the external doors; windows/shopfronts to the ground floor commercial units;
5. Details of the proposed siting, design and external materials of any roof plant, services or lift rooms and any wall or roof vents, ducts, pipes or other accretions to the roof or elevations.
6. Details of the design, materials and finish of the proposed Brise Soleil, louvres and arts centre vertical fins;
7. Details of wind mitigation measures to be constructed for the east and south elevation ground floor entrances and 14th floor terrace including raised perimeter screening.

The approved works shall conform to the approved details.

REASON:

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with adopted policies CS01, CS02, CS03, CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and relevant Central Government advice.

EXTERNAL MATERIALS

(7) Unless otherwise agreed previously in writing with the Local Planning Authority, no development shall take place until samples of the materials to be used in the construction of all external surfaces of the development hereby permitted, including that of the proposed design and method of construction, materials and finish of the cladding systems, together with details of the type and method of application of the render, the movement joints for the render and the type, fixing, coursing and pointing of any stonework, 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 Policies CS01, CS02, CS03, CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and relevant Central Government advice.

SURFACING MATERIALS

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

Reason:

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

LOADING AND UNLOADING PROVISION

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

Reason:

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

USE OF LOADING AREAS

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

Reason:

To ensure that space is available at all times to enable such vehicles to be loaded and unloaded off the public highway so as to avoid:- a. damage to

amenity; b. prejudice to public safety and convenience, and c. interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PEDESTRIAN/CYCLE ACCESS

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

Reason:

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

CYCLE PROVISION

(12)Unless otherwise previously agreed in writing with the Local Planning Authority, 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 304 bicycles to be parked.

Reason:

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

CYCLE PROVISION

(13) Unless otherwise previously agreed in writing with the Local Planning Authority, the commercial units 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 50 bicycles to be parked.

Reason:

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

CYCLE STORAGE

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

Reason:

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

STAFF TRAVEL PLAN

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

Reason:

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

SUSTAINABILITY

(16) 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 2016, a minimum of 15% of the carbon emissions for which the development is responsible will be 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.

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 15% of predicted carbon emissions for the period up to 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.

LANDSCAPE DESIGN PROPOSALS

(17) 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 artifacts 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

(18) 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.

MAINTENANCE SCHEDULE

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

Reason:

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

DETAILS OF TREE PLANTING

(20) The plans and particulars of the landscaping works submitted in accordance with condition 17 above shall include details of the size, species and positions or density of all trees to be planted, and the proposed time of planting.

Reason:

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

TREE REPLACEMENT

(21) 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.

SOUND ATTENUATION

(22) No work shall commence until details of adequate sound attenuation measures which shall be put in place to protect the residential accommodation sited adjacent to the lift shafts, and those immediately underneath the proposed lounge/bar on the 14/15th floor, have been submitted to and agreed previously in writing with the Local Planning Authority. Such agreed details shall be strictly adhered to during the course of development.

Unless otherwise agreed previously in writing with the Local Planning Authority, all residential units shall be constructed so as to meet the "Good Criteria" for noise during Daytime and Nighttime, as outlined under BS8233:1999 : Sound Insulation and Noise Reduction for Buildings. Details of the proposed glazing and acoustic ventilation for the residential units shall be submitted to and agreed in writing by the LPA, and subsequently installed on site in accordance with the agreed details prior to any residential use commencing.

Reason

To enable the LPA to consider the details of the proposed glazing, acoustic ventilation and sound attenuation measures in the interests of the residential amenity of occupiers of the new development and in accordance with adopted policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Central Government advice contained in PPS23.

COMMERCIAL/RETAIL WINDOW DISPLAYS

(23) Unless otherwise previously agreed in writing with the Local Planning Authority, at least 75% of the ground floor commercial unit display windows shall be constructed so as to permit open views into the commercial unit. For the avoidance of doubt, no more than 25% of the total display window area shall be obscured in whole or in part by walling, screening, obscure glazing or other such similar screening.

Reason

In order to maximise the extent of visibly active ground floor uses in the interests of the appearance and character of the building and locality and in accordance with adopted Core Strategy policies CS01, CS02, CS34 and relevant Government advice contained in PPS1 and PPG6.

CONTROL OF NOISE LEVELS

(24) The noise generated by the extract ducting/ventilation/air conditioning equipment (LAeqT) shall not exceed the background noise level (LA90) by

more than 5 decibels, including the character/tonalities of the noise, at anytime as measured at the façade of the nearest residential property.

Reason

In the interests of the prevention of noise pollution of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007

ODOUR CONTROL

(25) Prior to the commencement of any commercial use, details of the specification and design of equipment to extract and disperse cooking odours shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the use first commences and shall be retained at all times thereafter. Any alteration or variation to the equipment should receive the written approval of the Local Planning Authority.

The plans should also include details of methods to reduce or eliminate cooking smells and should include confirmation of any odour control methods proposed for use in conjunction with this system, i.e., filtration systems, odour neutralising systems, etc.

Reason

To enable the Council to consider the details of adequate odour control measures to the proposed commercial units in the interests of residential amenity and to accord with policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Government advice contained in PPS23.

GREASE SEPARATION

(26) Prior to the commencement of any A3 use, drainage serving the kitchens shall be fitted with a grease separator, complying with prEN1825-1 and designed in accordance with prEN1825-2 and in accordance with Building Regulations doc. H, or other effective means of grease removal which shall have been previously submitted to and agreed in writing with the Local Planning Authority.

Reason

In light of the problems caused by grease from catering establishments blocking drains the requirement for adequate grease separation measures is considered necessary in accordance with policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Government advice.

CULTURAL USE

(27) Unless otherwise agreed previously in writing with the Local Planning Authority, the ground floor entrance shown for the proposed arts centre and first floor of the building (noted as studios 1-8 inc., Exhibition 1 &2 , Arts Café and Lobby) shall be used solely for a cultural use/ artistic use (s).

Reason

The Local Planning Authority wishes to control the type of use class proposed for the first floor of the development to ensure there is a cultural use within the building, providing a civic and public focus for the lower floor of the building, thereby promoting the aims in Strategic Objective 4 of the emerging City Centre and University AAP which promotes the fostering of creative and artistic events and uses in this part of the City Centre and CC10, which seeks to encourage breaking through blocks with arcades of retail or other uses. A mix of uses in the building also accords with the provisions of policies CS01, CS02, CS04, CS06, CS12, CS13 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Central Government guidance.

INFORMATIVE - CODE OF CONSTRUCTION

(1) The management plan required in 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 equipment and materials.

INFORMATIVE - CIVIL AVIATION OBSTRUCTION LIGHTING

(2) Upon completion of the development or prior to any use of the tower commencing, whichever is the sooner, Civil Aviation Obstruction Lighting should be installed on the tower in compliance with Civil Aviation Authority Regulations (Appendix A Table 6A.1 CAP 168) and in the interests of public and aviation safety.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: The impact of the development on the appearance and character of the area; The impact of the development upon neighbouring properties and uses; The impact of the development on the City Centre; The impact of the development upon the highway network; The impact upon the appearance, character and setting of the listed buildings in the locality, 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

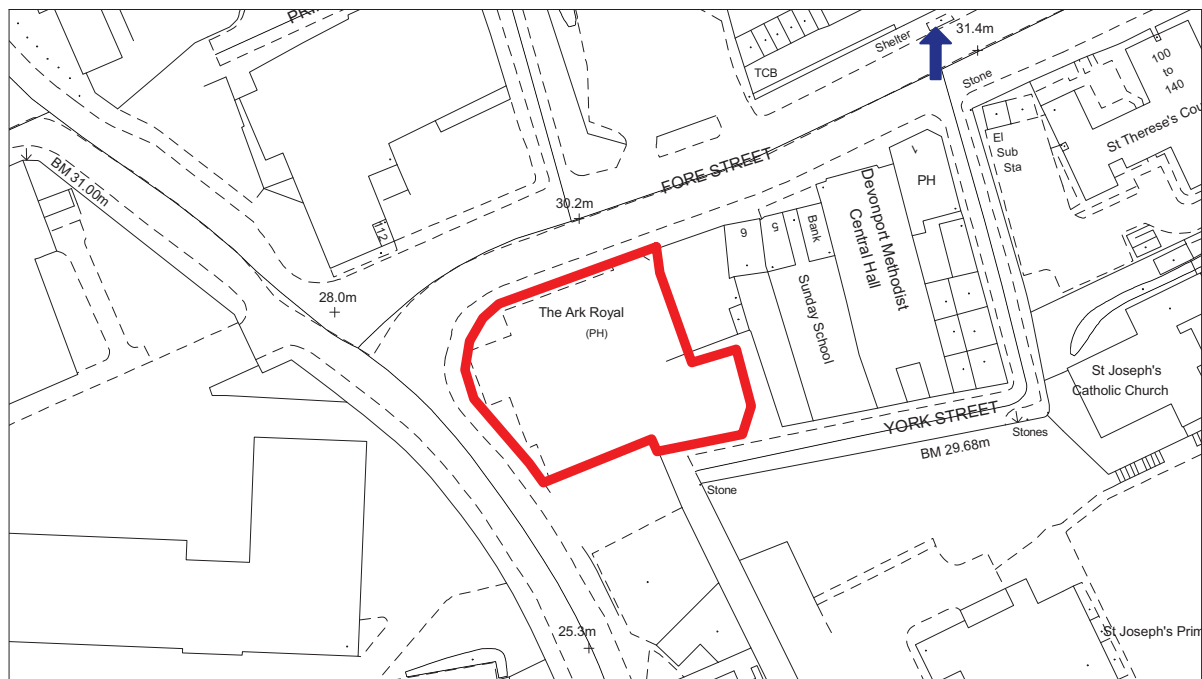
Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape 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
PPG24 - Planning and Noise
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
CS06 - City Centre
CS10 - Change of Use in the City Centre
CS10 - Change of Use in City Centre
CS13 - Evening/Night-time Economy Uses
CS18 - Plymouth's Green Space
CS19 - Wildlife
CS20 - Resource Use
CS21 - Flood Risk
CS22 - Pollution
CS03 - Historic Environment
CS01 - Sustainable Linked Communities
CS02 - Design
CS04 - Future Employment Provision
CS12 - Cultural / Leisure Development Considerations
PPS5 - Planning for the Historic Environment

This page is intentionally left blank

ITEM: 05

Application Number:	09/01910/FUL
Applicant:	Devon and Cornwall Constabulary
Description of Application:	New Police Station (3 storeys, 1,100sqm, 21 car parking spaces)
Type of Application:	Full Application
Site Address:	FORMER ARK ROYAL PUBLIC HOUSE DEVONPORT PLYMOUTH
Ward:	Devonport
Valid Date of Application:	23/12/2009
8/13 Week Date:	24/03/2010
Decision Category:	Major Application
Case Officer :	Jeremy Guise
Recommendation:	Grant
Click for Application Documents:	www.plymouth.gov.uk



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

OFFICERS REPORT

Site Description

The application relates to an irregular shaped site (approximately 0.12ha.) located on the corner of Chapel Street (A374) and Fore Street in Devonport. Currently it is occupied by a car park which provides 48 spaces for use in connection with the bingo hall, on the opposite side of Fore Street. The car park is accessed from Fore Street, in the north east corner, and consists of a hard surface that falls away from the north east towards the south west in accordance with the underlying topography of the land. York Street, a narrow service road, neighbours the site to the southeast. It runs from Fore Street, to the north, via two sharp 'dogleg' turns, to Chapel Street in the south west.

The surrounding area is mixed character. An Esso petrol filling station is the immediate neighbour to the south on the Chapel Street frontage; St Joseph's RC primary School is located on the opposite side of York Street, to the south east; No. 7 Fore Street, a private house immediately to the east; whilst the Mecca bingo hall is located on the opposite side of Fore Street, to the north. The partly implemented 'Vision' development is located on the opposite side of Chapel Street to the west. Detailed plans for this area are currently under review by Redrow and the Homes & Communities Agency, but it still expected to be a mixed residential and commercial development with residential uses predominating.

Proposal Description

Permission is sought to build a Type 2 police station (No guns, dogs or cells) It would replace the existing Marlborough Street premises that are no longer suitable in operational terms.

In the Design and Access statement that has been submitted in support of the application it states in relation to the rationale:-

'The new facility is required to replace an existing group of buildings that is at the end of its life. It will allow the police to group in one area, which will lead to more efficient policing process and reduce energy costs. It will also greatly improve operational safety.'

The proposed building is shown occupying the north western part of the site. It curves around the corner at an acute angle that follows the pavement and road with wings extending along the Chapel and Fore Street frontages.

Externally the proposed building would appear as a three storey white rendered structure, sitting above a blue engineering brick plinth that manages the difference in levels. Fenestration is shown in the form of a curtain wall window turning the corner and large, rectangular shaped, window openings.

Internally the entrance is positioned in the centre of the building, where it turns the corner. The partly subterranean ground floor provides a foyer/ reception, community meeting and interview room, two locker rooms on each wing with associated WCs, service core stairs / lift. The first and second floors are both shown as open plan offices with the second floor also containing a briefing room and a canteen.

The eastern and southern part of the site provide a secure compound / yard for up to 20 police vehicles, secure cycle parking (10 spaces) and a bin store.

The existing access from Fore Street is retained as the main access to the site, but is joined by a second 'emergency escape' access onto York Street, to the south. This is a Police operational requirement.

Relevant Planning History

There is no relevant history.

Consultation Responses

Environment Agency

Contaminated Land – Have reviewed the Phase 1 GeoEnvironmental Assessment Report for Chapel Street Police Station. Report Ref WE00563, dated December 2009, and welcome the submission of the proposed intrusive investigation report in order to confirm the actual ground conditions i.e. presence/ absence of any contamination.

South West Water

No comment received.

Public Protection Service:- Has not raised any objection to the proposal, but, should permission be granted recommends conditions relating to land quality / contamination and code of construction practice.

Highway Authority: - Have provided interim response indicating that no objection is raised to the loss of the bingo hall car park and that there is no objection, in principle, to the proposed development but are not yet to be fully satisfied that adequate mitigation measures proposed in relation to staff travel arrangements. Negotiations are ongoing in relation to a staff travel plan. (update to be provided in addendum report)

Police Architectural Liaison Officer

The Devon and Cornwall Constabulary have made the following comments upon the proposal:-

- The new perimeter fencing to the rear of the site should be heavy – duty weldmesh paladin fencing.
- Any planting around the perimeter should be defensive planting to enhance the security of the fencing.
- Have raised concerns about the lack of staff car parking. With no provision on site for staff to park their personal vehicles, staff will need to park their vehicles some distance from the Police station. The force has a duty of care for their staff and in particular lone females leaving the site late at night in what is a 'challenging' area of the city.

Plymouth Design Panel

The panel thought that the scheme presented had improved since the previous submission and that the continuity in the parapet line and pergola were positive additions to the scheme.

The panel suggested some further considerations for the elevation as follows:-

- The curved screen on the corner should be extended above the parapet line to accentuate the prominence of the corner.
- There was not a consensus on whether horizontal or vertical louvers were preferable on the curved frontage but consideration should be given to the implication of faceting materials.
- The panel thought there may be some benefit in continuing the datum in blue brick (established on the curved element) along the Chapel Street elevation, thus reducing the windows on the ground floor to form a clerestory arrangement offering a greater degree of privacy to the lower ground function. This would be preferable over the stepped band of brickwork illustrated.
- The panel felt that the ground junctions and defensible space in front of the building needed further clarification.
- The end and rear elevations were correctly identified as important aspects as viewed from Chapel Street and need to be carefully detailed.

The panel supports the scheme which makes an important contribution to Chapel Street and the wider regeneration of Devonport and hopes that issues around the acquisition of the site for this development are swiftly resolved.

Representations

Consultations have been undertaken with neighbouring properties and site notices posted. This has resulted in receipt of five letters of representation (LORs) including one from the Devonport Regeneration Community Partnership (DRCP).

Devonport Regeneration Community Partnership (DRCP) – The policy of providing a new operational police station has been fully supported by DRC Partnership and the application is welcome. It is, however, disappointing that such a major application has not been the subject of any pre-application discussion with DRCP, particularly in the light of concerns raised below which would have benefited from a broader strategic discussion. There are two areas of concern relating to this application, namely parking and consultation.

Parking:- The proposal removes 50 car parking spaces currently used by users and employees of Mecca bingo, Welcome Hall and Devonport Playhouse. The proposal makes no provision for private parking for employees. The Design Statement makes reference to 67 existing employees at Devonport and 29 at Prynne Court and to 'accommodate known and anticipated growth in numbers'.

The rationale set out in the Design Statement is flawed by virtue of insufficiently evidencing its statements. The Plymouth Travel Strategy, Policy TP2 proposes that traffic demand be managed by the implementation of parking strategies 'yet the design statement makes no acknowledgement of either existing parking issues and is dismissive of the impact of both losing parking and creating further demand.

The report claims a single parking count at a fixed time on Saturday lunchtime in October 2008 and therefore should be ignored as invalid.

The report quotes 'parking for the Mecca Bingo will be removed following the redevelopment and it is expected that demand for this use will utilise alternative parking in the area or other means of transport '. Again there is no evidence to support this contention or demonstrate that the applicant has identified existing alternative parking provision or its capacity.

It can be assumed that many users of the Bingo will be elderly and women and the absence of parking is a concern, both from a practical and a safety perspective. The applicant or the City Council (as previous owners of the site) should be in discussion with the owners of Mecca Bingo to discuss alternative specific transport arrangements for their clientele e.g. minibuses, taxis etc.

Similarly, Welcome Hall has many employees and users who make use of the Bingo car park and clarity about the alternatives open to them would be welcome. Many of these users are elderly and young children

The Design Statement also quotes 'It is expected that staff will utilise alternative means of travel to the site such as public transport, walking and cycling or alternatively public parking.' There is no evidence to substantiate where this alternative parking provision is. Roads adjacent to the site have for the most part parking restrictions.

The applicant assumes that its employees parking will displace existing limited parking in addition to the loss of 50 existing spaces.

The design Statement does not demonstrate the travel needs of its employees who must at all time need to entre and leave work at times when public transport is not an option. This is an especial concern, for lone female workers.

Consultation.

The applicant makes reference to a public Consultation and Survey held in September 2007 and notes 'highly supportive'. I have been unable to find any documentation with the application to support this.

I am aware that for a long time a site at Vision was proposed. Can you clarify whether this consultation related to that site or to the current application site, and whether the consultation was about the principle of a new station rather than site specific. These factors particularly are relevant given the time which has elapsed since the consultation.

It would have been helpful if this survey had been evidenced as it has been referred to in support of the application. It would have been even better if an exhibition of the proposal has been forthcoming during the current consultation period.

The letters raise objection to the proposal. The grounds of objection can be summarised as follows:-

- Not totally against the proposal, but there are a number of issues that need to be addressed before the proposal proceeds.
- Impact on parking – seek a residents only parking scheme between the Police station and Devonport Playhouse.
- The current bus stop is in a totally impractical. It makes more sense to move the bus stop further east.
- Not clear how access will be provided for maintenance.
- Seeks reassurance that the car park will not be noisy. Points out that currently the car park has restricted use up to 22.00hrs and is nearly always empty of cars, other than residents after 21.30hrs.
- The parking spaces are needed by people using projects in Fore Street

Analysis

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

The key issues in this case are:-

- The principle of developing a police station in this location. (Policies CS07; CS08; CS15 and CS33 of the Core Strategy)
- Design of the proposed building and its impact upon the character of the area (Policies CS02; CS03, CS34 of the Core Strategy)
- Impact upon the amenities of neighbouring property (Policy CS34 of the Core Strategy)
- The adequacy of proposed parking and access arrangements (Policy CS28 of the Core Strategy).
- Community Benefits / Planning Obligations arising from the proposed development (Policy CS33 of the Core Strategy)

The principle of developing a police station in this location

The principle of developing a new police station (sui generis [one on its own] use) close to the community it serves, is strongly supported. The existing station in Marlborough Street is cramped and no longer meets operational requirements. Policy CS01 (Development of Sustainable linked communities) states that the LPA will consider the extent to which a proposal *(5) contribute(s) to creating a well connected, accessible, inclusive and safe community.*

There are also indirect links to the wider objectives of Policy CS32 (Designing out crime).

Significant local support for a new police station in Devonport was demonstrated in response to pre-submission consultation on a potential site in 'Vision' (South Yard Enclave) site, opposite. The applicants have not undertaken a new consultation exercise in relation to the current site, but have

inferred, from responses to their earlier consultation, that there is widespread support in the community for the proposal. This is accepted. Whilst some care should be exercised in interpreting support for one site to support on another (even within the general vicinity), in this case the proximity and general nature of comments is such that the assumption is reasonable. Specific consultation with neighbours upon the proposal has been undertaken in the usual way.

Design of the proposed building and its impact upon the character of the area
Policy CS02 (Design) of the Core Strategy and Objective 6 (Protecting Natural and Built Assets and Promoting High Quality) of the Devonport AAP requires development to produce a high standard that reflects the principles of good architecture and urban design as well as contributing to building a sustainable community.

This is a prominent corner site at the junction of Fore Street, Chapel Street and Park Avenue. The current bingo car park use provides no sense of enclosure and makes little contribution towards the street scene. The proposal has been designed to address these deficiencies: the new building is located in the north west corner of the site where it holds the corner with a clearly defined entrance. The engineering block plinth, articulates the difference in levels across the site, whilst the upper stories, with double height glazed panel, provide attractive elevations. Despite a reduction in the budget provided by the Justice Department, the proposal will result in an attractive building that will make a positive contribution towards the street scene.

Core Strategy Policy CS20 requires all proposals for non-residential developments exceeding 1,000sqm of gross floor space ... 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.

A commitment has been given that the proposed development will satisfy BREEAM very good and aspire to 'Excellent' standard. It also confirms that the proposal will produce 10% of its power from renewable resources. From January 2010 the CS20 requirement to provide power from renewable resources has been increased from 10% to 15%, but as this application was submitted at the very end of 2009, the 10% provision meets policy requirements.

Impact upon the amenities of neighbouring property

Policy CS34 of the Core Strategy requires, among other matters, that development proposals protect the amenity of neighbours in relation to daylight, sunlight, outlook privacy and soft landscaping.

There is residential property to the east of the site, but it does not contain any windows on its eastern elevation facing towards the new police station and the southern wing of the station does not afford opportunities for overlooking, even at a distance. There is some residual concern about additional night-time noise from the vehicle compound, as the current car park use is generally quiet after the bingo hall closes, but it is not possible to regulate this

by condition in a way that is compatible with police operational requirements and the concern is not sufficient to justify withholding planning permission.

The proposal will not adversely impact upon the amenities of the filling station, to the south and may even improve security. (Staff working there has been held up by robbers in the past).

The adequacy of proposed parking and access arrangements

There is no objection to the loss of the existing parking provision from the bingo hall, which has satisfactory alternative parking provision.

Other users, resident and people visiting 'Welcome Hall', do not have entitlement to use the car park and, whilst this may have been tolerated, it is not safeguarded.

The existing Marlborough Street car police station does not provide operational or staff parking. This proposal provides operational parking for police vehicles, but none for staff. There is no scope to provide further parking on site. The proposal envisages an increase in staff numbers, using the station. The applicants are, therefore being asked to develop a green travel plan to demonstrate that the proposal will not result in significant displacement of staff parking into surrounding residential streets.

The site is well located in relation to sustainable transport. It abuts a cycle route and several bus routes, with stops in close proximity. Further comment will be provided in an addendum report.

Section 106 Obligations

The proposal is for public infrastructure and therefore exempt from tariff payment. However, a contribution towards a staff travel plan is sought.

Conclusions

Devonport requires a new police station, the current premises is unfit for purpose. This prominent corner site is currently under-used as a car park. Its redevelopment with a well designed three storey 'office' type building with active corner 'frontage' will contribute towards the regeneration of the area and help realise the Objective of creating a new District Centre for Devonport along Chapel Street.

Recommendation

In respect of the application dated **23/12/2009** and the submitted drawings, **08093 L0101 rev P3; 08093 L0201 rev. P3 GF & 1F; 08093 L0202 rev P3 2F & RP; 08093 L0301 rev P3; & 08093 L0401 rev P2** , it is recommended to: **Grant**

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.

SURFACE WATER DISPOSAL

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

Reason:

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

EXTERNAL MATERIALS

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

Reason:

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

SURFACING MATERIALS

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

Reason:

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

LANDSCAPE DESIGN PROPOSALS

(5) No development shall take place until full details of both hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include

Reason:

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

LANDSCAPE WORKS IMPLEMENTATION

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

Reason:

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

REFUSE PROVISION

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

Reason

In order to ensure that adequate, safe and convenient refuse storage provision is provided and made available for use by future occupiers in accordance with Development guidelines Supplementary Planning Document

APPROVAL LIGHTING DETAILS

(8) Full details of an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work. The lighting scheme shall be implemented prior to the occupation of the first dwelling.

Reason:

To ensure adequate and attractive lighting arrangements are in place prior to the first occupation of the dwellings.

LAND QUALITY

(9) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 10 to 12 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 13 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.

SITE CHARACTERISATION

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

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

(ii) an assessment of the potential risks to:

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

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

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

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

SUBMISSION OF REMEDIATION SCHEME

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

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

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

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

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

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

REPORTING UNEXPECTED CONTAMINATION

(13) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 10, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 11, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 12.

Reason:

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

CODE OF PRACTICE

(14) 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.

The Council's policy on hours of work for building and construction is as follows:

Monday to Friday	8am - 6pm
------------------	-----------

Saturday

8.30am - 1pm

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.

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 developing a police station in this location.
- Design of the proposed building and its impact upon the character of the area
- Impact upon the amenities of neighbouring property
- The adequacy of proposed parking and access arrangements
- Community Benefits / Planning Obligations arising from the proposed development

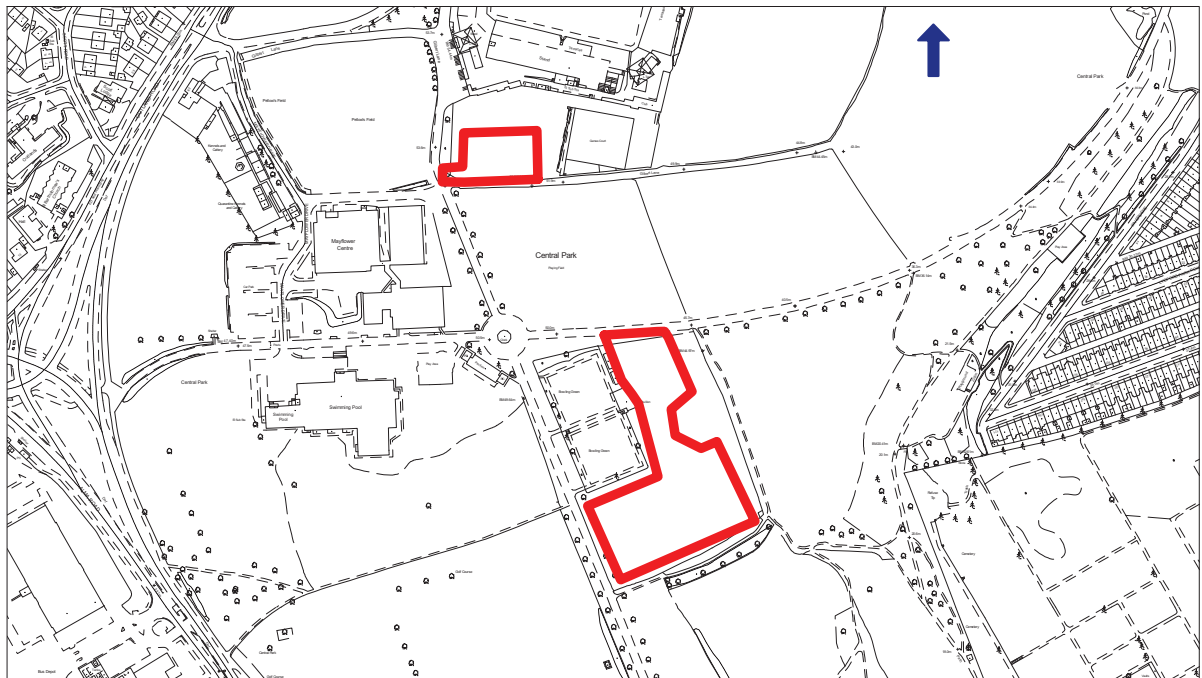
the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 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
- PPS1 - Delivering Sustainable Development
- PPS23 - Planning & Pollution Control
- CS28 - Local Transport Consideration
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS07 - Plymouth Retail Hierarchy
- CS08 - Retail Development Considerations
- CS18 - Plymouth's Green Space
- CS03 - Historic Environment
- CS01 - Sustainable Linked Communities
- CS02 - Design

This page is intentionally left blank

ITEM: 06

Application Number:	10/00274/FUL
Applicant:	Balfour Beatty
Description of Application:	Use of land for temporary period for storage of spoil heaps in association with Life Centre development
Type of Application:	Full Application
Site Address:	LAND NORTH AND SOUTH OF COTTAGE FIELD, CENTRAL PARK MAYFLOWER DRIVE PLYMOUTH
Ward:	Peverell
Valid Date of Application:	01/03/2010
8/13 Week Date:	31/05/2010
Decision Category:	Major Application
Case Officer :	Robert Heard
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



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

OFFICERS REPORT

Site Description

This application affects 2 sites; the existing Home Park car park and a field to the rear (east) and side (south) of the existing public bowling greens that are located just to the south of Cottage Field.

Proposal Description

This application proposes to use the sites described above for the storage of spoil heaps in association with the Life Centre development. It is intended that the spoil will be used for re-landscaping the areas of the existing Mayflower Leisure Centre and Central Parks Pools buildings when they are demolished (upon completion and opening of the Life Centre), as these areas will be returned to parkland.

The application makes provision for securing both sites, by proposing to erect a 1.8 metre high fence to enclose both areas. All trees that will be affected by the development are also proposed to be protected and a temporary haul road is planned to the east of the bowling greens to give vehicular access to this area. Both sites will be returned to parkland upon completion of the restoration works at the Mayflower Centre and Central Parks Pools sites.

Relevant Planning History

09/00258/FUL - Life Centre to include:- sport and leisure centre (Class D2) on three levels consisting of cafe/foyer, dive pool with spectator seating, 50m 10 lane competition pool with spectator seating, leisure water, climbing zone, 12 court sports hall with spectator seating, wet and dry changing facilities, dry dive training room, 8 lane indoor bowls centre, multi-purpose dance/creche/soft play/martial arts area, studio/asb squash, fitness gym, ancillary staff and office accommodation and other associated developments including: transport hub, car parking, coach lay-by, new junction to outland road, amendment to park and ride layout, demolition of the Mayflower Centre and Central Park Pools, relocated events field and associated hard and soft landscape improvements. GRANTED.

Consultation Responses

Public Protection Service

No objections subject to conditions.

Highways Officer

No objections subject to conditions.

Representations

2 letters of representation received, both objecting to the application on the following grounds:

- Concerned that the temporary status will be permanent

- The proposed vehicle access to the site will be hazardous to park users
- There are no plans to show exactly where the spoil heaps will go or how big they will be

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 Life Centre planning application (listed above in the planning history section) was approved by the planning committee in August 2009. It is for a new sports and leisure centre on Pellows Field, containing the following facilities:

- Entrance foyer/reception with cafe
- A dive pool to FINA standards with spring boards, platforms and moveable floor.
- A 50m long and 10 lane wide competition pool with 2 moveable floors and 2 submersible booms
- A leisure pool with 2 water flume rides
- A climbing zone with climbing wall and bouldering area
- A 12 badminton court sports hall suitable for a range of sports with high level spectator seating
- Wet and dry changing facilities
- Dry dive training room
- An 8 lane indoor bowls facility with ancillary social area
- Multi purpose crèche/soft play/martial arts area
- Dance studio with dual use as 2 squash courts
- A 150 station fitness gym including health suite
- Ancillary office and staff accommodation

Ancillary to the above, the application also includes provision for 350 car parking spaces including disabled spaces, coach lay by and parking, service access, new road junction to Outland Road, amendments to existing Park and Ride layout to form new junction, demolition of existing Mayflower Centre and Central Park Swimming Pools, hard and soft landscape works and a new transport hub serving the existing park and ride site, Life Centre and Central Park.

Work on site has recently commenced and there is a need to find a suitable location for the storage of soil due to the excavation and re-grading works taking place at the site. The sites proposed for spoil storage in this application are considered by the applicants to be the most convenient and

sustainable, as they will remove the necessity to transfer the material from the site and import new material for future landscaping works.

It is considered therefore that the main issues raised by this planning application are those of use, visual impact, and highways issues.

Proposed Use

The proposed use is temporary and for the duration of the Life Centre construction process, the subsequent demolition of the Mayflower Centre and Central Parks Pools buildings and the return of these sites to parkland following demolition.

Inevitably there will be some disruption to the park during the construction process of such a large and significant building with ancillary roads, parking and landscaping. However, considering the scale of the development the construction period is relatively short and the programme for the completion of the entire project is March 2012 (following opening of the Life Centre in November 2011).

The Plymouth Argyle car park site is private and for the majority of the time (other than match days) is under used. Visually, it is not an attractive site and contains a number of temporary buildings housing the club shop and offices. The surfacing in this area is poor and there are many potholes on the site. The area is not parkland and is not publicly accessible. It is considered that the use of this area for the storage of spoil for a temporary period is acceptable and would not be detrimental to the surrounding area and parkland.

The area to the side and rear of the existing public bowling greens and to the south of Cottage Field is located within Central Park and is significantly larger than the Plymouth Argyle car park site. A temporary haul road is proposed from the northern boundary of the site (just behind the bowling greens site) and in terms of access for vehicles, links the site to the main park avenue that runs from east to west in this part of the park. The haul road runs from the northern boundary into the site and up hill (behind the existing bowling greens) to an area to the south east of the bowling greens which is proposed for the spoil heaps storage (this area is the flattest part of the site and most suitable for spoil storage). The whole site (and haulage road) is proposed to be enclosed by a 1.8 metre high heras fence and all trees will also be protected by fencing.

In terms of use, this area does not appear to be as well used as others near to it in the park. Cottage Field (to the north) is well used and during certain times of the year is marked out and used as a football pitch and the areas to the south of the site are flatter and also used as sports pitches at certain times of the year (Tipsite 1, 2 and 3). It is considered that whilst it is unfortunate that this small area of the park will be unavailable to the public for a temporary period, this area is not a part of the park that is particularly highly used and is also not used for formal sports events or games, thus its loss for a temporary period for spoil storage is considered acceptable.

Visual Amenity

The proposed spoil heaps will have a maximum height of 6 metres and will follow the natural contours of the ground at both sites. As described in the section above, the Plymouth Argyle car park site is characterised by temporary buildings and uneven surfacing. Visually it is not an attractive site or part of the park and its use for a temporary period for the storage of spoil would not be significantly harmful to local visual amenity. The site would be enclosed by heras fencing that would ensure the majority of spoil is not viewable from outside of the site from ground level, particularly as land levels within the site fall to the east, away from the publicly accessible areas around the site.

With regards to the site to the side and rear of the bowling greens, this particular field is not prominent (it is hidden by the bowling greens and boundary planting) and as already stated is not well used in comparison to some of the nearby fields that are part of Central Park. A 1.8 metre high heras fence is proposed to enclose the spoil heaps and haul road, which together with the existing boundary planting and bowls pavilion provides adequate screening at ground level from the site. Although it is likely that the top of the spoil heaps will be visible over the fence when the soil is stacked to a maximum height of 6 metres, the set back distance, fence and existing natural screening ensure that the spoil will not be dominating to users of the park. The application thus accords with policy CS34 of the City of Plymouth Local Development Framework Core Strategy (2007).

Highways Issues

The main highways issues that the application raises are those of access. The spoil within the Plymouth Argyle car park site can be accessed via Pellows Field by crossing Gilberts Lane, a journey of some 20 metres. This is acceptable and does not raise any highway safety issues.

The access to the second spoil site adjacent and to the rear of the existing bowling greens includes the construction of a new haul road across the field behind the existing bowling greens. Details of the haul road have been provided within the application and are considered acceptable. However, in order to gain access onto the haul road traffic will have to travel along the footpath network within the park itself. This route is well used by pedestrians and cyclists and a management plan is therefore required by condition to ensure that routes, times of use and methods of ensuring public safety are secured. This information is already in the process of being put together and details are required to be formally submitted under the Code of Practice during construction condition that is attached to this report.

Details of methods of repair or re-instatement of the route will also be required by condition as the footpaths within the park will not have been designed to withstand heavy loads and construction traffic. The proposed haul road will also need to be removed and returned to parkland following completion of works and this can also be secured by condition.

Letters of Representation

The 2 letters of representation received are summarised above in the representations section of this report. With regards to the points raised; the temporary status will not be allowed to become permanent and this will be controlled and secured by planning condition to ensure the land is restored to its former condition following completion of works at the site. The proposed vehicle access to the site will be strictly controlled by details required by planning condition to ensure that routes, times of use and methods of ensuring public safety are secured and that conflict with pedestrians and park users will not arise. Lastly, details have been submitted showing the location and height of the proposed spoil heaps and these are considered acceptable.

Equalities & Diversities issues

No relevant equalities or diversities issues raised.

Section 106 Obligations

None required.

Conclusions

This application proposes to use 2 areas of land within Central Park for the storage of soil during the construction phase of the Life Centre development, so that land excavated at the site can be re-used to landscape the Mayflower Centre and Central Parks Pools buildings sites upon demolition of the buildings.

As explained in this report, subject to conditions, the application is considered acceptable and ensures that existing excavated soil is re-used within the park. The application is thus recommended for approval subject to conditions.

Recommendation

In respect of the application dated **01/03/2010** and the submitted drawings, **(90)050, (90)051, D130475/600, (90)102, (90)101 and accompanying Design and Access Statement**, it is recommended to: **Grant Conditionally**

Conditions

TEMPORARY USE

(1) The use of the sites hereby permitted for the temporary storage of spoil heaps shall be discontinued by 31 October 2012 and the land at both sites shall be returned to its former condition by 31 October 2013, in accordance with details of a scheme of work to be submitted and agreed in writing by the Local Planning Authority, unless a further permission has been granted for the use to continue.

Reason:

To ensure that this temporary application does not become permanent, in accordance with Policy CS34 of the adopted City of Plymouth Local Development Framework Core Strategy (2007).

CODE OF PRACTICE

(2) Prior to the commencement of the development hereby approved, a detailed management plan for the works involved in forming and removing the spoil heaps 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 general amenity of the area from any harmfully polluting effects during works and avoid conflict with policy CS22 of the Plymouth Local Development Framework Core Strategy (2007).

TREE PROTECTION DURING WORKS

(3) The existing trees and hedgerows shown to be retained on the approved plans shall be properly protected with appropriate fencing during 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 works in accordance with Policies CS18 and CS34 of the adopted Plymouth Local Development Framework Core Strategy (2007).

PUBLIC FOOTPATH REPAIR

(4) Any damage caused to the public footpath network during the works shall be repaired and reinstated, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

Reason:

To ensure that any damage caused to the public footpath is repaired, in the interests of public safety, convenience and amenity and in accordance with Policy CS28 of the adopted City of Plymouth Local Development Framework Core Strategy (2007).

CONTAMINATION RISK ASSESSMENT

(5) Prior to movement of any soil, a specific contamination risk assessment and method statement for the removal and storage of material shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that contaminants in the soil do not pose a risk to health or the environment, in accordance with Policy CS22 of the adopted City of Plymouth Local Development Framework Core Strategy (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 problems, and site security information;
- b. Works traffic routes, timing of lorry movements, weight limitations on routes, initial inspection of roads to assess rate of wear and extent of repairs required, wheel wash facilities, access points, hours of deliveries, numbers and types of vehicles, and works traffic parking; and
- c. Hours of site operation, dust suppression measures, noise limitation measures.

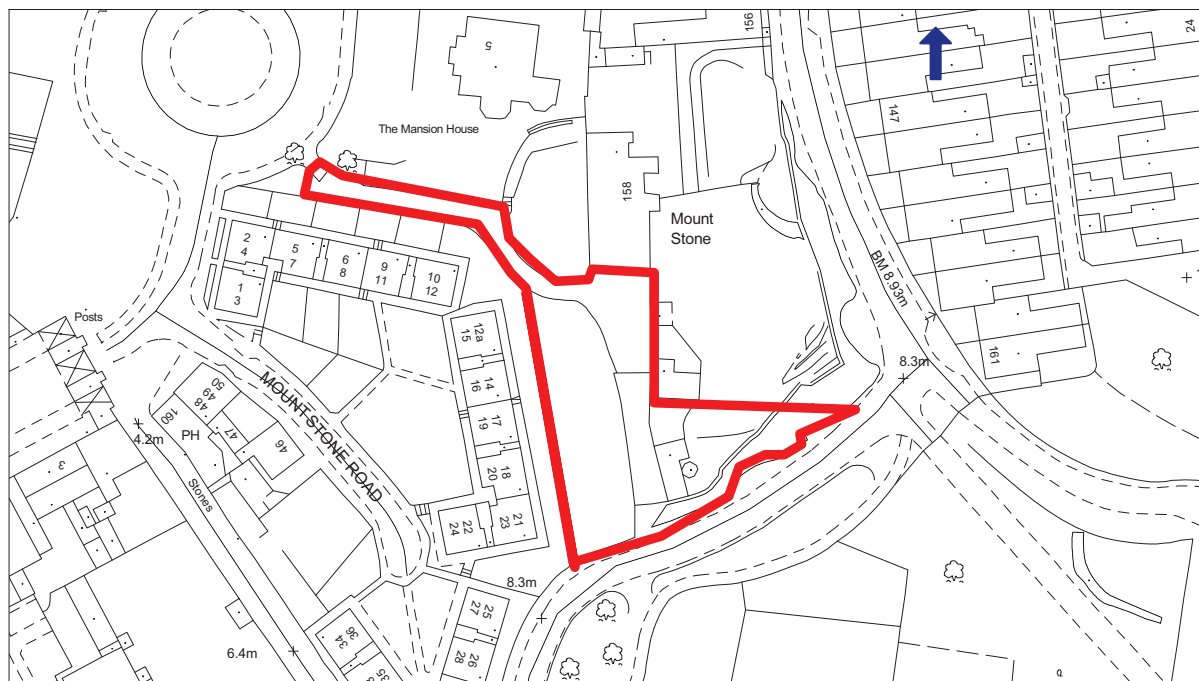
Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the impact of the proposal on the park and public safety, transport aspects and 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:

- CS28 - Local Transport Consideration
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS18 - Plymouth's Green Space
- CS22 - Pollution
- CS12 - Cultural / Leisure Development Consideration

ITEM: 07

Application Number:	10/00216/FUL
Applicant:	Mr and Mrs Jeffery
Description of Application:	Erection of detached, three storey, four bedroom dwelling (demolition of existing structures)
Type of Application:	Full Application
Site Address:	MOUNT STONE HOUSE, MOUNT STONE ROAD PLYMOUTH
Ward:	St Peter & The Waterfront
Valid Date of Application:	09/03/2010
8/13 Week Date:	04/05/2010
Decision Category:	Member Referral
Case Officer :	David Jeffrey
Recommendation:	Refuse
Click for Application Documents:	www.plymouth.gov.uk



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

This application has been referred to the Planning Committee as a result of a member referral by Cllr Sue McDonald

OFFICERS REPORT

Site Description

The site is located within the grounds of Mount Stone House, a Grade II listed building in Stonehouse Conservation Area, at the southern end of Cremyll Street. The site is accessed off the Royal William roundabout along a narrow walled lane.

The site comprises a number of outbuildings (including a lime kiln), parking area and landscaped area within the southern part of Mount Stone House grounds. The site bounds residential properties to the west, Durnford Street beyond a cliff face to the south, and Mount Stone House and its grounds to the north and east.

Proposal Description

Erection of detached, three storey, four bedroom dwelling (demolition of existing structures).

Relevant Planning History

08/01006/FUL and 08/01007/LBC – Renewal of consent 03/00530/FUL for two storey dwelling, incorporating the ruins of existing outbuildings and the formation of new car parking area.

07/02005/LBC - Partial demolition of existing ruins/walls – Refused (Granted at Appeal)

07/02004/FUL - Partial demolition of existing ruins/wall and provision of new access route – Refused (dismissed at appeal)

03/00530/LBC and 03/00532/FUL – Two storey dwelling incorporating ruins of existing outbuildings and formation of new car park area – Granted Conditionally

02/01586/LBC and 02/01585/FUL - Two storey building to be used as a dyslexia centre (with ancillary accommodation) incorporating the ruins of existing outbuildings and formation of parking area - Granted Conditionally

99/01083/LBC and 99/01882/FUL - Change of Use and Conversion of outbuilding to a tuition centre for 3 to 4 pupils – Granted Conditionally

Consultation Responses

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

Transport – No objections but recommend that if permission is granted a condition is attached requiring further details of the parking area to be submitted.

Representations

So far one letter of representation has been received (expiry date is 20 April 2010) objecting to the proposal on the following grounds:

- Despite what the Design and Access Statement claims the proposal will impact the privacy, daylight and outlook of neighbouring properties.

Analysis

The Planning Issues are the impacts on residential amenity, car parking, trees, land contamination and the character and appearance of the Conservation Area. These issues are assessed in accordance with policies CS02, CS03, CS15, CS22, CS28 and CS34 of the adopted Plymouth Core Strategy 2007 and supplementary Planning Document 1 'Development Guidelines'. The impacts on the Grade II Mount Stonehouse and its associated grounds are considered under the parallel Listed Buildings application 10/00217/LBC.

In 2003 planning permission and Listed Building Consents ref. 03/00532/FUL & 03/00530/LBC (renewed under 08/01006/FUL) were conditionally granted for a two storey dwelling on this site. Therefore, the principle of development for a dwelling has been established. The previously consented dwelling detailed slate hung walls with wooden doors and windows and also retained and repaired the existing stone walls and the limekiln as a feature. This proposal differs significantly in terms of its scale and design.

Design and Visual Appearance

The land falls within the curtilage of an existing listed building and will use the same access. The proposed building is situated on top of a rocky cliff face around 5 metres high which rises from the north side of Durnford Street. It is acknowledged that a two storey dwelling has already been consented in this position. However, given that the proposed property would naturally be elevated above Durnford Street on this cliff, the three storey design of the current proposal is likely to appear overbearing and oppressive when viewed from this position.

The proposed dwelling has a striking contemporary design detailing a flat roof, large areas of glazing and a mix of random laid limestone and white render. Although high quality design and materials are clearly evident in this proposal, the combination of the property's bold design, elevated position and its height – over 12 metres from the level of the road - will create a stark addition to a site which necessitates a sympathetic design solution. This height is particularly important given that the façade of the property will only be set back around 4 metres from the road. The applicant's Design and Access Statement justifies the height of the proposed dwelling by reference to other three storey properties in the Stonehouse Conservation Area. However, these

properties are located within a completely different context and are therefore not considered to justify a three story building in this location.

Impact on the Conservation Area

With regard to the impact on the character and appearance of the Conservation Area, the proposal's elevated position and bold design is likely to have a significant impact on this part of the Conservation Area. The three storey design in particular will constitute an overdevelopment of this site and result in an appearance which is oppressive when viewed from Durnford Street therefore failing to preserve and enhance the character and appearance of the Conservation Area contrary to policy CS03 of the Plymouth Core strategy 2007.

Residential Amenity

The nearest housing is the terrace of flats on Mountstone Road which back onto the site approximately nine metres to the west. The inclusion of a roof terrace on the western end of the proposed dwelling at second floor level is likely to introduce a substantial degree of overlooking of the backs of these properties, in particular their first floor bedroom windows. The potential impact on the privacy of these properties has been raised in a letter of objection. Furthermore, the close relationship and the difference in site levels between the proposed dwelling and some of these flats – namely some of the ground floor flats - is likely to result in an adverse impact on their outlook and daylight. The proposal is therefore contrary to policy CS34 of the Plymouth Core Strategy 2007.

The proposed dwelling provides a good standard of accommodation and therefore complies with policy CS15 of the Core strategy 2007.

Additional Issues

PPS23 'Planning and Pollution Control' advises that planning applications should not be determined until information is provided to the satisfaction of the Local Planning Authority that the risk to contaminated land and controlled waters has been fully understood and can be addressed through appropriate measures. Public Protection Services have advised that the information supporting the application assessing the possibility of contamination on the site is insufficient and have therefore recommended that the application is refused.

The Council's Transport Department have advised that the new dwelling is not considered to create significant car parking or highway issues with only marginal additional vehicle activity which can be accommodated in the grounds of the proposed dwelling.

Comments are still awaited from the Council's Tree Officer. These observations will be reported to the Committee in an addendum report.

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

None

Section 106 Obligation

Not applicable in this instance

Conclusions

The proposal would result in an overdevelopment of this site and would have an adverse impact on the amenity of neighbouring properties in terms of their privacy, outlook and daylight. The proposal also fails to provide sufficient information regarding the possible risks posed by land contamination. For these reasons the application is recommended for refusal.

Recommendation

In respect of the application dated **09/03/2010** and the submitted drawings, **1622 - [H]001, 1622 - [H]002, 1622 - [H]003, rendered elevations and 3D perspectives, tree survey report, contamination report and supporting Design and Access Statement**, it is recommended to: **Refuse**

Reasons

IMPACTS ON PRIVACY, OUTLOOK AND DAYLIGHT

(1) The proposed development will have an unreasonable impact on the privacy of neighbouring properties by virtue of the second floor roof terrace which will allow an uninterrupted view into the back windows of Mount Stone Road flats which include bedrooms and living rooms. The proposal, by virtue of its height and proximity to these properties will also adversely impact on their outlook and daylight. The proposal therefore will be harmful to the amenities of neighbouring properties and is contrary to policy CS34.6 of the Plymouth Local Development Framework Core Strategy 2007 and Supplementary Planning Document 1 'Development Guidelines'.

UNACCEPTABLE RISK OF CONTAMINATED LAND

(2) The Local Planning Authority considers that there is insufficient information to demonstrate that the risk of contaminated land or that the risk of pollution to controlled waters is acceptable. There are three strands to this refusal reason. These are that:

- a. The level of risk posed by this proposal is considered to be unacceptable.
- b. The application fails to provide assurance that the risks of pollution are understood as a preliminary risk assessment, including an adequate desk study, conceptual model and initial assessment of risk, has not been provided. PPS23 takes a precautionary approach. It requires a proper assessment whenever there might be a risk, not only where the risk is known.

c. Information has not been provided, as required by PPS23, to satisfy the Local Planning Authority that the risk to contaminated land and controlled waters has been fully understood and can be addressed through appropriate measures.

There is a potential for contamination to be present at the site as the preliminary risk assessment that has been submitted with the application fails to fully address on-site and off-site sources of contamination. The risk is considered unacceptable because there is no evidence to indicate otherwise. The potential for contamination may be suspected on the basis of past and/or current use or experience of contamination issues at similar types of sites. The application is therefore contrary to advice contained in PPS23 and policy CS22 of the Plymouth Local Development Framework Core Strategy 2007.

INCOMPATIBLE WITH SURROUNDINGS IN TERMS OF SCALE

(3) The three storey design of the proposed dwelling in this position, on top of a cliff, would appear overbearing and oppressive when viewed from Durnford Street. In terms of its scale, the proposal is therefore unsympathetic and constitutes an overdevelopment of the site which will have an adverse impact on the character and appearance of the Conservation Area and is therefore contrary to policies CS34.4 CS03 and CS02.3 of the Plymouth Local Development Framework Core Strategy 2007.

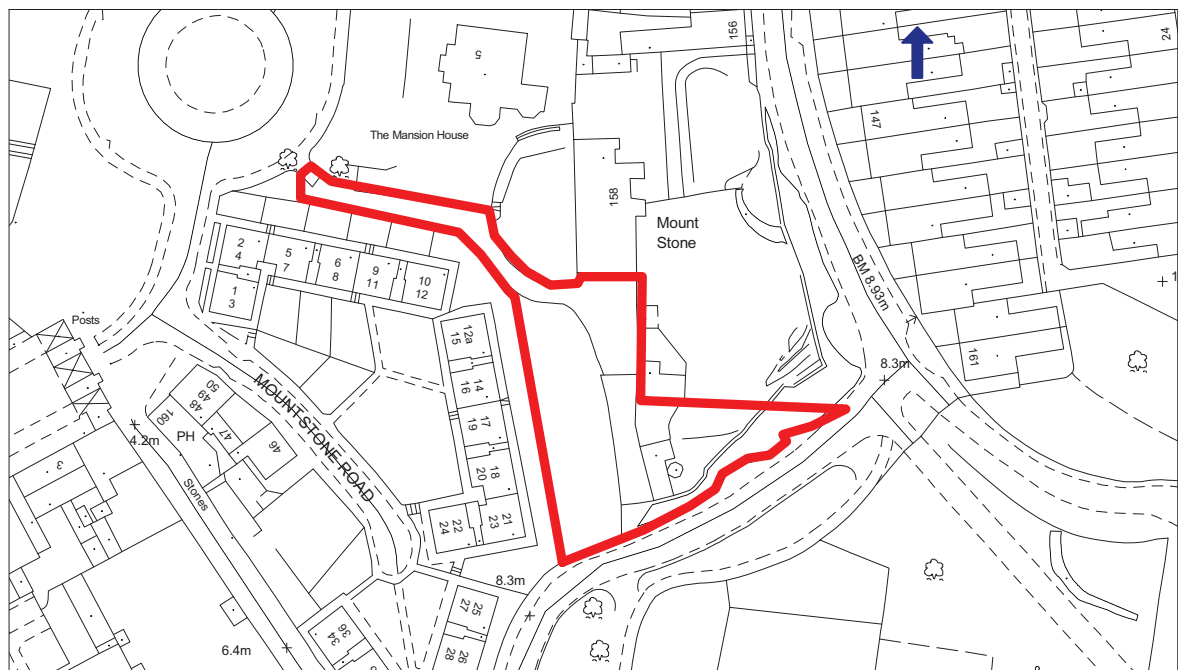
Relevant Policies

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

PPS23 - Planning & Pollution Control
CS28 - Local Transport Consideration
CS34 - Planning Application Consideration
CS22 - Pollution
CS03 - Historic Environment
CS02 - Design
CS15 - Housing Provision
SPD1 - Development Guidelines

ITEM: 08

Application Number:	10/00217/LBC
Applicant:	Mr and Mrs Jeffery
Description of Application:	Erection of detached, three storey four bedroom dwelling (demolition of existing structure)
Type of Application:	Listed Building
Site Address:	MOUNT STONE HOUSE, MOUNT STONE ROAD PLYMOUTH
Ward:	St Peter & The Waterfront
Valid Date of Application:	09/03/2010
8/13 Week Date:	04/05/2010
Decision Category:	Member Referral
Case Officer :	David Jeffrey
Recommendation:	Refuse
Click for Application Documents:	www.plymouth.gov.uk



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

This application has been referred to the Planning Committee as a result of a member referral by Cllr Sue McDonald

OFFICERS REPORT

Site Description

The site is located within the grounds of Mount Stone House, a Grade II listed building in Stonehouse Conservation Area, at the southern end of Cremyll Street. The site is accessed off the Royal William roundabout along a narrow walled lane.

The site comprises a number of outbuildings (including a lime kiln), parking area and landscaped area within the southern part of Mount Stone House grounds. The site bounds residential properties to the west, Admiralty Road beyond a cliff face to the south, and Mount Stone House and its grounds to the north and east.

Proposal Description

Erection of detached, three storey, four bedroom dwelling (demolition of existing structures).

Relevant Planning History

08/01006/FUL and 08/01007/LBC – Renewal of consent 03/00530/FUL for two storey dwelling, incorporating the ruins of existing outbuildings and the formation of new car parking area.

07/02005/LBC – Partial demolition of existing walls/ruins – Refused (allowed at appeal)

07/02004/FUL - Partial demolition of existing walls/ruins and provision of new access route – Refused (partially allowed at appeal, new access dismissed)

03/00530/LBC and 03/00532/FUL – Two storey dwelling incorporating ruins of existing outbuildings and formation of new car park area – Granted Conditionally

02/01586/LBC and 02/01585/FUL - Two storey building to be used as a dyslexia centre (with ancillary accommodation) incorporating the ruins of existing outbuildings and formation of parking area - Granted Conditionally

99/01083/LBC and 99/01882/FUL - Change of Use and Conversion of outbuilding to a tuition centre for 3 to 4 pupils – Granted Conditionally

Consultation Responses

Awaiting Consultations Responses

Representations

So far one letter of representation has been received which refers to the planning application only and not the listed building consent. However, the expiry date is 20 April 2010 for this application.

Analysis

The Planning Issues are the impacts on the setting of the Grade II Listed Building. These issues are assessed in accordance with policy CS03 of the Adopted Plymouth Core Strategy 2007 and PPS5.

In 2003 planning permission and Listed Building Consent ref. 03/00532/FUL & 03/00530/LBC (renewed under 08/01006/FUL) was conditionally granted for a two storey dwelling on this site. Therefore, the principle of development for a dwelling has been established. The previously consented dwelling detailed slate hung walls with wooden doors and windows and also retained and repaired the existing random laid stone walls and the limekiln as a feature. This proposal differs significantly in terms of its scale and design.

Given that the application site is well screened from views with Mount Stone House and that there is a significant distance to the main house, the proposal is unlikely to have a significant adverse impact on the setting of the listed building.

The proposed development would appear to result in the demolition of some existing stone walls which form a number of enclosures next to a limekiln. The partial demolition of these walls was granted permission at appeal under application 07/02005/LBC. However, although the submitted Design and Access Statement mentions the retention of the kiln, the application fails to clearly describe the extent to which these walls would be retained and also what justification there may be for demolishing them. It is noted that the previous approved application for a dwelling sought to retain these structures as part of the proposal. As these structures are within the curtilage of Mount Stonehouse and fall under the Grade II listing the Council's Conservation Officer considers that insufficient information has been provided in this regard.

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

None

Section 106 Obligation

Not applicable in this instance

Conclusions

The proposal fails to justify or provide sufficient information regarding the demolition of adjacent walls which are listed structures. For this reasons the application is recommended for refusal.

Recommendation

In respect of the application dated **09/03/2010** and the submitted drawings, **1622 - [H]001, 1622 - [H]002, 1622 - [H]003, rendered elevations and 3D perspectives, tree survey report, contamination report and supporting Design and Access Statement** , it is recommended to: **Refuse**

Reasons

IMPACT ON LISTED STRUCTURES

(1) The application fails to make any reference to the curtilage listed ruined outbuildings and walls on the site and particularly how they are to be treated/incorporated into the proposed development. It is therefore impossible for the Local Planning Authority to fully determine the impacts of the proposal on the listed structures which is therefore contrary to policy CS03 of the Plymouth Local Development Framework Core Strategy 2007.

Statement of Reasons for Approval and Relevant Policies

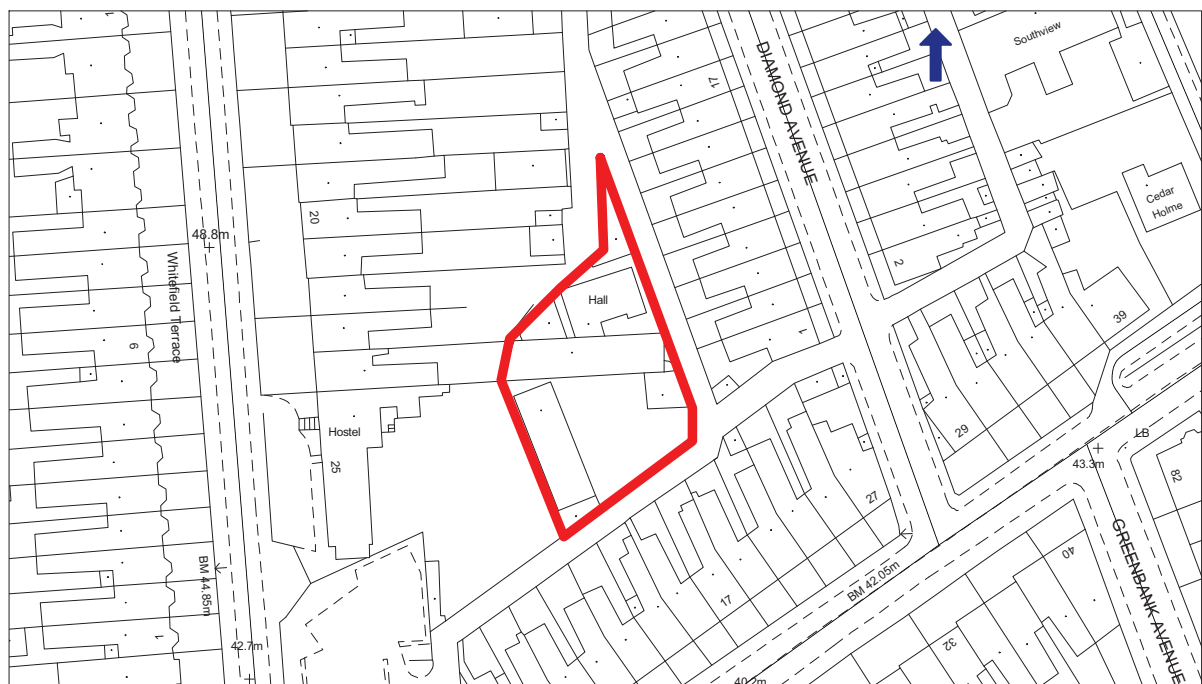
Having regard to the main planning considerations, which in this case are considered to be: the effect on the structures which fall within the curtilage of the Grade II listed building, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and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

CS03 - Historic Environment

PPS5 - Planning for the Historic Environment

ITEM: 09

Application Number:	10/00180/FUL
Applicant:	Bibio Limited
Description of Application:	Erection of 12 affordable/local needs or sheltered/supported residential flats comprising 4 two-bedroom units and 8 one-bedroom units and associated parking and external works including bin and cycle stores
Type of Application:	Full Application
Site Address:	WOODLAND TERRACE LANE LIPSON PLYMOUTH
Ward:	Drake
Valid Date of Application:	12/02/2010
8/13 Week Date:	14/05/2010
Decision Category:	Major Application
Case Officer :	Jon Fox
Recommendation:	Grant conditionally subject to the satisfactory completion of the S106 Obligation. Delegated authority to refuse the application should the S106 Obligation not be signed by the 14th May 2010
Click for Application Documents:	www.plymouth.gov.uk



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

OFFICERS REPORT

Site Description

The site is a 0.122 hectare, diamond-shaped piece of land situated to the rear of large scale residential properties in Greenbank Road, to the west, smaller residential terraces in Diamond Avenue, to the east, and the terrace of houses in Lipson Road, to the south. The site is accessed from Diamond Avenue via a relatively short section of typical, cobbled rear lane and is surrounded by a high limestone wall. The site currently contains buildings of varying heights that are used for ice-cream storage and distribution purposes and the parking of ice-cream vans. A detached two-storey building near the northern apex of the site is used on an informal basis by a boxing club.

Proposal Description

Erection of 12 affordable/local needs or sheltered/supported residential flats comprising 4 two-bedroom units and 8 one-bedroom units and associated parking and external works including bin and cycle stores.

This application seeks to amend 09/00832 (see below) by allowing the use of the flats for general needs affordable/local needs housing as well as for sheltered/supported flats. This to provide the security of long term funding as rented accommodation. In other respects the proposals are identical to the previously approved scheme. The intention is to implement the sheltered/supported housing use, with the general needs affordable housing option providing an exit strategy for the RSL should nominations for the sheltered/supported housing be insufficient initially or in the future. Thus, the greater flexibility in terms of occupancy will enable certainty in terms of funding, while also providing the opportunity to cater for a wider section of the population who are in housing need, should demand for sheltered/supported housing be met elsewhere.

Relevant Planning History

09/00832/FUL - Erection of 12 sheltered/supported residential flats comprising 4 No 2-bedroom units and 8 No 1-bedroom units and associated parking and external works, including bin store and cycle store. This application was permitted. These proposals were for sheltered accommodation only and did not attract a contribution towards infrastructure and a Section 106 agreement was not necessary.

06/01276/FUL - 12 studio houses. This application was returned and did not proceed to determination.

03/00865/OUT - Outline application to redevelop existing warehouse, leisure and workshop premises for residential purposes. This application was refused because it was considered that the development would result in the loss of an employment site/ premises that is suitable for a continued employment use.

Consultation Responses

Highway Authority

Transport has no objections subject to conditions, including the imposition of a 'Grampian' condition to require improvements to the access lane that serves the site.

Public Protection Service

Have no objections subject to planning conditions relating to the potential for land contamination; code of practice; noise and waste storage.

Housing

Support the scheme.

Police Architectural Liaison Officer

The Devon and Cornwall Constabulary are not opposed to the granting of planning permission.

Representations

None.

Analysis

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

The application turns on policies CS01, CS02, CS05, CS15, CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007. The main issues in this case are the impact of the proposals on employment provision in the area; sustainable linked communities; the character and appearance of the area; residential amenity and highway safety, and the provision of affordable housing. The application is very similar to 09/00832, except for the proposed option of using the flats for affordable housing purposes. The main considerations in this respect are whether the use for affordable housing would affect highway considerations and the amenities of prospective occupiers and surrounding residents.

With regard to employment provision, the current use of the site does not appear to cause undue noise and disturbance for nearby residents. However, the use may well cease in the future and alternative, less neighbourly uses might arise, albeit within the same use class. In addition, it is likely that up to 235m² of floor space could be used for light industrial purposes without the need to submit a planning application. While policy CS05 of the Core Strategy seeks to avoid the loss of employment sites the 'backland' nature of the site, and consequent close relationship with neighbours, together with the sub-standard highway access are factors that are considered to outweigh this policy on the basis that a positive use can be made of it. In this respect the

proposals for sheltered/supported accommodation are considered to be material. The proposals are therefore considered to be in accordance with policies CS01 and CS05.

With regard to the character and appearance of the area, the use of the site for residential purposes is considered to be in keeping with the overall residential nature of the surrounding area, although the site does not have a direct road frontage and consequently the layout is inward looking. Despite this the general layout is similar to that of the existing buildings and the number of units proposed does not over-intensify the use of the site. On such a backland site the scale of this amount of development should be physically subservient to surrounding buildings with a road frontage and the fully hipped, slate roof is considered in keeping with surrounding development. The proposals are therefore considered to be in accordance with policies CS02 and CS34.

With regard to the impact on surrounding residential amenity, the height and form of the roof structure is not considered to be overbearing or dominant when viewed from parts of Diamond Avenue, Greenbank Road and Lipson Road. The overall height of buildings would not overshadow neighbouring properties. With regard to privacy, four of the first floor windows facing the flats at 25 Greenbank Road are designed to angle away from the boundary thus reducing overlooking of that property. The development also proposes a number of inward looking first floor balconies, which avoid unacceptable overlooking of properties in Diamond Avenue and Lipson Road. In these respects the proposals are in accordance with policies CS02 and CS34.

The use as affordable housing units is not considered to have a significantly greater effect on surrounding residential amenity and although the proposed gardens are on the small side there is considered to be adequate outside amenity space for occupiers of the flats.

The application as currently presented proposes six Lifetime Homes, this is in excess of the minimum 20% required by policy CS15 and is welcomed. The Design and Access Statement states that these Lifetime Homes will all be located on the ground floor. It is also worth noting that those on the first floor will be compliant with the Lifetimes Homes criteria except in regards of the lift access.

With regard to highway safety, the access to the site is via a cobbled section of lane from Diamond Avenue, which continues on towards Lipson Road and subject to improvements, together with improvements to the site access, is considered to be adequate in terms of providing vehicular and pedestrian access. The level of car parking and cycle storage facilities are also sufficient.

With regard to on-site renewable energy production, there is no information in the Design Statement submitted with this application on how the proposal will comply with the policy CS20. Policy CS20 encourages a broad range of issues relating to sustainable design and construction, but there is a bare

minimum requirement for: *all proposals for non-residential developments exceeding 1,000 square metres of gross floorspace, and new residential developments comprising 10 or more units (whether new build or conversion) to incorporate onsite renewable energy production equipment to off-set at least 10% of predicted carbon emissions for the period up to 2010, rising to 15% for the period 2010-2016.* Onsite renewables can affect the appearance and design of a development, therefore further information should be submitted before determining the application. This should include calculations of the energy use of the building before and after the integration of renewables, and plans showing the design implications of the proposed onsite renewables. At this time it is understood, informally, that the intention is to place solar panels in the south facing roof elevation of the development.

Equalities & Diversities issues

The proposals are for sheltered/supported accommodation and the access arrangements are considered satisfactory in this respect.

Section 106 Obligations

The proposed development could be used for affordable housing and consequently a Section 106 agreement is required to secure the necessary tariff contributions and status of the affordable units. The tariff contribution applicable in this case is £37,324.

Conclusions

The proposals make good use of a brownfield site that otherwise could prove harmful to residential amenity if retained in commercial use. The layout, scale, amount and design of the proposed development will preserve surrounding residential amenity and the agreed highway improvement works will ensure safe and convenient access for occupiers and visitors. The inclusion of affordable housing units is not considered to have a significantly greater impact on amenity and safety issues, including traffic generation. The application details a development proposal which has the potential to deliver much needed Affordable Housing, while also providing Lifetime Home units in excess of policy requirements. The proposals are therefore considered to be in accordance with Core Strategy policy and it is recommended that conditional planning permission be granted.

Recommendation

In respect of the application dated **12/02/2010** and the submitted drawings, **3086 [S-]01A, 3086 [PL-]08E, 3086 [PL-]09F, 3086 [PL-]10F, transport statement, contamination survey, and accompanying design and access statement**, it is recommended to: **Grant conditionally subject to the satisfactory completion of the S106 Obligation. Delegated authority to refuse the application should the S106 Obligation not be signed by the 14th May 2010**

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.

USE RESTRICTION - SHELTERED/SUPPORTED ACCOMMODATION ONLY

(2) The development hereby permitted shall be used for sheltered or supported residential accommodation only and details of the type of client residing in the flats, and any future changes to the type of client, shall be submitted to and approved in writing by the Local Planning Authority before the flats are occupied by such persons.

Reason:

The development is considered appropriate for use by persons in need of shelter or support but the use by individual client groups needs to be assessed with regard to the impact on existing infrastructure, i.e. the highway network, in accordance with policies CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

EXTERNAL MATERIALS

(3) Notwithstanding the submitted plans 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.

RETENTION OF BOUNDARY WALL

(4) The existing stone boundary wall surrounding the site shall at all times be retained except where reductions are necessary to provide adequate highway visibility in accordance with the requirements of conditions 6 and 7 of this decision notice.

Reason:

The wall provides an attractive boundary treatment and screen that is in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

ACCESS (CONTRACTORS)

(5) Before any other works are commenced, an adequate road access for contractors with a proper standard of visibility shall be formed to the

satisfaction of the Local Planning Authority and connected to the adjacent highway in a position and a manner to be agreed with the Local Planning Authority.

Reason:

To ensure an adequate road access at an early stage in the development in the interests of public safety, convenience and amenity, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework 2007.

PROVISION OF SIGHT LINES

(6) No work shall commence on site until details of the sight lines to be provided at the junction between the means of access to the site and the rear service lane have been submitted to and approved in writing by the Local Planning Authority. The approved sight lines shall be provided before any of the units hereby proposed are first occupied.

Reason:

To provide adequate visibility for drivers of vehicles at the road junction in the interests of public safety, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework 2007.

PRESERVATION OF SIGHT LINES

(7) No structure, erection or other obstruction exceeding 600mm 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 policy CS28 of the Core Strategy of Plymouth's Local Development Framework 2007.

COMMUNAL CAR PARKING PROVISION

(8) No unit 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 maximum of 8 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 Core Strategy of Plymouth's Local Development Framework 2007.

CYCLE PROVISION

(9) No unit 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 8 bicycles 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 Core Strategy of Plymouth's Local Development Framework 2007.

CYCLE STORAGE

(10) Details of the secure area for storing cycles shown on the approved plan shall be submitted to and approved in writing by the Local Planning Authority 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 there are secure storage facilities available for occupiers of or visitors to the building, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework 2007.

GRAMPIAN (ACCESS/HIGHWAY IMPROVEMENTS)

(11) The units hereby permitted shall not be occupied until improvements to the existing rear service lane, which includes providing improved facilities for pedestrians (improved surfacing and street lighting) have been delivered in accordance with a programme to be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway and pedestrian safety, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework 2007.

BIN STORE

(12) Notwithstanding the submitted plans, the bin store shall be increased in size such that 5 no. 1100 litre bins are provided for the development and details of the bin store shall be submitted to and approved in writing by the Local Planning Authority and shall remain available in that form and for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

To provide sufficient waste storage and prevent the spread of waste and to ensure that facilities are adequate and in keeping with the standards of the area, in accordance with policies CS22 and CS34 of the Core Strategy of Plymouth's Local Development Framework April 2007.

LAND CONTAMINATION

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

Authority in writing until condition 17 has been complied with in relation to that contamination.

Reason:

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

SITE CHARACTERISATION

(14) 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 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,
- archeological sites and ancient monuments;

(iv) 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 policies CS22 and CS34 of the Core Strategy of Plymouth's Local Development Framework 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 policies CS22 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

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

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

Reason:

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

REPORTING OF 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 policies CS22 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

CODE OF PRACTICE DURING CONSTRUCTION

(18) 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.

RENEWABLE ENERGY PRODUCTION

(19) The development hereby permitted shall incorporate on-site renewable energy production equipment in accordance with details to be submitted to and approved in writing by the Local Planning Authority and such equipment shall be implemented before any of the units is first occupied and thereafter retained.

Reason:

In order to contribute towards reducing the city's use of non-renewable resources, in accordance with policy CS20 of the Core Strategy of Plymouth's Local Development Framework 2007.

INFORMATIVE - EXTENT OF HIGHWAY WORKS

(1) The applicant is advised that the extent of the lane subject to these improvements referred to in condition 11 will be from its junction with Diamond Avenue through to its junction with Lipson Road (to the south) in order to cater for access to and from the proposed development.

INFORMATIVE - SURFACE WATER MANAGEMENT

(2) It is recommended that, notwithstanding the approved use of the existing surface water mains sewer, the applicant seeks to comply with the Environment Agency's surface water management good practice advice.

INFORMATIVE - GOOD ROOM CRITERIA

(3) All dwellings should be constructed so that the living rooms and bedrooms meet the good room criteria as set out in BS 8233:1999, in order to protect any future occupants and neighbours from any unwanted noise disturbance.

INFORMATIVE - CODE OF PRACTICE DURING CONSTRUCTION

(4) The management plan required by condition 18 shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can

be viewed on the Council's web-pages, and shall include sections on the following:

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

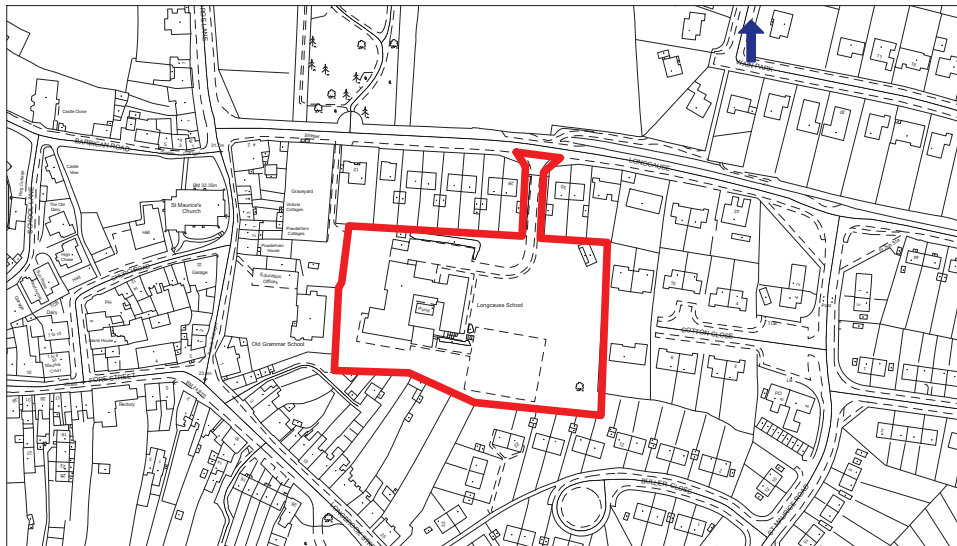
Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the impact of the proposals on employment provision in the area; sustainable linked communities; the character and appearance of the area; residential amenity and highway safety, provision of affordable housing, and 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
CS34 - Planning Application Consideration
CS20 - Resource Use
CS21 - Flood Risk
CS22 - Pollution
CS05 - Development of Existing Sites
CS01 - Sustainable Linked Communities
CS02 - Design
CS15 - Housing Provision

ITEM: 10

Application Number:	10/00010/FUL
Applicant:	Mr Mike Jelly
Description of Application:	Construction and erection of covered multi-use games area
Type of Application:	Outline Application
Site Address:	LONGCAUSE SCHOOL, LONGCAUSE PLYMOUTH
Ward:	Plympton Erle
Valid Date of Application:	08/01/2010
8/13 Week Date:	05/03/2010
Decision Category:	Member Referral
Case Officer :	Jon Fox
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



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

This application was reported to the planning committee meeting of 4 March. The committee resolved to defer the application for further consideration of the widening of the access road and turning and parking facilities and gave delegated authority to approve the scheme. The applicant has since written to request that the application be determined in the form in which it was presented to the 4th of March committee, i.e. without the widening of the access road etc, and for this reason is now being reported back to this meeting. The original officers report, updated to assimilate the previous addendum report and later letters of representation, and the officers recommendation, which stands, is reproduced below.

OFFICERS REPORT

Site Description

Longcause School is situated on the south side of Longcause and is a pocket of non-residential use set within and surrounded by residential property on all four sides. The adjoining land to the south west and west is within the Plympton St. Maurice Conservation Area and the nearest listed building to the site is the old Plympton Grammar School. The land to the east is characterised by more modern semi-detached and detached residential property. The location of the school is therefore one that straddles the divide between the historic village to the west and the further spread of more modern development to the east. The southern boundary of the school land is several metres above the rear gardens of semi-detached bungalows in Buller Close and the terrace in Longbrook Street; the former having short gardens and the latter with much long gardens.

Proposal Description

Construction and erection of covered multi-use games area. The proposed sports facility would serve the existing school, other local schools and also provide for out-of-school activities for the local community. The proposed building is 17 metres wide by 24.3 metres long and its long axis runs north/south adjacent to the eastern side of the existing school buildings, which is currently the site of a hard surfaced games area. The building has been designed with an asymmetrical curved roof with five, curved timber beam extensions that give the appearance of extending the curved roof down to ground level. The building scales approximately 13.4 metres from the southern boundary of the site and is in line with adjacent school building. The semi-detached bungalows beyond the southern boundary are below the level of the school land.

Relevant Planning History

In recent years the school had significant new buildings erected on the southern side of the site. More recently a proposal for the construction and erection of a covered multi-use sports facility was withdrawn (application 09/00710) amid concerns about the building's size, design and impact on neighbours.

Consultation Responses

Highway Authority

Transport accept that the proposed sports facility would give rise to a small number of additional vehicle movements, but consider that this is not enough to have a significant impact on the highway network. They have also commented on the sub-standard accessway to the school, car parking and the school travel plan. Transport therefore has no objections subject to conditions requiring the submission of a staff travel plan and a code of practice. Informative notes are also recommended regarding improvements to the school access and the formal marking out of the car parking area in the north-west corner of the site.

Public Protection Service

Has no objection subject to the submission of a code of practice.

Police Architectural Liaison Officer

The Devon and Cornwall Constabulary are not opposed to the granting of planning permission.

Representations

48 letters were received. 31 letters raise the following objections:-

1. The development will increase the amount of traffic visiting the school.
2. The proposed use of the building will lead to vehicles being parked on the adjoining roads causing obstruction and restricting the use of the highway, as well being prejudicial to highway safety by virtue of inconsiderate parking that restricts access and visibility. Extra traffic will also cause noise and pollution.
3. The roads around the site are not capable of accommodating the extra traffic without causing more congestion and damage to property.
4. Will transport be provided to students who wish to use the facility during the holiday periods?
5. The school has limitations for community use for numbers and hours of use as well as there being only one disabled parking space on site.
6. The similar facility at Hele School should be used instead. There is also the Ridgeway Sports Centre and other unused commercial structures in the Plympton area.
7. Youths and their vehicles will congregate causing noise, littering and damage.
8. The operational hours have not been verified.
9. The building is out of character in the area. The existing school dominates the village and is out of keeping with this historic area.
10. The building is disproportionate to the site and not in keeping with the surrounding environment.
11. There was no proper public consultation on the proposals and the recent application for an extension at the school.
12. The applications states that net additional gross internal floor space of the development will be 379, whereas the design and access

statement states that the sports facility has a total proposed internal floor area of 388m².

13. The school cannot accommodate more development – there must be a limit to development at the site.
14. The proposals will lead to flood risk elsewhere due to overdevelopment of the school site and the lack of natural drainage.
15. Impact on the water table, ground water and possible underground springs. The lower part of the site is liable to flooding and the proposed drainage and storage system will concentrate water behind properties in Buller Close and Longbrook Street.
16. The proposed building does not provide full size courts or showering/changing facilities or heating. Only 20% of the sporting activities have national sizes. An alternative site would be more viable and efficient to run as well and traffic and parking issues would not be a problem and would be fit for the number of users and hours of opening.
17. The sporting activities for after school hours are extremely limited due to the use of Education Authority transport. There is no proposed management of the facility for the community's use.
18. The conservation area management plan states that the conservation area should not attract additional traffic movements.
19. Loss of existing play area and associated benefits of outdoor play space, which is advocated in Plymouth Core strategy Objective 15.
20. The curved roof support structures would present a danger to children and further erode the space for outdoor play.
21. Contrary to policy CS30 (for reasons given above).
22. Contrary to PPG17 (planning for open space, sport and recreation) due to loss of existing open space at the school for sport and informal recreation.
23. The existing temporary school car park and the potential extension to it, as well as plans to widen the school driveway mean that the available outdoor play space is being eroded.
24. Detrimental to the conservation area, listed buildings and the vista of the area. The modern design of the building is totally out of keeping.
25. The development will dominate and overshadow a number of bungalows in Buller Close. There will be a loss of light and the building will be visually oppressive.
26. Light pollution and noise from within the building and from those accessing it during evenings, weekends and holidays.
27. Loss of security at the site.
28. There are enough sport and relaxation facilities elsewhere.
29. The protected oak tree on the eastern boundary is being ignored.
30. No confidence that improvements referred to in the travel plan will be implemented. The travel plan states that there will be no more than two additional minibuses for visiting students, but this does not take account of staff, assistants or parents that would accompany them.
31. Sports halls on school grounds are of limited value because they cannot be accessed by the public during school hours.
32. The facility will not provide a benefit for local people.

33. The development would be better sited at Plympton St. Maurice Primary School.

The Plympton and District Society raise objections on the grounds of: impact on the Conservation Area; the site of St. Maurice Primary School would be more appropriate; increased traffic; parking problems on Longcause; risk of flooding in Longbrook Street.

The Plympton St. Maurice Civic Association take a neutral position on the proposals, although they do raise concerns with regard to any increase of noise, traffic and pollution as well as the visual impact of any further building on the boundary of the Conservation Area that will be easily visible from many parts of St. Maurice.

15 letters of support were received, which state that the facility will be available for use by the community outside school hours; pupils at the school will not have to travel elsewhere for similar facilities and this will reduce vehicle journeys (travelling is also disruptive for children on the autistic spectrum); it will compliment the existing school buildings and grounds; this will provide a much needed venue; this facility will provide a properly supervised sporting venue for pupils with autism and cognitive behavioural problems; it will provide wet play time so that children can exercise instead of being in the classroom

Analysis

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

The application turns on policies CS02, CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007 and the main issues are:-

1. The size, scale and design of the building in relation to the site and the surrounding area;
2. The impact on neighbours' amenities in terms of outlook, noise and disturbance and light pollution;
3. Traffic generation and parking;
4. Flood risk.
5. Loss of outdoor play space at the school.

With regard to the size and design of the building in relation to the site, the height, width and length of the building is not considered to dominate or unduly detract from the scale and setting of the existing school buildings and the openness of the space around them. In this respect the proposed building is also situated close to existing school buildings and leaves a significant

proportion of the outside play areas to the east and north. The result is that the bulk and massing of the building and its position on the site is not considered to be out of scale and proportion with the school buildings and the school site overall.

With regard to design the form and materials are considered to result in a building of interest and quality that would not, in this context, appear discordant or out of character with the modern extensions to the school or the surrounding area.

With regard to the surrounding area, the proposed building is distant enough from the northern and eastern boundaries such that it will not appear visually dominant in relation to the surrounding domestic scale of development. The residential properties beyond the southern boundary are at a lower level and the building will have a greater impact on the scale of buildings there. However, the building would not project beyond the line of the existing two-storey building near this boundary and as such would be visually contained within the site.

The nearest part of the Conservation Area is adjacent to the school boundary to the south west of the proposed building. As described above the historic village is generally to the west and south of the site, whereas the sports facility would be on the eastern side of the school buildings and it is considered that the building would not be harmful to the setting of the Conservation Area.

With regard to the impact on neighbours' amenities in terms of outlook, the main impact is on 22 and 24 Buller Close and 25 Longbrook Street. These properties are adjacent to the lower, southern side of the school site and would look up at the proposed building as they do the adjacent two-storey school building. 25 Longbrook Street has a very long garden and the proximity of the proposed building next to it would not be harmful to outlook and it is considered that the rear garden would not be dominated by the structure. 22 and 24 Buller Close have shorter rear gardens and the dwellings themselves are much closer to the school boundary. Of these two, No.24 is affected the most. This property is approximately two metres below the level of the school site and the proposed building would be approximately 13.5 metres from the boundary at its nearest point. The proposed building has a curved roof and at its highest would be approximately 7.8 metres high. However, the end of the building would not extend across the whole length of the boundary with No.24. Given also that the overall height of the eastern elevation of the building, being at the lower (asymmetrical) end of the curved roof, is lower (4.6 metres high compared with 6.2 metres on the other side of the building) means that the property would enjoy a degree of unimpeded outlook and for this reason it is considered that the proximity of the building would not unreasonably affect the outlook from No.24 Buller Close.

Any loss of light to neighbouring properties would not be significant because the proposed building is situated to the north of Buller Close and Longbrook Street.

With regard to noise and disturbance and light pollution, the hours of use of the building would need to be controlled so that comings and goings associated with the building's use would not be harmful to residential amenity. On that basis it is considered that the level of activity associated with the building would not be harmful to amenity. There would be no external lighting associated with the building.

With regard to traffic generation and parking, this is a major concern with residents who are unhappy with the amount of on-street car parking generated by the school. Incremental additions to the school such as this sports facility, the previous application for an additional classroom and past extensions are all potentially adding to traffic generation. However, it is considered that existing parking and access infrastructure is adequate at this time. As mentioned in the Transport response, the time is likely to come when additional provision will have to be made. However, in this scheme the use of the building is not considered to generate such additional traffic that would warrant refusal of the application.

Residents are also concerned with the potential for the development to increase flood risk. Surface water from the development would be drained to an attenuation tank, which would allow the water to seep slowly into the ground over time. The alternative, to allow some of this water to drain to the surface water sewer, would be resisted because this area of Plympton has suffered flooding downstream in the Longbrook watercourse. Therefore it would be important to ensure that the release of water into the ground did not lead to flooding and associated problems in the properties down the slope, in Longbrook Street and Buller Close.

With regard to the loss of outdoor play space at the school, the building would be mainly on the existing hard surfaced play area, although some of the existing running track would be developed. However, the area of grassed play space/running track that would be lost is not considered significant in the context of the sporting facilities being provided. It is accepted that this is a smaller site compared with many schools and that the amount of open space is correspondingly less. However, a reasonable balance of open space, including informal recreation space, would remain.

With regard to neighbours' concerns about security at the site, it is considered appropriate for a management plan to be submitted that defines the operation of the facility and how it would be supervised and overseen during its operation.

Equalities & Diversities issues

The building has been designed to be accessible to people with disabilities.

Section 106 Obligations

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

Conclusions

The proposed building is not considered to be harmful to residential amenity or the character and appearance of the area. Hours of use would need to be restricted and details will need to be submitted regarding drainage and the management of the facility. With the conditions recommended by Transport and PPS it is considered that the proposals are in accordance with policies CS02, CS03, CS21, CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007. It is therefore recommended that conditional planning permission be granted.

Recommendation

In respect of the application dated **08/01/2010** and the submitted drawings, **208 L 01.01 PL, 208 L 01.02 PL, 208 L 02.01 PL, 208 L 04.01 PL, 208 L 04.02 PL, 208 L 04.06 PL, 208 L 51.02 PL, contamination statement, School Travel Plan 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.

STAFF/SCHOOL TRAVEL PLAN

(2) The development hereby permitted shall not be occupied until the phase one of a Staff Travel Plan and an updated School Travel Plan has been submitted to and approved in writing by the Local Planning Authority. This shall provide measures for monitoring, measuring and controlling travel to and from the school, based on available information at the time of the development hereby permitted being commenced. The approved measures shall be brought into operation upon occupation of the permitted development. Phase two of the Travel Plan shall be submitted and approved and brought into use by the beginning of the second school term after the occupation of the permitted development, and shall be based on surveys and monitoring exercises of the operation of the school under the measures introduced under the phase one Travel Plan.

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 Core Strategy of Plymouth's Local Development Framework April 2007.

CODE OF PRACTICE

(3) 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.

EXTERNAL MATERIALS

(4) 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.

SURFACE WATER DISPOSAL

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

Reason:

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

OPENING HOURS

(6) The covered multi-use games area hereby permitted shall not be open or used outside the following times: 0800 hours to 2100 hours Mondays to Saturdays inclusive and 1000 hours to 1600 hours on Sundays and Bank or Public Holidays.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

MANAGEMENT PLAN

(7) The covered multi-use games area shall be used strictly in accordance with a management plan to be submitted to and approved in writing by the

Local Planning Authority before development commences. The management plan will include, among other things, the manner in which the facility will be supervised during its use.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF LIGHTING

(8) Details of any external lighting, including security lighting, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The works shall accord with the approved details.

Reason:

To protect the residential and general amenity of the area from any harmful light pollution and glare, in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE: IMPROVEMENTS TO SCHOOL ACCESSWAY

(1) The applicant is advised that the sub-standard school access-way is liable to stifle any future development at the school site. It is considered that the existing sub-standard pedestrian and vehicular school access-way needs to be improved as a matter of priority to provide safe ease of movement for both pedestrians and vehicles entering and leaving the school property, to allow two vehicles to pass one another and provide a safe footway for pedestrians of 2 - 3 metres wide.

INFORMATIVE: IMPROVEMENTS TO ON-SITE PARKING

(2) The applicant is advised that in order to improve existing car parking opportunities at the school site the car parking area in the northeast quadrant of the site should be formally demarked.

INFORMATIVE: CODE OF PRACTICE DURING CONSTRUCTION

(3) The management plan required by condition 3 shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web-pages, and shall include sections on the following:

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

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the size, scale and design of the building in relation to the site and the surrounding area; the impact on neighbours' amenities in terms of outlook, noise and disturbance and light pollution; traffic generation and parking; flood risk and loss of outdoor play space at the school, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Government Policy Statements and Government Circulars, as follows:

- CS28 - Local Transport Consideration
- CS34 - Planning Application Consideration
- CS21 - Flood Risk
- CS22 - Pollution
- CS03 - Historic Environment
- CS02 - Design

This page is intentionally left blank

CITY OF PLYMOUTH

Portfolio and Holder: Cllr. Ted Fry

CMT Member: Anthony Payne - Director of Development

Subject: Objection to Tree Preservation Order
No.467: 'Bryntirion', Seymour Road,
Plymouth

Committee: Planning

Date: 22 April 2010

Author: Jane Turner- Tree Officer

Contact: 4362

Ref: DC/T1/2/1

Part: I

Executive Summary**Background**

Under delegated authority, on 7 January 2010, an emergency Tree Preservation Order No.467 was made to protect 2 Lawson Cypress within the grounds of 'Bryntirion', Seymour Road, Mannamead, Plymouth. The owner notified us of their intention to remove the trees, as required when a tree is located within a Conservation Area. The Local Planning Authority has six weeks from the date of the notice to decide whether it is appropriate to make a Tree Preservation Order. Following discussions with the owner about alternative options for resurfacing the drive, it was evident that they still wished to remove the trees.

It was therefore considered expedient in the interest of public amenity and the character of the conservation Area that a Tree Preservation Order be made and TPO No.467 was made to protect the two Lawson Cypress (see photo 1). We have received two objections to the making of the order, one from the owner of the trees, Dr Lander, and another from a neighbouring property, Mrs Tarling at 3 Mannamead Rise.



Objections

The main reasons for objection are summarised as follows (the full letter is available as a background paper):

Dr Lander:-

1. *The trees are 40ft plus high, planted in flower beds 4-6ft wide, within a foot of garden walls and causing extensive and expensive damage to the tarmac drive*
2. *I reserve the right to repair the drive by replacing the damaged tarmac in harmony with the rest of the driveway.*
3. *Myrits' Luna' will be planted in place of the Lawson Cypress.*
4. *There is a restricted covenant formerly applying to this neighbourhood that states that no plant tree or shrub should be allowed to grow beyond the height of 8 feet.*

Mrs Tarling:-

1. *One of the trees has a very thick bough which overhangs my garden. It excludes a considerable amount of light.*
2. *I would not object to the felling.*

Analysis of issues listed above:

Dr Lander:-

1. Although the trees are close to the boundary wall within a flower bed there is no indication from the owner that this is causing a problem with the boundary wall. There is evidence of damage to the tarmac drive (see photo 4). However, it is considered that this could be repaired with an additional layer of tarmac without the need to remove the tree, or an alternative form of surfacing could be considered such as gravel that would allow for any expansion of the roots.
2. If the tree preservation order is confirmed the owner can still apply to have the trees removed in order to repair the drive in the way they wish to. If we refused consent for the trees removal the owner would have the right of appeal. An independent inspector will decide whether or not the repairing of the drive justifies the removal of the trees.
3. The choice of replacement is not in debate as we do not consider the trees should be removed; therefore a replacement is not relevant at this stage. However, if the Committee decide to modify or revoke the order then the Local Planning Authority would welcome a suitable replacement but would be unable to enforce this.
4. The covenant referred to was written in 1852 and is not a planning matter. It should be noted that there are a high number of mature trees in this and other gardens in Seymour Road indicating that this part of the covenant has not been enforced.

Mrs Tarling:-

1. Exclusion of light. The officer has visited Mrs Tarling to assess the amount of light loss. One of the two trees (T2 on the plan) shades a section of the garden for part of the day but it does not affect the light in the property itself. Mrs Tarling is concerned about a thick side branch that has grown off the side of the trunk into her garden (see photo 2). This part of the tree could probably be removed without affecting the overall amenity value of the tree. An application for this would be looked at favourably.
2. The amount of shading is not considered to be significant enough at this

stage to justify felling, although this can be reviewed as the tree grows (see photo 3).

In view of the above analysis, it is considered that the objections to Tree Preservation Order No.467 do not justify the Tree Preservation Order being removed from the trees in question. It is therefore recommended that the order is confirmed without modification.

Corporate Plan 2008-2011:

Protecting trees enhances the quality of the City's environment by ensuring long-term tree cover. Trees help to reduce pollution and traffic noise providing cleaner air to breathe thereby helping to achieve the Council's corporate goal to create a healthy place to live and work and accords with its objective to improve health and wellbeing as well as creating a more attractive environment.

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

The protection of trees by a Tree Preservation Order is a routine exercise for Planning Services. There are no additional financial costs arising from the imposition and administration of the Order that are not included in existing budgets.

Other Implications: e.g. Section 17 Community Safety, Health and Safety etc:
None

Recommendations & Reasons for recommended action: To confirm the order without modification. Reason: in order to protect important trees of high public amenity value.

Alternative options considered and reasons for recommended action:
To confirm the order subject to modification: this would involve removing one of the trees from the order. Of the two trees, T2 is the one that is causing more concern; more cracks in the tarmac drive and partly shades the neighbour's garden. If a choice had to be made between the two, T2 would be the one to remove from the order.

To revoke the order: without a Tree Preservation Order the trees could be removed or have inappropriate works carried out to them without any consent being required from the Local Planning Authority. This would result in the loss of amenity to the Conservation Area.

Background papers:
Tree Preservation Order No. 467.
Letters of objection

Sign off: Fin: KF DevF10110001

<u>Fin</u>		<u>Leg</u>	<u>JAR/10/143</u>	<u>HR</u>	-	<u>L.P.</u>	-	<u>IT</u>	
<u>Originating CMF Member</u>				-		-		-	

This page is intentionally left blank

PLANNING COMMITTEE

Decisions issued for the following period: 20 March 2010 to 9 April 2010

Note - This list includes:

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

Item No 1

Application Number: 09/00005/FUL **Applicant:** Pemberley Developments
Application Type: Full Application
Description of Development: Redevelopment with a 6 storey building to provide 85 units of student accommodation including a wardens flat and ground floor flats for disabled persons
Site FORMER SITE OF ST AUGUSTINES CHURCH ALEXANDRA
ROAD PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 06/04/2010
Decision: Grant Subject to S106 Obligation - Full

Item No 2

Application Number: 09/00226/FUL **Applicant:** QUO Developments Ltd
Application Type: Full Application
Description of Development: Redevelop site by erection of twenty affordable dwellings with associated access, parking and landscaping
Site CROWNHILL BAPTIST CHURCH, BERWICK AVENUE
CROWNHILL PLYMOUTH
Case Officer: Robert Heard
Decision Date: 22/03/2010
Decision: Grant Subject to S106 Obligation - Full

Item No 3

Application Number: 09/00721/CAC **Applicant:** Mr Matthew Reynolds
Application Type: Conservation Area
Description of Development: Demolition and alteration, including demolition of single-storey rear extension and removal of rear dormer window, in connection with works for single-storey rear extension, rear dormer window, front rooflights and associated conversion of roofspace, and replacement of front external access to basement level and associated railings
Site 69 GEORGE STREET PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 31/03/2010
Decision: Grant Conditionally

Item No 4

Application Number: 09/00722/FUL **Applicant:** Mr Matthew Reynolds
Application Type: Full Application
Description of Development: Single-storey rear extension (existing extension to be removed), rear dormer window (existing dormer window to be removed), front rooflights and associated conversion of roofspace, and replacement of front external access to basement level and associated railings.
Site 69 GEORGE STREET PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 31/03/2010
Decision: Grant Conditionally

Item No 5

Application Number: 09/00854/FUL **Applicant:** Mr R F Ellis
Application Type: Full Application
Description of Development: Single-storey rear extension (existing tenement to be removed)
Site 10 DUNSTONE ROAD ST BUDEAUX PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 31/03/2010
Decision: Grant Conditionally

Item No 6

Application Number: 09/01152/FUL **Applicant:** Clean as a Whistle
Application Type: Full Application
Description of Development: Continued use as hand car wash facility
Site FARADAY BUSINESS PARK 20 CATTEWATER ROAD
PLYMOUTH

Case Officer: Stuart Anderson
Decision Date: 24/03/2010
Decision: Grant Conditionally

Item No 7

Application Number: 09/01426/OUT **Applicant:** Mr Leonard Underwood
Application Type: Outline Application
Description of Development: Outline planning permission to develop part of rear garden by erection of a bungalow and two private motor garages
Site 4 NETTLEHAYES PLYMOUTH

Case Officer: Jon Fox
Decision Date: 25/03/2010
Decision: Grant Conditionally

Item No 8

Application Number: 09/01455/FUL **Applicant:** IPS Lettings Ltd
Application Type: Full Application
Description of Development: Replacement PVC front door and insertion of PVC window
Site BASEMENT FLAT 217 CITADEL ROAD EAST PLYMOUTH

Case Officer: Thomas Westrope
Decision Date: 01/04/2010
Decision: Grant Conditionally

Item No 9

Application Number: 09/01457/CAC **Applicant:** IPS Lettings Ltd
Application Type: Conservation Area
Description of Development: Replacement PVC front door and insertion of PVC window
Site BASEMENT FLAT 217 CITADEL ROAD EAST PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 01/04/2010
Decision: Grant Conditionally

Item No 10

Application Number: 09/01650/FUL **Applicant:** Mr Daniel Devall
Application Type: Full Application
Description of Development: Retention of rear conservatory
Site 22 TREVOSE WAY EFFORD PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 06/04/2010
Decision: Grant Conditionally

Item No 11

Application Number: 09/01724/FUL **Applicant:** Hybrid Group
Application Type: Full Application
Description of Development: Change of use of unit 2 from warehouse to gymnasium (class D2) for use as martial arts and fitness studio
Site 22 CLARE PLACE PLYMOUTH
Case Officer: Jon Fox
Decision Date: 25/03/2010
Decision: Grant Conditionally

Item No 12

Application Number: 09/01749/FUL **Applicant:** Sarsen Housing Association
Application Type: Full Application
Description of Development: Demolition of existing building and erection of 10 houses with associated parking
Site PATERNOSTER HOUSE, EFFORD LANE EFFORD PLYMOUTH

Case Officer: Jon Fox
Decision Date: 22/03/2010
Decision: Grant Subject to S106 Obligation - Full

Item No 13

Application Number: 09/01759/FUL **Applicant:** Mr & Mrs Jones
Application Type: Full Application
Description of Development: Retention of raised balcony
Site 60 WARING ROAD SOUTHWAY PLYMOUTH

Case Officer: Thomas Westrope
Decision Date: 09/04/2010
Decision: Refuse

Item No 14

Application Number: 09/01804/FUL **Applicant:** Mr Paul Newton
Application Type: Full Application
Description of Development: Construction of sales building to replace demolished building
Site PLYMOUTH GARDEN CENTRE, FORT AUSTIN AVENUE CROWNHILL PLYMOUTH

Case Officer: David Jeffrey
Decision Date: 31/03/2010
Decision: Grant Conditionally

Item No 15

Application Number: 09/01810/FUL **Applicant:** Glebe (Plymouth) Ltd
Application Type: Full Application
Description of Development: Three window louvers to replace three first floor windows and condensing unit on roof
Site COBOURG HOUSE, MAYFLOWER STREET PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 25/03/2010
Decision: Grant Conditionally

Item No 16

Application Number: 09/01822/FUL **Applicant:** Mrs Juanita Broughton
Application Type: Full Application
Description of Development: Installation of new staircase (over existing), landing extension and stairlift from lower-ground to ground-floor, stair lift from ground-floor to mezzanine level and through-floor lift from lower-ground to ground floor
Site 272 CITADEL ROAD THE HOE PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 22/03/2010
Decision: Grant Conditionally

Item No 17

Application Number: 09/01823/LBC **Applicant:** Mrs Juanita Broughton
Application Type: Listed Building
Description of Development: Installation of new staircase (over existing), landing extension and stair lift from lower-ground to ground-floor, stair lift from ground-floor to mezzanine level and through-floor lift from lower-ground to ground-floor
Site 272 CITADEL ROAD THE HOE PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 22/03/2010
Decision: Grant Conditionally

Item No 18

Application Number: 09/01866/FUL **Applicant:** Mrs Judith Pullen
Application Type: Full Application
Description of Development: Retention of roof terrace with installation of privacy screen and security rails
Site 42 CHADDLEWOOD AVENUE PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 01/04/2010
Decision: Refuse

Item No 19

Application Number: 09/01894/FUL **Applicant:** Mr L Oliver
Application Type: Full Application
Description of Development: Single storey rear extension and formation of canopy above porch
Site 210 DUNRAVEN DRIVE PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 23/03/2010
Decision: Grant Conditionally

Item No 20

Application Number: 09/01895/FUL **Applicant:** Kings Tamerton Community
Application Type: Full Application
Description of Development: Single-storey detached smoking shelter to south of building
Site COMMUNITY CENTRE, NEWTON AVENUE KINGS TAMERTON PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 22/03/2010
Decision: Grant Conditionally

Item No 21

Application Number: 09/01901/FUL **Applicant:** Mr Essy Kamaie
Application Type: Full Application
Description of Development: Change of use from garage and car showroom (Class B2 and Sui Generis) to car repair and car valeting (Classes B1 and B2) (temporary permission sought for 12 months)
Site 1 WOODLAND TERRACE, GREENBANK ROAD PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 30/03/2010
Decision: Grant Conditionally

Item No 22

Application Number: 09/01903/FUL **Applicant:** Mr Terry Kennedy
Application Type: Full Application
Description of Development: Retention of satellite dish and mast
Site TRINITY COURT 6 FRIARS LANE BARBICAN PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 31/03/2010
Decision: Grant Conditionally

Item No 23

Application Number: 09/01906/FUL **Applicant:** Russell Court Hartley Ltd
Application Type: Full Application
Description of Development: Develop site by erection of five detached dwellings with associated works, including access road
Site 5 HILL LANE PLYMOUTH
Case Officer: Janine Warne
Decision Date: 23/03/2010
Decision: Refuse

Item No 24

Application Number: 09/01909/ADV **Applicant:** Co-op Group
Application Type: Advertisement
Description of Development: Two externally illuminated fascia signs and one non-illuminated fascia panel
Site 36 DEVONPORT ROAD PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 31/03/2010
Decision: Grant Conditionally

Item No 25

Application Number: 10/00005/OUT **Applicant:** Beneficiaries of Mrs Peters
Application Type: Outline Application
Description of Development: Outline application for erection of replacement dwellinghouse with integral garage (existing dwelling and outbuildings to be removed)
Site 118 ELBURTON ROAD PLYMOUTH
Case Officer: Jon Fox
Decision Date: 08/04/2010
Decision: Grant Conditionally

Item No 26

Application Number: 10/00008/FUL **Applicant:** Mr Colin Jones
Application Type: Full Application
Description of Development: Redevelop site by erection of four dwellings with associated access, parking and landscaping (demolition of existing church and church hall)
Site HONICKNOWLE METHODIST CHURCH CAREW AVENUE PLYMOUTH
Case Officer: Janine Warne
Decision Date: 25/03/2010
Decision: Grant Conditionally

Item No 27

Application Number: 10/00014/FUL **Applicant:** Mr & Mrs J Wraight
Application Type: Full Application
Description of Development: First-floor rear extension and provision of additional first-floor side-facing window in existing house
Site 5 STENTAWAY DRIVE PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 06/04/2010
Decision: Refuse

Item No 28

Application Number: 10/00020/TPO **Applicant:** Mr P Thomas
Application Type: Tree Preservation
Description of Development:
Site GREAT WOODFORD QUARRY, GREAT WOODFORD DRIVE PLYMPTON PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 01/04/2010
Decision: Grant Conditionally

Item No 29

Application Number: 10/00031/EXU **Applicant:** Ms Jane Bark
Application Type: LDC Existing Use
Description of Development: Use of property as three dwellings (one maisonette and two flats)
Site 845 WOLSELEY ROAD PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 30/03/2010
Decision: Issue Certificate - Lawful Use

Item No 30

Application Number: 10/00033/FUL **Applicant:** Unit Build Ltd
Application Type: Full Application
Description of Development: Conversion of units 24 and 25 to form a single unit (Use Class B1, B2 and B8) with associated parking and landscaping (amendment to previously approved scheme 08/01725/FUL)
Site 24/25 SISNA PARK ROAD PLYMOUTH
Case Officer: Janine Warne
Decision Date: 23/03/2010
Decision: Grant Conditionally

Item No 31

Application Number: 10/00041/EXU **Applicant:** Mrs M Sharp
Application Type: LDC Existing Use
Description of Development: Use as self contained ground floor flat and development of single storey rear extension
Site 336 ST LEVAN ROAD PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 26/03/2010
Decision: Issue Certificate - Lawful Use

Item No 32

Application Number: 10/00058/FUL **Applicant:** Mr D Bothma
Application Type: Full Application
Description of Development: Loft conversion, with two dormers, Juliette balcony and rooflights, extension, porch and private motor garage (existing garage removed)
Site BROOKHAVEN, TAMERTON FOLIOT ROAD PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 26/03/2010
Decision: Grant Conditionally

Item No 33

Application Number: 10/00062/FUL **Applicant:** Mr B Dowd
Application Type: Full Application
Description of Development: Develop part of rear garden by erection of detached bungalow and car parking bay (demolition of existing private motor garage)
Site 67 BUDSHEAD ROAD HIGHER ST BUDEAUX PLYMOUTH
Case Officer: Janine Warne
Decision Date: 08/04/2010
Decision: Refuse

Item No 34

Application Number: 10/00063/FUL **Applicant:** St Boniface College
Application Type: Full Application
Description of Development: Erection of 2.4 metre high security paladin fencing
Site ST BONIFACE COLLEGE,21 BONIFACE LANE MANADON PARK PLYMOUTH
Case Officer: Janine Warne
Decision Date: 31/03/2010
Decision: Grant Conditionally

Item No 35

Application Number: 10/00074/TPO **Applicant:** Mr John Burrows
Application Type: Tree Preservation
Description of Development: Reduce 2 sycamore by 2m
Holm Oak - reduce by 4m
Site ST BONIFACE CLOSE/DRIVE BEACON PARK PLYMOUTH
Case Officer: Jane Turner
Decision Date: 30/03/2010
Decision: Grant Conditionally

Item No 36

Application Number: 10/00079/ADV **Applicant:** QMH (UK) Ltd
Application Type: Advertisement
Description of Development: Three high level internally illuminated signs consisting of panel sign and acrylic lettering; one low level internally illuminated sign consisting of panel sign and acrylic lettering; one internally illuminated entrance canopy signage; one set of up lighters; and one set of down lighters.
Site HOLIDAY INN, ARMADA WAY PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 09/04/2010
Decision: Advertisement Split Decision

Item No 37

Application Number: 10/00091/FUL **Applicant:** Ms Daisy Bailey
Application Type: Full Application
Description of Development: Provision of pedestrian access to Bramley Road, provision of roof to existing playground area, and formation of additional roofed playground area, with associated fencing
Site LAIRA GREEN PRIMARY SCHOOL BRAMLEY ROAD
PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 22/03/2010
Decision: Grant Conditionally

Item No 38

Application Number: 10/00093/FUL **Applicant:** Mr Frank Phillips
Application Type: Full Application
Description of Development: Roof extension to provide two flats (1 x 2 bed and 1 x 3 bed)
Site 163-191 STUART ROAD PLYMOUTH
Case Officer: Jeremy Guise
Decision Date: 06/04/2010
Decision: Grant Conditionally

Item No 39

Application Number: 10/00103/FUL **Applicant:** Mr Gez Baggott
Application Type: Full Application
Description of Development: Erection of single-storey pavillion with changing rooms and kitchen for refreshments
Site PLYMOUTH PARKWAY F.C., BOLITHO PARK MANADON SPORTS PITCHES ST PETERS ROAD PLYMOUTH
Case Officer: Janine Warne
Decision Date: 01/04/2010
Decision: Grant Conditionally

Item No 40

Application Number: 10/00105/PRD **Applicant:** Mr Hodgins
Application Type: LDC Proposed Develop
Description of Development: Roof extension involving hip to gable alteration, loft conversion including rear dormer and rooflights
Site 14 LYNDRICK ROAD PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 23/03/2010
Decision: Issue Certificate - Lawful Use

Item No 41

Application Number: 10/00108/FUL **Applicant:** Mr Ben Ballard
Application Type: Full Application
Description of Development: Part two and part single storey extensions to provide office space, and additional staff accommodation together with changes to access and parking arrangements
Site PLYMOUTH MUSIC ZONE, RAGLAN ROAD PLYMOUTH
Case Officer: Jeremy Guise
Decision Date: 30/03/2010
Decision: Grant Conditionally

Item No 42

Application Number: 10/00109/FUL **Applicant:** Miss Gledhill
Application Type: Full Application
Description of Development: Replace front and rear blue wooden frame windows and doors with blue uPVC double-glazed units
Site 12 SHACKLETON COURT PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 24/03/2010
Decision: Refuse

Item No 43

Application Number: 10/00110/FUL **Applicant:** Mr and Mrs Herring
Application Type: Full Application
Description of Development: Replace front and rear blue wooden frame windows and doors with blue uPVC double-glazed units
Site 14 SHACKLETON COURT PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 24/03/2010
Decision: Refuse

Item No 44

Application Number: 10/00113/FUL **Applicant:** Mr R Durnall
Application Type: Full Application
Description of Development: Loft conversion with provision of rear dormer
Site FIRST FLOOR FLAT 61 GLENDOWER ROAD PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 24/03/2010
Decision: Grant Conditionally

Item No 45

Application Number: 10/00118/FUL **Applicant:** Mr and Mrs D Allison
Application Type: Full Application
Description of Development: Develop part of rear garden by erection of three-storey building containing three self-contained flats with associated parking area (existing garage to be removed)
Site 19 SUTHERLAND ROAD PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 24/03/2010
Decision: Refuse

Item No 46

Application Number: 10/00120/TPO **Applicant:** National Trust
Application Type: Tree Preservation
Description of Development: Tree management works
Site SALTRAM HOUSE, MERAFIELD ROAD PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 01/04/2010
Decision: Grant Conditionally

Item No 47

Application Number: 10/00122/ADV **Applicant:** Pets At Home Ltd
Application Type: Advertisement
Description of Development: Two non- illuminated fascia signs
Site UNIT A2, PETS AT HOME LTD, FRIARY RETAIL PARK EXETER STREET PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 26/03/2010
Decision: Refuse

Item No 48

Application Number: 10/00124/FUL **Applicant:** Mr and Mrs B Frost
Application Type: Full Application
Description of Development: Single-storey side extension including private motor garage (existing garage to be removed)
Site 60 LARKHAM LANE PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 24/03/2010
Decision: Grant Conditionally

Item No 49

Application Number: 10/00125/FUL **Applicant:** Mr Steve Launder
Application Type: Full Application
Description of Development: Develop side garden by erection of two-storey dwelling with integral private motor garage
Site 74 BEACONFIELD ROAD PLYMOUTH
Case Officer: Janine Warne
Decision Date: 24/03/2010
Decision: Grant Conditionally

Item No 50

Application Number: 10/00126/FUL **Applicant:** Mr Graham Lane
Application Type: Full Application
Description of Development: Double private motor garage
Site KINGSLAND HOUSE, 46 THORNHILL WAY PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 26/03/2010
Decision: Refuse

Item No 51

Application Number: 10/00131/FUL **Applicant:** Mr and Mrs Cooper
Application Type: Full Application
Description of Development: Rear conservatory (existing conservatory to be removed)
Site 85 REDDICLIFF CLOSE PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 25/03/2010
Decision: Grant Conditionally

Item No 52

Application Number: 10/00132/ADV **Applicant:** Primesight Ltd
Application Type: Advertisement
Description of Development: Two internally illuminated wall mounted display units
Site 234 MILLER WAY PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 25/03/2010
Decision: Grant Conditionally

Item No 53

Application Number: 10/00134/LBC **Applicant:** Caroline Thomas
Application Type: Listed Building
Description of Development: Alterations in association with change of use to residential, including external balcony area
Site 41 STILLMAN STREET PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 24/03/2010
Decision: Grant Conditionally

Item No 54

Application Number: 10/00138/FUL **Applicant:** Mr John Townsend
Application Type: Full Application
Description of Development: Front porch and two-storey side extension (existing garage to be removed)
Site 19 MERAFIELD DRIVE PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 30/03/2010
Decision: Refuse

Item No 55

Application Number: 10/00140/FUL **Applicant:** Mrs Sarah Jones
Application Type: Full Application
Description of Development: Single-storey rear extension (including modification to windows in tenement)
Site 3 WHITEFORD ROAD PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 29/03/2010
Decision: Grant Conditionally

Item No 56

Application Number: 10/00141/CAC **Applicant:** Mrs Sarah Jones
Application Type: Conservation Area
Description of Development: Works in connection with single-storey rear extension
Site 3 WHITEFORD ROAD PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 29/03/2010
Decision: Grant Conditionally

Item No 57

Application Number: 10/00143/FUL **Applicant:** Mr and Mrs M Elphick
Application Type: Full Application
Description of Development: Detached double private motor garage in front garden, with new vehicular access
Site 67 COPSE ROAD PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 31/03/2010
Decision: Refuse

Item No 58

Application Number: 10/00144/FUL **Applicant:** Mrs Lynda Henwood
Application Type: Full Application
Description of Development: Single-storey rear extension (including removal of existing conservatory)
Site 8 HAROLDSLEIGH AVENUE PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 31/03/2010
Decision: Application Withdrawn

Item No 59

Application Number: 10/00147/FUL **Applicant:** Mr and Mrs N Green
Application Type: Full Application
Description of Development: Rear conservatory
Site 327 BODMIN ROAD PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 01/04/2010
Decision: Grant Conditionally

Item No 60

Application Number: 10/00150/EXU **Applicant:** Ms R Silcock
Application Type: LDC Existing Use
Description of Development: Two self-contained flats
Site 3 MAIDA VALE TERRACE PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 29/03/2010
Decision: Issue Certificate - Lawful Use

Item No 61

Application Number: 10/00152/FUL **Applicant:** The Durley Lifetime SIPP Ltd
Application Type: Full Application
Description of Development: Change of use of ground floor from undercroft car parking to retail (Use Class A1) or financial and professional services (Use Class A2) and associated works including replacement of existing ground floor façade with new windows, doors, access steps and ramps
Site: DURLEY HOUSE 5 TO 11 MILLBAY ROAD PLYMOUTH
Case Officer: Mark Evans
Decision Date: 30/03/2010
Decision: Grant Conditionally

Item No 62

Application Number: 10/00153/FUL **Applicant:** The Durley Lifetime SIPP Ltd
Application Type: Full Application
Description of Development: External alterations to building including re-cladding and refurbishment of façade, replacement of windows, construction of new external rear fire escape staircase, new entrance canopies and disabled access ramp and steps, refurbishment of rear car park and associated landscaping
Site: DURLEY HOUSE 5 TO 11 MILLBAY ROAD PLYMOUTH
Case Officer: Mark Evans
Decision Date: 30/03/2010
Decision: Grant Conditionally

Item No 63

Application Number: 10/00154/FUL **Applicant:** Vodafone Ltd
Application Type: Full Application
Description of Development: Replacement of existing 14.4 metre high column (including antenna) with 17.5 metre high dual user column (including antenna) and additional ground based cabinet and ancillary development
Site: HIGHWAYS LAND, EGGBUCKLAND ROAD HIGHER COMPTON PLYMOUTH
Case Officer: Jon Fox
Decision Date: 01/04/2010
Decision: Grant Conditionally

Item No 64

Application Number: 10/00155/FUL **Applicant:** Mr Dave Ahern
Application Type: Full Application
Description of Development: Two-storey side extension and conservatory
Site BELLIVER HOUSE, TAMERTON ROAD PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 06/04/2010
Decision: Grant Conditionally

Item No 65

Application Number: 10/00162/TCO **Applicant:** Mr Nick Bishop
Application Type: Trees in Cons Area
Description of Development: Removal of 10 trees
Site 21 MUTLEY ROAD PLYMOUTH
Case Officer: Jane Turner
Decision Date: 24/03/2010
Decision: Grant Conditionally

Item No 66

Application Number: 10/00163/FUL **Applicant:** Mr Christopher Hayward
Application Type: Full Application
Description of Development: Front porch
Site 4 MARY DEAN CLOSE PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 01/04/2010
Decision: Refuse

Item No 67

Application Number: 10/00164/FUL **Applicant:** Mr Henderson
Application Type: Full Application
Description of Development: Single-storey side extension
Site 130 LYNWOOD AVENUE PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 24/03/2010
Decision: Grant Conditionally

Item No 68

Application Number: 10/00165/FUL **Applicant:** Mr Nick Wilkinson
Application Type: Full Application
Description of Development: First-floor side extension over existing garage and kitchen
Site 36 LUCAS LANE PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 08/04/2010
Decision: Refuse

Item No 69

Application Number: 10/00167/FUL **Applicant:** Mr Michael Brown
Application Type: Full Application
Description of Development: Storage shed alongside existing garage
Site 4 ALTON ROAD PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 31/03/2010
Decision: Grant Conditionally

Item No 70

Application Number: 10/00170/FUL **Applicant:** Freestyle Custom Tattoo
Application Type: Full Application
Description of Development: Change of use from shop to tattoo and piercing studio
Site 82 EMBANKMENT ROAD PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 31/03/2010
Decision: Grant Conditionally

Item No 71

Application Number: 10/00175/TPO **Applicant:** Mr Ross Winmill
Application Type: Tree Preservation
Description of Development: Various works to include removal of 1 Crab Apple, 1 Hazel & 3 Hawthorn
Site PLOT 5 FORRESTERS BUSINESS PARK, ESTOVER CLOSE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 30/03/2010
Decision: Grant Conditionally

Item No 72

Application Number: 10/00176/FUL **Applicant:** Mrs L Fenton
Application Type: Full Application
Description of Development: First floor side extension above existing extension
Site 11A BERROW PARK ROAD PEVERELL PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 08/04/2010
Decision: Grant Conditionally

Item No 73

Application Number: 10/00178/FUL **Applicant:** Mr/Ms Husband
Application Type: Full Application
Description of Development: Single storey front extension
Site 51 LULWORTH DRIVE PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 08/04/2010
Decision: Grant Conditionally

Item No 74

Application Number: 10/00181/FUL **Applicant:** Ms Lisa Discombe
Application Type: Full Application
Description of Development: Erection of detached bungalow
Site LAND ADJACENT TO 64A GLENFIELD ROAD GLENHOLT PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 09/04/2010
Decision: Grant Conditionally

Item No 75

Application Number: 10/00183/FUL **Applicant:** Mr Anthony Squance
Application Type: Full Application
Description of Development: Rear access external platform and stairs (existing stairs to be removed)
Site 1 FLORENCE PLACE PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 09/04/2010
Decision: Grant Conditionally

Item No 76

Application Number: 10/00194/FUL **Applicant:** Mr and Mrs C Thomson
Application Type: Full Application
Description of Development: Single-storey rear extension (existing sun house to be removed) and associated raised patio area, rear conservatory and conversion of garage to study
Site 2 FURZEHATT ROAD PLYMSTOCK PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 07/04/2010
Decision: Grant Conditionally

Item No 77

Application Number: 10/00196/FUL **Applicant:** Mr P Cox
Application Type: Full Application
Description of Development: Single-storey rear extension (existing conservatory to be removed)
Site 23 BIRCH POND ROAD PLYMSTOCK PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 09/04/2010
Decision: Grant Conditionally

Item No 78

Application Number: 10/00199/FUL **Applicant:** Mr G Luscombe
Application Type: Full Application
Description of Development: Single-storey rear extension
Site 9 PLEASURE HILL CLOSE PLYMSTOCK PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 06/04/2010
Decision: Grant Conditionally

Item No 79

Application Number: 10/00272/TCO **Applicant:** Treewise
Application Type: Trees in Cons Area
Description of Development: Tree maintenance work
Site PLYMOUTH COLLEGE PREP SCHOOL THE MILLFIELDS PLYMOUTH
Case Officer: Jane Turner
Decision Date: 06/04/2010
Decision: Grant Conditionally

Item No 80

Application Number: 10/00288/TCO **Applicant:** Covedene Ltd
Application Type: Trees in Cons Area
Description of Development: 5 Leyland Conifers: Remove
Site 216 CITADEL ROAD PLYMOUTH
Case Officer: Jane Turner
Decision Date: 07/04/2010
Decision: Grant Conditionally

Item No 81

Application Number: 10/00348/TPO **Applicant:** Mr Jeremy Johnson
Application Type: Trees in Cons Area
Description of Development: TREE WORKS
Site 25 WYNDHAM SQUARE PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 31/03/2010
Decision: Planning Permission not required

Item No 82

Application Number: 10/00423/FUL **Applicant:** Specsavers Optical Superstores
Application Type: Full Application
Description of Development: Installation of nine external air conditioning condenser units on rear flat roof
Site 39 to 41 THE BROADWAY PLYMOUTH
Case Officer: David Jeffrey
Decision Date: 01/04/2010
Decision: Application Withdrawn

Item No 83

Application Number: 10/00448/LBC **Applicant:** Mr Steve Couch
Application Type: Listed Building
Description of Development: PROPOSED ALTERATIONS AND EXTENSIONS
Site 10 ELLIOTT ROAD PLYMOUTH
Case Officer:
Decision Date: 09/04/2010
Decision: LBC not required

This page is intentionally left blank