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PLANNING COMMITTEE

DATE: THURSDAY 29 JULY 2010
TIME: 1.00 PM
PLACE: COUNCIL HOUSE, ARMADA WAY, PLYMOUTH

Members –

Councillor Lock, Chair
Councillor Roberts, Vice Chair
Councillors Mrs Bowyer, Browne, Delbridge, Mrs Foster, Mrs Stephens, Stevens,
Thompson, Tuohy, Vincent and Wheeler

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

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

BARRY KEEL
CHIEF EXECUTIVE

PLANNING COMMITTEE

PART I (PUBLIC COMMITTEE)

AGENDA

1. APOLOGIES

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

2. DECLARATIONS OF INTEREST

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

3. MINUTES

(Pages 1 - 6)

The Committee will be asked to confirm the minutes of the meeting held on 1 July 2010.

4. CHAIR'S URGENT BUSINESS

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

5. QUESTIONS FROM MEMBERS OF THE PUBLIC

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

6. PLANNING APPLICATIONS FOR CONSIDERATION

(Pages 7 - 8)

The Assistant Director of Development (Planning Services) will submit a schedule asking Members to consider Applications, Development proposals by Local Authorities and statutory consultations under the Town and Country Planning Act 1990 and the Planning (Listed Building and Conservation Areas) Act 1990. Members of the Committee are requested to refer to the attached planning application guidance.

6.1 53 FURZEHATT ROAD, PLYMOUTH 10/00626/FUL

(Pages 9 - 12)

Applicant:	Mr and Mrs Fisher
Ward:	Plymstock Dunstone
Recommendation:	Grant Conditionally

6.2 86 UNDERLANE, PLYMPTON, PLYMOUTH 10/00405/FUL **(Pages 13 - 16)**

Applicant: Mr David Legg
Ward: Plympton Erle
Recommendation: Grant Conditionally

6.3 HM NAVAL BASE, SOUTH YARD, DEVONPORT, PLYMOUTH 10/00640/FUL **(Pages 17 - 52)**

Applicant: Princess Yachts International
Ward: Devonport
Recommendation: Grant conditionally subject to S106 Obligation, Delegated authority to refuse if S106 not signed within 3 months of the committee date

6.4 TORR HOME, THE DRIVE, PLYMOUTH 10/00555/FUL **(Pages 53 - 66)**

Applicant: Torr Home
Ward: Peverell
Recommendation: Grant Conditionally

6.5 LAND REAR OF QUEEN ANNES QUAY, OFF PARSONAGE WAY, COXSIDE, PLYMOUTH 10/00499/FUL **(Pages 67 - 84)**

Applicant: Harbour Avenue Limited
Ward: Sutton and Mount Gould
Recommendation: Grant conditionally subject to S106 Obligation, Delegated authority to refuse is S106 not signed by 29 September 2010

6.6 LAND TO THE REAR OF 7-11 UNDERWOOD ROAD, PLYMOUTH 10/00711/OUT **(Pages 85 - 92)**

Applicant: South west Property Developments Ltd
Ward: Plympton Erle
Recommendation: Refuse

6.7 3 HILLSIDE AVENUE, PLYMOUTH 10/00715/FUL **(Pages 93 - 102)**

Applicant: Mr Matthew Conyers
Ward: Drake
Recommendation: Grant Conditionally

6.8 THE RIDGEWAY, PLYMPTON, PLYMOUTH 10/01045/24 **(Pages 103 - 106)**

Applicant: Vodafone Limited
Ward: Plympton Chaddlewood
Recommendation: Defer for Advert Period – Delegated authority

7. PLANNING APPLICATION DECISIONS ISSUED (Pages 107 - 146)

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 19 June 2010 to 19 July 2010 including –

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

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

8. APPEAL DECISIONS (Pages 147 - 150)

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

9. EXEMPT BUSINESS

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

PART II (PRIVATE COMMITTEE)

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

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

NIL

Planning Committee

Thursday 1 July 2010

PRESENT:

Councillor Lock, in the Chair.

Councillor Roberts, Vice-Chair.

Councillors Mrs. Bowyer, Browne, Delbridge, Drean (substitute for Councillor Mrs. Foster), Stevens, Thompson, Tuohy, Vincent and Wheeler.

Apologies for absence: Councillors Mrs. Foster and Mrs. Stephens.

Also in attendance: Ray Williams, Area Planning Manager (West Team), Mark Lawrence, Lawyer, and Katey Johns, Democratic Support Officer.

The meeting started at 2.30 pm and finished at 4.30 pm.

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

11. 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 Lock	15.1 Yealmpstone Farm Primary School, Meadowfield Place, Plymouth 10/00474/FUL	Ward Councillor	Personal
Councillor Roberts	15.7 Down House, 277 Tavistock Road, Derriford, Plymouth 09/01645/FUL	Mother is a patient there	Personal

12. MINUTES

Agreed that the minutes of the meeting held on 3 June, 2010, be agreed as a correct record subject to the following amendment to the voting schedule –

Councillor Thompson voted against 6.3 – 10 Tretower Close, Plymouth 10/00392/FUL **not** 6.2 – 12 South Down Road, Beacon Park, Plymouth 10/00207/FUL, as indicated.

13. CHAIR'S URGENT BUSINESS

Plymstock Quarry

Members were informed there would be two opportunities to view the model of the Plymstock Quarry development, the first being outside of the Council

Chamber at the next meeting of the Committee on 29 July and the second at Plymstock Library between the hours of 2.00-6.00 p.m. on 30 July, 2010.

(In accordance with Section 100(B)84)(b) of the Local Government Act, 1972, the Chair brought forward the above item of business because of the need to inform Members).

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

There were no questions from members of the public.

15. **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 15.1, 15.3, 15.4, 15.6, 15.7 and 15.8.

15.1 YEALMPSTONE FARM PRIMARY SCHOOL, MEADOWFIELD PLACE, PLYMOUTH 10/00474/FUL

(Yealmpstone Farm Primary School)

Debate took place on the Chair's proposal to allow a second speaker in support of this item. Legal advice was given to the effect that the Code of Good Practice had been adopted by the Committee as a guide to how the Committee should operate, and that the code clearly stated the position on the requirements for public speakers. However, if the Committee were minded they were able to use their discretion as to allowing a second speaker in particular circumstances.

Decision:

Application **GRANTED** conditionally, subject to the inclusion of a further condition relating to the replacement elsewhere on site of the cherry tree.

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

(The Chair's proposal to allow a second speaker in support of this item, having been put to the vote, was declared carried).

15.2 93 ROCHFORD CRESCENT, ERNESETTLE, PLYMOUTH 10/00695/FUL

(Mr. and Mrs. Davies)

Decision:

Application **REFUSED**.

15.3 235 STUART ROAD, PLYMOUTH 10/00296/FUL

(Mrs. K. Solano)

The Committee was informed that a further letter of representation had been received claiming a discrepancy in the height that the courtyard area had been raised. The officer advised that the figure of 400mm quoted in the report related to the actual increase in height between

the former and new courtyard levels, not the total height difference from ground level which was 1m.

Decision:

Application **GRANTED** conditionally.

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

(Councillor Wheeler's proposal to defer the item, having been seconded by Councillor Stevens, was put to the vote and declared lost).

15.4 47 DUNCLAIR PARK, PLYMOUTH 10/00818/FUL

(Mr. and Mrs. Michael Foren)

Decision:

Application **GRANTED** conditionally.

15.5 49 BUENA VISTA DRIVE, PLYMOUTH 10/00627/FUL

(Mrs. Julie Bees)

Decision:

Application **GRANTED** conditionally.

15.6 LAND REAR OF QUEEN ANNES QUAY OFF PARSONAGE WAY, COXSIDE, PLYMOUTH 10/00499/FUL

(Harbour Avenue Limited)

Decision:

Application **DEFERRED** whilst a Phase 2 site investigation and risk assessment regarding contamination be considered.

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

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

(Councillor Mrs. Bowyer's movement of the officer's amended recommendation to defer, having been seconded by Councillor Delbridge, was put to the vote and declared carried).

15.7 DOWN HOUSE, 277 TAVISTOCK ROAD, DERRIFORD, PLYMOUTH 09/01645/FUL

(Mr. James Sutherland)

Decision:

Application **GRANTED** conditionally.

15.8 2 ST. LAWRENCE ROAD, PLYMOUTH - TREE PRESERVATION ORDER NO. 469

The Director of Development submitted a report advising that one objection had been received to the making of Tree Preservation Order No. 469, whilst four had been received in support.

Agreed that the Order be confirmed without modification.

16. **PLANNING APPLICATION DECISIONS ISSUED**

The Committee received a report of the Assistant Director of Development (Planning Services) on decisions issued for the period 25 May to 18 June, 2010, including –

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

17. **APPEAL DECISIONS**

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

18. **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.

PLANNING COMMITTEE

DATE OF MEETING – 01/07/10

SCHEDULE OF VOTING

Minute No.	Voting For	Voting Against	Abstained	Excluded from voting due to Interests Declared	Absent
<p>6.1 Yealmpstone Farm Primary School, Meadowfield Place, Plymouth 10/00474/FUL</p> <p>Proposal to allow second speaker in support of application</p> <p>Officer's Recommendation</p>	<p>Councillors Mrs. Bowyer, Browne, Delbridge, Drear, Lock, Roberts, Stevens, Thompson, Tuohy and Vincent.</p> <p>Unanimous.</p>		Councillor Wheeler.		
<p>6.2 93 Rochford Crescent, Ernesettle, Plymouth 10/00695/FUL</p> <p>Officer's Recommendation</p>	<p>Councillors Mrs. Bowyer, Delbridge, Drear, Lock, Roberts, Stevens, Thompson, Tuohy, Vincent and Wheeler.</p>		Councillor Browne.		
<p>6.3 235 Stuart Road, Plymouth 10/00296/FUL</p> <p>Proposal to Defer</p> <p>Officer's Recommendation</p>	<p>Councillors Stevens, Tuohy, Vincent and Wheeler.</p> <p>Councillors Mrs. Bowyer, Browne, Delbridge, Drear, Lock, Roberts and Thompson.</p>	<p>Councillors Mrs. Bowyer, Browne, Delbridge, Drear, Lock, Roberts and Thompson.</p> <p>Councillors Stevens, Vincent and Wheeler</p>	Councillor Tuohy		

<p>6.4 47 Dunclair Park, Plymouth 10/00818/FUL</p> <p>Officer's Recommendation</p>	Unanimous.				
<p>6.5 49 Buena Vista Drive, Plymouth 10/00627/FUL</p> <p>Officer's Recommendation</p>	Unanimous.				
<p>6.6 Land Rear of Queen Anne's Quay, Off Parsonage Way, Coxside, Plymouth 10/00499/FUL</p> <p>Officer's Amended Recommendation</p>	Unanimous.				
<p>6.7 Down House, 277 Tavistock Road, Derriford, Plymouth 09/01645/FUL</p> <p>Officer's Recommendation</p>	Unanimous.				
<p>6.8 2 St. Lawrence Road, Plymouth Tree Preservation Order No. 469</p> <p>Officer's Recommendation</p>	Unanimous.				

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:	10/00626/FUL
Applicant:	Mr and Mrs Fisher
Description of Application:	Two-storey side extension
Type of Application:	Full Application
Site Address:	53 FURZEHATT ROAD PLYMOUTH
Ward:	Plymstock Dunstone
Valid Date of Application:	26/04/2010
8/13 Week Date:	21/06/2010
Decision Category:	Member/PCC Employee
Case Officer :	Louis Dulling
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



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OFFICERS REPORT

Site Description

No. 53 Furzehatt Road is a detached property in the Plymstock area of Plymouth. The property is accessed via a shared driveway and is concealed from view from Furzehatt Road. There are protected trees at the site.

Proposal Description

The proposal is for a two-storey side extension. The proposal is 2 metres in width and 4.5 metres in depth. The proposed extension is 8.5 metres in height and has a pitched roof to match the main existing roof of the property.

Relevant Planning History

92/00352/FUL – Change of use of coach house to dwellinghouse (renewal of previous permission) – Approved.

94/00633/FUL – Erection of private motor garage – Approved.

98/00875/FUL – Single storey extension – Approved.

06/00153/FUL – Rear porch – Approved.

Consultation Responses

No consultations were necessary

Representations

There have been no representations in relation to this application

Analysis

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

This application turns upon policies CS02 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and the Development Guidelines Supplementary Planning Document.

The main issues to consider for this application are the impacts on neighbouring amenity and the character and appearance of the area.

Neighbouring Amenity

Due to the orientation and separation distance between No. 53 and nearby properties, it is considered that there are no impacts on outlook, daylight or sunlight to those properties as a result of the proposed extension.

Additionally, as the property is sufficiently screened from view from the road and other neighbouring properties, there are no further concerns over impacts on public amenity or neighbouring amenity.

Character and Appearance of the Area

Due to the sympathetic changes that the proposed extension would make, it is not considered to harm the character and appearance of the area. The proposed extension also appears subordinate to the existing property as the roof line is stepped down from the original roof line. Additionally the proposed extension would complement the existing symmetry of the property by stepping the extension back from the existing rear elevation of the property by 0.4 metre. The design and use of materials in the proposed extension is also considered to be appropriate and relates well to the existing property. Furthermore, the applicant has satisfied any concerns regarding impact on trees within the submitted '*Tree Survey and Arboricultural Implications Assessment*' which accompanies the application.

Equalities & Diversities issues

There are no equalities and diversities issues in relation to this application.

Conclusions

This application is recommended for conditional approval.

Recommendation

In respect of the application dated **26/04/2010** and the submitted drawings, **10.035.1, Tree Survey and Arboricultural Implications Assessment, MM1006.PL1, MM1006.PL2** , it is recommended to: **Grant Conditionally**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

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

Reason:

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

Statement of Reasons for Approval and Relevant Policies

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

CS34 - Planning Application Consideration

CS02 - Design

SPD1 - Development Guidelines

ITEM: 02

Application Number:	10/00405/FUL
Applicant:	Mr David Legg
Description of Application:	Retention of rear conservatory and timber decking
Type of Application:	Full Application
Site Address:	86 UNDERLANE PLYMPTON PLYMOUTH
Ward:	Plympton Erle
Valid Date of Application:	19/03/2010
8/13 Week Date:	14/05/2010
Decision Category:	Member/PCC Employee
Case Officer :	Stuart Anderson
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



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OFFICERS REPORT

Site Description

86 Underlane is a semi-detached house in the Plympton area of the city.

Proposal Description

The retention of a rear conservatory and timber decking. The rear conservatory has a depth of 4.9m, a width of 4.2m, and a height of 2.9m. It has replaced a previous conservatory that was not as deep. The decking starts beside the conservatory and drops down to a lower tier; it is enclosed by fencing and balustrading.

Relevant Planning History

EN/08/00748/OPR – Building works (open enforcement case file)

94/00872/FUL - Erection of private motor garage (granted)

Consultation Responses

None.

Representations

One letter of representation has been received, from the occupier of the adjoining property to the east, 84 Underlane. The objection is on the grounds of loss of light to the garden and downstairs bedroom.

Analysis

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

The relevant policies are CS34 of the Core Strategy, and Supplementary Planning Guidance 'Development Guidelines'. The main issue in the case is the impact on the adjoining property, 84 Underlane. The other residential properties that surround this site are not considered to be affected to any material extent.

With regard to the impact on the privacy of number 84, it is noted that the extent of the upper tier of the decking is not large enough to be used as a sitting-out area. It appears to be mainly for providing a means of access into and out of the conservatory. The garden and rear rooms of number 84 can only be seen if leaning over the fence which encloses the decking. Further to this, it is evident that the height of the decking above natural ground level is not significant. The lower tier of the decking is also not significantly raised. Therefore, it is considered that the decking has a minimal impact on the privacy of number 84.

For the conservatory, in order to ensure that the privacy of number 84 is protected, a condition is recommended to prevent windows from being installed in the side (east) elevation of the conservatory in future without planning permission. Any windows in this side elevation would overlook number 84's garden and lower ground-floor bedroom window, so it is important that they are prevented.

With regard to the impact on the amount of light reaching number 84, it is noted that there is a habitable room (a bedroom) at lower ground level at 84, which is the same floor level as the conservatory subject of this application. The conservatory has solid side walls as opposed to glazed side walls, which makes the issue of light to this bedroom need careful consideration, particularly as the "45 degree" guidance is breached. The window of number 84's lower ground floor bedroom is north-facing, so it is already limited in the amount of natural light it receives. The conservatory is a single-storey structure with a roof that is hipped to reduce height on the boundary. There was previously a conservatory here, albeit with less depth. Having regard to these matters, it is considered that the conservatory now constructed is not so harmful to light entering number 84's lower ground-floor bedroom as to warrant refusal.

Equalities & Diversities issues

None.

Section 106 Obligations

None.

Conclusions

The proposal is recommended for approval.

Recommendation

In respect of the application dated **19/03/2010** and the submitted drawings, **01, 02, 03, 04, 05, 06** , it is recommended to: **Grant Conditionally**

Conditions

RESTRICTION ON SIDE WINDOWS

(1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order or the 1995 Order with or without modification), no window shall at any time be placed in the east-facing elevation of the conservatory hereby permitted (i.e. the side elevation which faces 84 Underlane) unless, upon application, planning permission is granted for the development concerned.

Reason:

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

Statement of Reasons for Approval and Relevant Policies

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

CS34 - Planning Application Consideration

SPD1 - Development Guidelines

ITEM: 03

Application Number:	10/00640/FUL
Applicant:	Princess Yachts International PLC
Description of Application:	Development of a new production facility, office building, test facility and associated external works
Type of Application:	Full Application
Site Address:	HM NAVAL BASE, SOUTH YARD DEVONPORT PLYMOUTH
Ward:	Devonport
Valid Date of Application:	26/04/2010
8/13 Week Date:	26/07/2010
Decision Category:	Major Application
Case Officer :	Jeremy Guise
Recommendation:	Grant conditionally subject to S106 Obligation, Delegated authority to refuse if S106 not signed within 3 months of the committee date
Click for Application Documents:	www.plymouth.gov.uk



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OFFICERS REPORT

Site Description

The application site is an irregular shaped piece of land (approximately 5.87ha) located within the South Yard, formerly a 'closed' military enclave in south western most extremity of the city. The northern part is rectangular in shape, a flat piece of 'made up' land sandwiched between historic dockyard buildings - notably the East Ropery, on higher ground to the east, and the Sawmill and smithy, to the west. The southern part of the site is a wedge shaped piece of land abutting the Hamoaze (River Tamar) waterfront between No. 2 and No. 3 slips.

The site contains two buildings: a warehouse building, known as Building S173, in the south eastern corner; and a large manufacturing shed, known as S130 (No.3 Shop), in the centre of the site. Neither is afforded any formal protection, although warehouse building was identified as being of 'Townscape merit' in *Devonport Characterisation Study and Management Proposals*. The only other notable feature in what is otherwise a hard surface site is the 'raised head' of No.3 slip - a sloping, concrete covered, mound that was built at the early part of the twentieth century to facilitate the construction of Dreadnaughts. Underground there is the archaeological remains of the eighteenth century 'mast ponds', which were filled with rubble from bombed buildings after WWII, and a major culvert and pumping station belonging to South West Water (SWW). Until fairly recently this part of the site was occupied by large functional sheds, constructed by the navy during the Cold War.

The site is located in the 'bombed out' middle section of the oldest, eighteenth century, part of the dockyard. Around the site are the surviving structures from what was, in the eighteenth and early nineteenth centuries, a state of the art naval manufacturing complex surround the site. The most important are to the east and south east. The East Ropery (listed grade I) is a long, narrow building. Its western elevation comprises of rows of windows in a limestone façade. Currently it dominates the main part of the site, on higher land. In the far south eastern corner is the William III Gazebo, an historic viewing platform from which the monarch could view his shipyard, and the covered slip No.1, a rare surviving example of early warship building infrastructure. The sawmill and smithy (both listed grade II), are located to the west of the main part of the site and there is a further listed building to the north. For the most part these listed buildings are unused or underused, and in a neglected condition.

The site is located in the secure 'military' part of the South Yard. All vehicular and pedestrian access is processed via the security controlled Granby Gate dockyard entrance, to the north.

Finally, in relation to the description of the site, it should be noted that there are significant strategic views into the site from the Hamoaze and Mount Edgecombe, to the south west.

Proposal Description

Planning permission is sought for a new production facility, office building and test facility for Princess Yachts International Ltd, a locally based, French owned, manufacturer of luxury motor yachts. The *Design and Access statement*, that accompanies the application, explains that the firm's current facilities, at Newport Street, Plymouth, Coypool, Language and Lee Mill, are not suitable for manufacturing the range of larger yachts demanded by customers and that the Government's decision to release sections of HM Dockyard Devonport offers opportunity for the firm to expand in Plymouth, retaining its' local connections – skills, suppliers, knowledge base.

The proposal contains three elements: a three phase production facility in the middle of the site, a weatherproof roof structure over No.2 slip and a sales and management office building on the southern edge of the site together with associated car parking.

The production facility

The production facility building is shown occupying approximately one third of the overall site area. It is 25m. high (to ridge); 63m wide and 245m in length (3x82m – approx. 363,000 cubic metres when all three sections are built). It takes the form of a very large rectangular 'shed' structure, whose shape, location and size is largely determined by the boundaries of the site and the applicant's design requirement that it house enormous overhead crane structures capable of lifting and conveying the hulls of the 50m length motor yachts down the assembly line during the manufacturing process.

Aircraft hanger scale sliding doors, displaying the company's 'Princess' logo in 2m high letters dominate the western elevation. They open out into a 52m wide forecourt area, designed to be of just sufficient width to turn a mega yacht. The eastern, and two end, elevations, which are closer to more sensitive historic assets, are have stratified bands of windows and coloured panels of composite metal cladding. The colour and width of the panels bleeds upwards, getting thinner in width, and lighter in colour, as they move from ground to sky, and are designed partly to provide interest to this elevation, and partly mitigate the impact and sheer scale of the building.

Princess Yachts have confirmed their intention to construct all three phases of the proposal in due course, but initially their plan is to construct the southernmost first phase retaining and utilising the existing S130 building in the centre of the site and only demolishing it when ready to implement phase II.

Office building

The architectural centrepiece of the development is the proposed sales and management office on the waterfront. Plans show as an elegant, two storey, 'pavilion style' building with strong rectilinear form. The building would provide 3,710sqm of office space and be in distinct contrast to the existing historic buildings; the curve of the proposed test tank cover or the base functionality of the massive production sheds.

Test facility

The shallow dock test tank structure is essentially a weather shelter which has been designed to provide a degree of protection from the elements whilst the motor yachts are being tested and finished. It covers an existing shallow dock and is in such close proximity to the historic No.1 covered slip that there is limited opportunity to provide structural support on the eastern side. What is proposed is a simple arched structure, rising from the ground on the western side of the slip to a height of approximately 15m (just under that of the covered No1 slip). It is shown as a standing seam metal profiled roof resting on eleven slender steel columns on the eastern side.

Parking access and associated infrastructure

A total of 421 car parking spaces 93 cycle spaces are proposed accessed off a gyratory system around the main production building. The parking is concentrated in four locations around the proposed development:

178 spaces at the northern end of the development adjacent to the heavy vehicles and staff entrance; 96 spaces along the western boundary of the site between the heavy vehicles and office entrance; 52 spaces between phase 1 of the main production facility and the proposed covered test tank and a further 95 spaces in a proposed wedge shaped area between the proposed covered test tank and the sales and warehouse office.

Floating pontoons, between No. 3 slip and the test tank, are shown on plan. This will facilitate sea transfer of completed yachts between sites and remove the need to transport the yachts via the public road network.

In addition to the Design and Access Statement, the following specialist reports have been produced to accompany the application:- Historic Impact Assessment; Archaeological Assessment; Ecological Assessment; FRA & Drainage Strategy; Geo-Environmental Desk Study; Engineering Services report; Renewables Report; Shallow Dock Lighting Report; Structural Strategy; Travel Plan & Transport Assessment; Waste Management Report and Hazardous Substances report.

Relevant Planning History

Military occupation of the site pre-dates the planning system with the post war modern buildings that occupy the site and surrounding are erected during the period when the MOD had Crown exemption from planning control.

Consultation Responses

Highways Agency:-

The views of the Highways Agency are awaited

Highway Authority:- Comment on a number of different highway aspects in respect of this application:-

Traffic Impact

As the proposed use is located within what was previously an active area of the Naval Dockyard, the applicant's traffic consultant has assessed the level of traffic movement that could have resulted from the previous use of the site and subtracted this from the trip generation associated with the proposed Princess Yachts use to give a net traffic impact.

Whilst it is the view of the Highway Authority that the trip rates derived from TRIC's for the former B8 (Storage and Distribution) Use is a little on the high side (as sites chosen from TRIC's database include distribution centres for large supermarkets), it is accepted that previously some of the B8 areas could have been used for the purposes of more intensive B2 (Industrial). Therefore it has been decided to agree to the use of these trip rates.

Following the undertaking of a sensitivity test to remove sites from TRIC's where shift-working was in operation, the revised trip rates obtained for the proposed manufacturing use reveals that it will generate around 121 trips between the hours of 07.30-08.30 and 140 trips (arrivals and departures) in the pm peak of 17.00-18.00. It is worth noting that in terms of overall number of movements on the local highway network, there is little difference between the 'assessed' am peak hour of 07.30-08.30 and the more traditional peak hour of 08.00-09.00.

On the basis of the above-mentioned figures it is the view of the Highway Authority that the number of additional trips arising from the proposed development is considerable and could lead to a deterioration in operating conditions on the local highway network without suitable mitigation being in place (robust and effective travel plan).

Car Parking

Based upon a site accessibility score of 80%, a total of 417 off-street car parking spaces would be required to serve the various quantum of development on the site (a combination of B1, B2 and B8 uses). Whilst the proposed total of 421 spaces represents a slight over-provision in parking numbers (4 spaces) the Highway Authority do not wish to object on such a small number.

As the development will be built out in 3 phases it will be necessary for the phased release of car parking spaces to ensure that the early phases (1 and 2) are not over-provided in terms of parking (which would not assist in helping to achieve the agreed modal shift targets included in the travel plan). The Highway Authority therefore recommend that a condition be attached which calls for the submission of a Car Parking Management Strategy for the site which shall detail how the use of the car parking areas will be controlled/managed along with details of the phasing arrangements. This strategy should be supported by a Car Parking Management Phasing Plan.

A total of 93 secure and covered cycle parking spaces have been proposed which accords with the policy requirements of Policy CS28 of the Core Strategy (sub-section 6) which relates to the application of minimum cycle parking standards. These spaces should be both secure and covered.

Layout

- In order to address the safety of pedestrians walking to and from the site within the Dockyard itself, it will be necessary for a continuous pedestrian route to be provided from the Granby Gate entrance up to the site access into the Princess Yachts site. Figure 4.1 of the TA (which indicates the proposed pedestrian route) identifies the lack of any such dedicated facilities through the area described as being 'lightly trafficked'. Whilst the suggestion that this area is lightly trafficked means there is less likely to be conflict between pedestrians and motorists, it would be preferable to see some form of pedestrian route provided through this area. This could be achieved with appropriate signing and lining.
- There will also be a need to provide pedestrian routes through the site, particularly in respect of accessing the staff entrances (most of which are located to the rear of the building) from the car parking areas which are located on either side and along the front of the site. Dedicated footways should be provided through the car parking areas to ensure that staff do not come into direct conflict with vehicles manoeuvring into and out of spaces. It is recommended that a condition be attached relating to the provision of safe pedestrian routes both inside and outside the site. It is noted that works outside the red-line boundary will require the permission of a Third Party (MOD).
- As the development is to be completed in 3 phases there is likely to be a need for alternative access routes to be implemented within the site as each phase is constructed/completed. It is recommended that a further condition be attached relating to traffic routes proposed for each phase of the development being agreed in accordance with details to be submitted to and approved in writing by the LPA (which shall also require appropriate signing and lining). To ensure that they stand out, the vehicular routes should be treated in a different way to the remainder of vehicle/parking areas.
- It is noted that loading/unloading bays will be provided to the rear of the building. The provision and use of these areas should be made subject to a condition.
- The Highway Authority reiterate the need for cycle parking to be both secure and covered. The use of Sheffield type hoops (as previously indicated) is not considered to address the security concerns. Also the spaces must be adequately covered.

Travel Plan

Following detailed discussion with the applicant's transport consultant it is the view of the Highway Authority that a particularly robust and effective Framework Travel Plan (FTP) has been developed which will help mitigate the impact of the additional development trips on the operation of the local highway network.

The applicant has agreed to secure (through a Section 106 Obligation, see below) funding of up to £78,765.00 that will help finance measures included within the FTP that will help deliver the proposed modal shift targets such as the provision of free travel passes for up to 15% of the total number of staff for up to a period of 9 months (this is slightly in excess of the 12% PT modal split target to ensure that there is the best possibility of actually securing this target).

Rather than PCC secure this funding it is recommended that the amount (that will be split into 3 amounts of £26,255 for each of the 3 phases) be placed in a Travel Plan account that will be set up by Princess Yachts. The TP co-ordinator will then have the flexibility to spend the funding in accordance with the overall requirements of the FTP (promotional events, marketing etc). However to ensure that the funds are being used in the best possible way to secure the predicted modal shift targets, they will be subject to a 6 monthly audit by PCC.

The predicted modal shift targets included within the FTP are based upon existing Travel to Work Census Data for the Ward of Devonport. This is considered to be a good starting point, with single occupancy car trips reducing to 58% (from a starting point of 66%) within 54 months. Whilst challenging, the proposed modal shift targets are considered to be realistic.

Further measures included within the FTP and worthy of mention include a statutory car-freeday once a week for all staff (staff having to travel to the site by a sustainable mode of transport at least once a week), 93 secure and covered cycle parking spaces, commitment to joining-up to the Green Staff Travel Scheme and vouchers towards a car valet for the top 10 car sharers. In respect of the latter that applicant has agreed to look into setting-up a private car sharing area for Princess Yachts employees within the carsharedevon database.

Whilst the general content of the FTP is considered acceptable it is recommended that the final approval of the document be made subject to a Planning Condition or preferably a S.106 Obligation.

Section 106 Agreement

In order to safeguard the above-mentioned financial commitments towards the Travel Plan they will need to be secured as a S.106 Obligation. As outlined above the Local Authority will not receive these monies directly but will have the ability to audit the account on a 6-monthly basis. This information should be included within the Legal Agreement.

Furthermore due to its' strategic importance in delivering a sustainable development I would recommend that the provision of the TP also be made an obligation of the S.106 Agreement.

Conclusion

On the basis of the applicant entering into a particularly robust TP which contains a number of effective measures that will help deliver the proposed

modal shift targets, the Highway Authority not wish to raise any highway objections to this application

Public Protection Service: - Are not in a position to finalise their comments upon the proposal until further information is provided, but have made the following interim comments upon the land quality / contamination and noise issues.

In relation to land quality, Public Protection Service are broadly satisfied with the information provided in the Geo-Environmental Desk Study and seek a conditional regime with conditions covering: land quality, site characterisation, submission of remediation scheme, implementation of approved remediation scheme and reporting unexpected contamination. Some overlap and duplication with the Environment Agency's recommended contamination conditions is acknowledged, and clarification and assurance is also sought from the applicant's consultants that they have considered the potential human health impact of historical radioactive contamination of the site.

In relation to noise issues, there is concern about the impact of the proposal on residential property in the area. It is pointed out that there has been significant redevelopment in the area with replacement residential properties only 100 metres away from the 'proposed' main production facility, and that this area of South Yard has not seen major industrial use for many years.

Public Protection Service wish see determination of the application deferred until a noise impact assessment has been carried out to the methodologies prescribed in BS4142 1997 (method for rating industrial noise affecting mixed residential and industrial areas, to assess the current night time and day time ambient noise levels). With a BS4142 assessment it would be possible to determine the current ambient baseline conditions and apply a condition to ensure that Princes Yachts do not exceed more than 5db above this making any potential noise complaints easier to control.

Maritime Plymouth:- Maritime Plymouth supports Princess Yachts' application for a new production facility in South Yard. The company is a critical driver of the local maritime cluster and this will make its future here more certain. It is entirely appropriate development for the area, but we note with regret that there is no strategic plan for the South Yard against which this application can be measured.

Environment Agency – Have no objection to the proposal subject to the inclusion of conditions covering:-risks associated with contamination and implementation in strict accordance with construction environment management plan.

Government Historic Estates Unit (English Heritage)

Introduction

The Princess Yachts leasehold site at the southern end of South Yard lies at approximately 5m O.D. and measures approximately 440m N-S, and 140m E-W. It covers an area of approximately 5.71ha which is some 19% of the area

of the historic South Yard of 30ha. The site is defined and protected by security fencing installed by Princess Yachts who are currently utilising the existing ex-Ministry of Defence modern building S130 on site for yacht construction.

Devonport Dockyard was established in the 1690s. The southern part of South Yard - which includes the Princess Yachts site - was leased from Sir William Morice in 1727 and initially developed as a timber ground and mast pond (Plymouth City Council, *Devonport Characterisation Study and Management Proposals* (2006) page 16). Subsequent eighteenth-century structures include No. 3 Slip, the 1760s Ropery complex to the east and the 1770s No.1 Covered Slip. Substantial building took place to about 1850 including roofing over the No. 1 Covered Slip in 1814, culminating in the re-configured South Smithery, and the construction of the South Sawmills in 1856. A dockyard railway linked many of the buildings. The mid-Victorian steam navy required much larger-scale factory workshops and building development in the dockyard shifted northwards to the reclaimed North Yard and the Keyham extension. This left South Yard relatively unaltered until the beginning of the C20 when building S173 was constructed, No. 3 slip was extended to accommodate the construction of Dreadnoughts, and a neighbouring 1820s slip was adapted as a shallow dock.

Notwithstanding substantial destruction by the 1940s bombing, and the subsequent in-filling of the Boat and Mast Ponds with demolition rubble, South Yard retains a rich concentration of designated and non-designated heritage assets:

The rapid development of Devonport during this period [1690s-1914] can be attributed to the existence and expansion of the Dockyard. The result within Devonport is a remarkable and varied architectural legacy of considerable importance and interest. Despite the ravages of World War II, and subsequent post-war redevelopment, substantial elements of the historic town and dockyards remain today.

Devonport Characterisation Study and Management Proposals, page 12.

South Yard retains evidence above and below ground of the key periods in the evolution of the Royal Dockyard which is considered by Jonathan Coad as "arguably the finest and best planned of all of the Royal Navy's Georgian dockyards" (quoted in *Devonport Characterisation Study and Management Proposals*, page 40). The character of the heritage assets on the site is derived from their construction and function as dockyard structures from the late eighteenth- to the early twentieth century. Most of these buildings are constructed of local Plymouth limestone, and are generally two or three storeys in height. South Yard contains four scheduled monuments and 33 listed buildings (1 grade I, 13 grade II* and 19 grade II). Nineteen designated assets lie in the area immediately adjoining the Princess Yachts site. These include the remains of the Plymouth limestone West Ropery immediately to the north (scheduled monument PY654), the dominant East Ropery (grade 1) founded on a low terrace which overlooks South Yard, the 1822 Gazebo on the Mount also overlooking the yard (grade II*) and the adjacent No. 1 Covered Slip (scheduled monument PY660 & grade II*). Extensive remains of

the dockyard railway tracks survive either exposed or beneath modern surfaces. The southern end of the Princess Yachts site also contains the 1903 Relay warehouse building (S173), the 1911 extension to the late eighteenth-century No. 3 slip, and the 1912 Shallow dock. The historical context for these three assets is the naval arms race between Britain and Germany immediately prior to the First World War.

There is no conservation management plan for the area (although we have recommended to the Ministry of Defence that one should be produced to inform any new developments). Nevertheless, Plymouth City Council's *Devonport Characterisation Study and Management Proposals* demonstrate that the quality of the heritage assets in South Yard unquestionably qualifies for designation as a conservation area. The *Devonport Characterisation Study and Management Proposals* did not recommend adding the dockyard to the existing conservation area for the civilian estate in 2006 because of the dockyard's physical separation, but suggested that a separate conservation area for parts of the dockyard may be considered in the future (page 112).

South Yard contains three buildings on the 2010 English Heritage Buildings at Risk Register: South Smithery (grade II*), South Sawmills (grade II*) and Master Ropemaker's House (grade II). None of these is within the Princess Yachts site, although they lie on or near the perimeter of the leasehold area.

Within the leasehold area three separate but related developments are proposed:

1 Yacht production facility

A new three-phase production facility, each phase being approximately 80m wide, 65m deep and approximately 25m high to the ridge, with a total length of approximately 250m. The area totals 15180 sq m. The facility is described as a "linear industrial type building" with proprietary cladding in a range of banded colours from warm grey to "mauve/taupe to honey-like colours".

2 Test Tank

A new curved cover building to the 1912 shallow dock to provide a test tank facility, comprising a curved standing seam metal profiled roof rising to approximately 15m on the east side.

3 Staff and Management Office

A new flat-roofed sales & management office sited to the north of the proposed test tank has a "first floor cantilevering over the ground floor creating a 'floating box appearance'". The façade comprises a "glazed curtain walling system with random spandrel panels".

Summary

Ship-building has been associated with South Yard since the 1690s. We welcome and encourage continued shipbuilding in South Yard, and Princess Yachts' proposal to manufacture yachts is an appropriate use. However, we do object to the location and overall size of the proposed incremental three-phase production facility which would result in irreversible harm to the setting of highly graded heritage assets, the loss of below ground archaeology and historic surfaces, and the demolition of the undesignated heritage assets

S173 and the significant Dreadnought extension to No. 3 Slip. We also have reservations about the current design of the proposed sales and management office.

English Heritage Advice

The management proposals in the *Devonport Characterisation Study and Management Proposals* cover both the civilian town and the dockyard and are set within Plymouth City Council's planning policy framework. The *Devonport Characterisation Study and Management Proposals* were endorsed by Plymouth City Council in their *Devonport Area Action Plan 2006-21*, page 44, as one of a suite of documents contributing to the local development framework. Accordingly, English Heritage's comments on the proposals have been partly informed by Plymouth City Council's policies for the South Yard Character Area (*Devonport Characterisation Study and Management Proposals*, page 116). Those policies include:

1. Encourage the retention and reuse of buildings identified as making a positive contribution to the townscape, including those identified as being at risk.
2. Ensure that new developments within historic character areas reflect and respect that character.
3. Retain the historic road surfaces, including railway tracks.
4. Retain and enhance panoramic and key views throughout the Dockyard, in particular visual connections between clusters of historic buildings. Ensure that the surrounding areas are not adversely affected by the introduction of further huge modern warehouses that are prevalent in this area.
5. Subject to sensitivities within South Yard, explore opportunities to release the area of the 'visitor centre' allowing public access to this area.

The proposals have also been assessed in relation to *PPS5 Planning for the Historic Environment* (2010), the accompanying *Historic Environment Practice Guide* (March 2010), and English Heritage's *Conservation Principles* (2008).

1 Yacht production facility

The overall scale of the proposed three-phase building is out of character with South Yard, unlike North Yard which contains larger industrial buildings, and it fails to make a "positive contribution to the character and local distinctiveness of the historic environment" (*PPS5 HE7.5*). Moreover, it would adversely affect designated and other heritage assets in South Yard. The height of the building is contrary to the *Devonport Characterisation Study and Management Proposals* policy "Ensure that the surrounding areas are not adversely affected by the introduction of further huge modern warehouses that are prevalent in this area" (page 116). Although an exception could be justified if this enabled boat building to continue in the yard, the combined effect of all three phases impacts negatively on surrounding heritage assets, poses threats to the archaeological record, and would entail the demolition of one undesignated asset of some significance (building S173) and the highly significant early twentieth century extension of No 3 Slip.

SETTING

The proposal does not respect Plymouth City Council's key policy for the South Yard Character Area to "retain and enhance panoramic and key views throughout the Dockyard, in particular visual connections between clusters of historic buildings" (*Devonport Characterisation Study and Management Proposals*, page 116).

The proposal would adversely affect the setting of the following designated assets immediately bordering the site:

- 3 scheduled monuments:
West Ropery, No. 1 Covered Slip, and Scribe Board;
- 1 grade 1 listed building:
East Ropery/Spinning House;
- 3 grade II* listed buildings:
Gazebo, South Smithery and South Sawmills;
- 5 grade II listed buildings:
Master Ropemaker's House, Joiner's Shop, Master Ropemaker's Office, Rose Cottage, and Composite Shipbuilding Shed.

This three-phase development would affect the immediate setting of three scheduled monuments, one grade I, three grade II* and five grade II listed buildings. The two highly-graded listed buildings most adversely affected would be the grade I East Ropery/Spinning House and the grade II* Gazebo. The proposed building would have a harmful impact on the setting of the listed buildings which the local planning authority should have special regard to preserve (Planning (Listed Buildings and Conservation Areas) Act 1990 sections 16(2) and 66(1)). The design is bland and the choice of colours would do little to mitigate the effect of its huge scale. The proposal neither "makes a positive contribution to" nor "better reveals the significance of the asset" and because of the negative impact would require significant benefits to justify the proposal (*PPS5 HE10.1*).

East Ropery The 247m long East Ropery is currently vacant but it has long been promoted as the location for a visitor centre or dockyard museum following Plymouth City Council's policy to "explore opportunities to release the area of the 'visitor centre' allowing public access to this area" (*Devonport Characterisation Study and Management Proposals*, page 116). The East Ropery has dominated the eastern perimeter of South Yard since its construction in the 1760s, and currently enjoys inter-visibility with all the other designated assets on the perimeter of the Princess Yachts site. However, all views west across the yard would be obscured by the proposed 250m long and 25m high building immediately south of the remains of the scheduled West Ropery (ADG drawing 08676_SD 40A sections AA & BB). Notwithstanding the fact that the East Ropery stands on higher ground by some 6 or 7m, the proposed production facility (which would extend the full length of the upstanding building) would exceed the height of the parapet of the East Ropery by about 9m as can be seen in the section on drawing ADG drawing 08676_SD 40A section AA & BB (contrary to the impression given by ADG drawing 08676_SD 54 A). Despite following the linear grain of the site,

the three-phase proposal would have a harmful impact on the setting and on the significance of the designated East Ropery due to its massive scale. It fails to meet the tests required in *PPS5* HE9.4 to ensure the optimum viable use for the East and West Ropery as the proposal would damage the economic viability of the heritage assets both now and in the future thereby threatening their conservation by visually separating them from the rest of the dockyard and the waterfront (*Practice Guide* paragraph 120).

Gazebo The domestic-scaled Gazebo was built in 1822 in the Mount specifically as a viewing platform across the yard to commemorate George III's visit. Its significance would be adversely affected by the production facility as it would no longer command any view to the north because of the proximity of the 65m wide and 25m high south gable of the proposed production facility (ADG drawing 08676_SD 40A section CC, *PPS5* HE10.1). Again, the proposal fails to satisfy the tests required in *PPS5* HE9.4.

South Smithery and South Sawmills Both assets are grade II* and lie immediately to the west of the Princess Yachts fenced site. Neither building is required by the Ministry of Defence. Both are vacant and in need of repair, and are on the English Heritage buildings at Risk Register. The proposal does not respect Plymouth City Council's policies for the South Yard Character Area to "Encourage the retention and reuse of buildings identified as making a positive contribution to the townscape, including those identified as being at risk" (*Devonport Characterisation Study and Management Proposals*, page 116). *PPS5* requires local authorities to "monitor the impact of their planning policies and decisions on the historic environment", paying "particular attention to the degree to which ... heritage assets are at risk of loss or decay" and how this is expected to change over time (HE5). The South Smithery and South Sawmills would be overshadowed by the proposed 25m tall three-phase facility development which is unlikely to enhance their future marketability and bring them into viable use.

TREES

The submitted ADG drawing 08676_DS 01R shows a proposal for a line of 36 trees on the north and west perimeter of the Princess Yachts site. This plan is annotated "Provide formal tree avenue to boundary of facility (approx 10m centres) to help break up some of visual impact of the main production building on approach, protecting to some degree the setting of the retained listed buildings to the south and amenity of main retained streets." However, the proposal could never effectively break up the impact of the 25m tall three-phase development. Furthermore, as trees are alien to this part of the dockyard it would be impossible for them to protect the setting of the adjacent industrial listed buildings which include the grade II* buildings at risk South Sawmills and South Smithery.

(Note: These have subsequently been identified as light standards, not trees)

FLOOD RISK ASSESSMENT

Although it not made clear on any of the design drawings, the submitted AECOM "Flood Risk Assessment" indicates that, despite the risk of flooding being considered minimal, the floor level of the buildings should be set above the existing ground level. The main production facility is located outside the flood plain (in zone 1) and therefore minimal increase in height should be required, but the proposed Staff and Management Office located in flood zone 2 is recommended to be set approx 600mm above the existing ground level. The report appears to assume that the site level will be raised overall and we are concerned with the effect that this excessive level of intervention would have on the setting of the surrounding historic buildings and other heritage assets, including the historic railway lines set into the ground which are an important reminder of the previous use of the area and which contribute to the character of the area. Any wholesale raising of ground levels would also cause interface problems at the boundaries of the site, both at the various waterfronts and the fenced boundary. We strongly advise the levels across the site remain and the visible retention of the railway lines where outside the building's footprint, except immediately local to the new buildings where level access is necessary.

ARCHAEOLOGY

Some of the historic dockyard railway lines run across the Princess Yachts site and there are also likely to be buried remains of former railway lines and other historic surfacing. The significance of historic road surfaces, including railway tracks, and the desirability of retaining them, is recognised in Plymouth City Council's *Devonport Characterisation Study and Management Proposals*, page 116. The site is of archaeological interest because it also encompasses the former eighteenth-century Boat Pond, and the Inner Mast Pond which was filled with rubble from buildings demolished after World War II, as well as the former Outer Mast Pond, remains of which are expected to survive as buried archaeological features.

Sites having or suspected of having archaeological interest require a proper understanding (*PPS5 HE6.1, Practice Guide* paragraph 99). Five archaeological evaluation trenches revealed evidence of the Inner and Outer Mast Ponds, the latter only 0.55m below the surface, although there is little analysis of any exposed stratigraphy (recorded in the submitted AC Archaeology, "Archaeology and Cultural Heritage Assessment" reference AC123/2/0 (March 2010) page 15). The wall of the Boat Pond was not identified, but this need not suggest that the walls had been demolished, as lack of evidence may be due to inaccurate trench location perhaps resulting from errors in the historic cartographic record. Furthermore, the report contains no plans or sections of individual trenches, and only one oblique photograph of each trench. The archaeological appraisal should follow the guidance in the *Practice Guide paragraphs* 130-37. More extensive sample trenching would be required to document the survival of earlier surfaces and the configuration of the former ponds, building foundations and the retaining walls of the buried Mast Ponds and Boat Pond. The recording should include drawn plans and sections in order to assess what impact new buildings would have on the surviving archaeology. This should be accompanied by a detailed assessment of the impact on the below-ground archaeology of the

foundations required for the proposed new building, to incorporate bridging details where necessary to minimise their impact (*Practice Guide* paragraph 99(3)).

DEMOLITION

The positioning of phases 1, 2 and 3 has been predicated by the desire to retain the modern building S130 during the construction of phase 1 and to avoid a perceived constraint of a culvert at the north end of the site.

S173 It is proposed to commence construction at the south end, requiring the total demolition of warehouse building S173 at the foot of the Gazebo mound which was constructed in 1903. However PPS5 HE1.1 encourages the re-use of heritage assets to avoid material and energy costs of new development. Furthermore, S173 could fulfil a valuable role of a buffer between the domestically-scaled grade II* Gazebo, and the new facility, a point which was also emphasised by the Plymouth Design Panel meeting to discuss the pre-application proposals on 3 February 2010. Retention of this asset would respect the Plymouth City Council policy to reuse buildings making a positive contribution to the townscape (*Devonport Characterisation Study and Management Proposals* page 116). The submitted "Archaeology and Cultural Heritage Assessment" includes a very brief description of the building and 12 photographs, but no measured drawings (e.g. of the roof structure). Total demolition of a heritage asset should require building recording to at least level 3 in English Heritage, *Understanding Historic Buildings, A guide to Good Recording Practice* (2006) pages 14 & 16.

No. 3 Slip The footprint of the proposed production facility as proposed would also entail the demolition of the early C20 raised head of No. 3 Slip. This is a most serious loss of a heritage asset, and the effect on its significance is a material consideration in determining the application (PS5 HE8.1). No. 3 Slip, building S173 and the Shallow Dock, have historical value in illustrating the early twentieth-century expansion of the naval dockyard in the immediate build-up to the First World War, while No. 3 Slip is an heritage asset of exceptional significance. It originated as a late eighteenth-century slip. Before 1911 the incline was extended above ground with granite steps to 752ft (229m) making it the largest surviving slip in a Royal Dockyard. It was specifically designed to accommodate the construction of Dreadnoughts, four of which were built between 1911 and 1914 and were deployed in World War I. These include the *Royal Oak* which saw active service in both World Wars but which was sunk by the German U-boat *U47* on 14 October 1939 and survives as a war grave in Scapa Flow. The concrete piers positioned on the perimeter appear to be World War II additions.

English Heritage's *Conservation Principles* (2008) contains policies and guidance for the sustainable management of the historic environment. It includes a methodology for understanding the significance of heritage assets by analysing their values (pages 27-32). No. 3 Slip has evidential value in terms of revealing information about past activity in constructing the Dreadnoughts. Its also has historical value in being illustrative of a particular period of the nation's history principally as a contributing to the increase in Britain's naval re-armament before World War I. It has aesthetic value

in that its physical fabric and form reinforces the overall historic character of the area, and it also forms a group with the Shallow Dock and building S173. It may also have communal value for the local community as well as specifically commemorative value for the relatives of those lost on the *Royal Oak*. No. 3 Slip has not been tested to see if it meets criteria for statutory designation, but it is undoubtedly a heritage asset of considerable significance.

The submitted "Archaeology and Cultural Heritage Assessment" page 3 states "In 1911, one of the main changes on the site was that No. 3 slip was extended to enable the manufacture of dreadnought warships, thus resulting in the removal of the boat pond and the inner and outer mast ponds". This both disregards the significance of the extension, and also confuses pond infilling with removal. The text and photographs on pages 13 and 14 confuse pre-and post 1911 building phases. There is an obligation on behalf of the local authority to ensure a high level of building recording in the case of the proposed total demolition of the most significant phase of the slip. This should provide a thorough acknowledgement of the slip's significance and the impact the development would have regarding demolition and the junction with the eighteenth century work (*PPS5 HE6.1, HE12.3, Practice Guide* paragraph 68, English Heritage, *Conservation Principles* (2008)). In this instance total demolition of the significant phase heritage asset would warrant building recording to at least level 4 in English Heritage, *Understanding Historic Buildings, A guide to Good Recording Practice* (2006) pages 14 & 16.

2 Test tank

The proposed new cover building to the shallow dock to provide a covered test tank facility is an elegant design which need not detract from the adjacent listed and scheduled No. 1 Covered Slip, provided materials and finishes are carefully selected. We would encourage further development to enable part of the wind board to No. 1 Covered Slip to be removed, especially at the north end to better express the relationship between the two structures in the expectation that No. 1 Covered Slip will eventually be publicly accessible (*Devonport Characterisation Study and Management Proposals*, page 116).

3 Staff and Management Office

New development should make a positive contribution to the character and local distinctiveness of the historic environment (*PPS5 HE7.5*). The proposed Sales & Management Office is less sympathetic to its context than the proposed adjacent new cover building to the Shallow Dock. It does not draw on any historic references, nor does it have a good relationship with the proposed cover building, and it introduces a style which as drawn looks unresolved. While there is no objection in principle to a new building on the wharf, its design and relationship with its surroundings would require more careful thought for it to be acceptable.

English Heritage conclude by recommending that this application is refused.

Queen's Harbour Master (QHM) :- The shore side development of the production facility, office building and Shallow Dock Test Facility do not

impinge on the safety of navigation within the Hamoaze and QHM has no objection on the grounds of navigation safety. The on water pontoon jetty facility should be constructed in such a way that it is robust enough to work through the full tidal range from lowest astronomical to highest astronomical tide and have a safety factor that allows for tidal surges due to low pressure weather systems increasing the height of tide over the predicted maximum. The Shallow Dock Test Tank should be lit in such a way that no lights are directed onto the water where they could reduce the night vision of mariners and compromise the safety of navigation of vessels. The Lighting Report produced by AECOM would suggest that there is sufficient shielding incorporated in the design but QHM reserves the right to request further measures to be taken if it becomes apparent that the lighting scheme is detracting from the safety of navigation by vessels using the Hamoaze.

Health & Safety Executive (Nuclear Directorate):- There is no objection on nuclear safety grounds to this development; this decision is made without prejudice to the interests of other branches of the Health and Safety Executive.

South West Water:- There are no objections to the proposal subject to all surface water connections to the public sewer being removed where possible. It should also be noted that public sewers and a pumping station lie within part of the site, and that this has been made known to consultants acting for the applicant together with our requirements.

Plymouth Design Panel:- These are the latest comments from the Plymouth Design Panel, made at a special meeting held in January prior to their disbanding. They relate to a slightly earlier version of the proposal and are made without the benefit of a site visit:-

Site configuration:- In the discussion it became clear that the constraint imposed by the culvert and pumping station to the northwest of the site is a major factor for the phasing and the justification for the proposed demolition of the relay building. The panel believes a legitimate question remains as to whether the cost of relocating the culvert is outweighed by the value of retaining the relay building (which the panel believes offers an appropriate buffer to the cluster of historic buildings south and east) and the value ultimately of optimising the development opportunity of the site as a whole. The panel also noted that since the phasing commences at the south eastern end and with the demolition of the relay building, should the 2nd and 3rd phases of development not proceed, potentially the building would be lost unnecessarily. The panel would hope that the designers could work with English Heritage on the challenges of retaining or minimising the impact on no.3 Slip.

Architectural Expression:- The concern, as raised at the previous review, is that the main manufacturing building should not be apologetic about its size, the scale of the building needs to be celebrated; the achievement of large spans for the business of boat manufacture should be expressed rather than cloaked in an unremarkable skin.

The panel felt there was an opportunity for the building to reflect the quality of the product being manufactured inside; not by lavish materials or exotic form but by demonstrating the engineering, a quality of design and functionality which would reflect the legacy of the historic, maritime and industrial buildings on the site. Currently there is little to distinguish the proposal from a typical warehouse next to a motorway.

The panel was very encouraged by the plans to include sustainable measures for aspects of the environmental design. However, there was a concern that the integration of services, the strategy for energy generation, water harvesting, ventilation and day-lighting were some way behind the development of the building 'envelope'. These should inform the character, articulate the building and generate the structural solutions. For example, the vast manufacturing space is to be air conditioned- how is plant integrated? How will natural ventilation to the ancillary functions on the rear service spine be achieved? Are there areas where dedicated fume extraction is required? Could day lighting be achieved more effectively through a more expressive roof structure using north lights? Can provision be made now for the future incorporation of solar or water collection on such an expansive roof? The 100203 PDRP report PY final 3 quality of the environment for workers and the value this has in relation to retention of a skilled workforce was noted. The panel also raised an issue relating to the sensitive elevation facing the roperies and how the façade would respond both to the internal functions- given the varying demands for openings for plant/storage and staff facilities- and to the rhythms and regularity of the ropery elevations.

The choice of materials and detailing should be mindful of the implications for phasing e.g. the matching of finishes and robustness of the detailing. The panel did not express any particular views on the Testing Tank other than the importance of the boundary treatment relative to the Slipway no.1 affording a view into the activity on the site and that the quality of the materials and detailing of both the structure and boundaries should be very high in this very sensitive location.

For the whole scheme, the panel thought it very important that the testing of key views to the docks was undertaken; it was noted that views from Mount Edgcumbe and the Stonehouse Peninsula would be essential in assessing the impact of the development.

The panel is pleased to see a proposal which offers continuity of boat building in the South Yard but asks the applicant to consider the comments it has noted in respect of the site configuration relative to historic assets, the architectural expression / engineering of the main manufacturing building and to address the sustainability and legacy issues raised in order to make the most of this unique and exciting opportunity.

Representations

The site is located in the enclosed military dockyard and, apart from the waterfront, onto the Hamoaze, its only neighbour is the MOD. Given the size

of the proposed development and its impact upon the historic dockyard press and site notices have been posed. This has resulted in receipt of six letters of representation (LOR's) including letters from the Naval Dockyards Society and The Georgian Group:-

Naval Dockyards Society (NDS):- Very much welcomes in principle the revival of shipbuilding in the South yard but have a number of serious concerns regarding the visual impact upon the historic buildings; damage the setting if historic buildings curtail long established vistas in the heart of the yard. The proposal would visually sever the ropery complex from other historic buildings in the south yard.

This development will wholly negate this sense of place by isolating the 17th and 18th century buildings from each other and curtailing their future as an integrated group of buildings. The raised head has intangible association with history

In summation, the cited documentation suggests that the historic buildings of South Yard will be threatened irrevocably by additional activities which are not clarified within the Planning Application documents, in particular

- Threats of physical damage to the historic buildings
- Unqualified loss of the west ropery
- Destruction of historic vistas
- Destruction of assemblage and sense of place
- Permanent loss to the public of the Ropery Complex and Gazebo
- Loss of integrated historic group value by isolating buildings and threatening future physical damage to the historic built environment

The NDS therefore encourages the Planning Authority to do all it can to mitigate the impact of these huge buildings upon the setting and their surroundings, and to secure the future of the adjacent historic buildings and calls for

1. Consideration of the NDS suggestion to reverse the 3 phases
2. assured and specified means of physically protecting the historic buildings surrounding the PY site
3. Clarification of the future of the Ropery Complex, Gazebo, Covered Slip and Mutton Cove Gate
4. assured and specified access to the historic buildings by museum and historical groups to guarantee future interpretation of the tangible and intangible heritage of South Yard through guaranteed specified Access tours and research

The Georgian Group:- Express concern regarding the impact of the proposed development on the existing heritage assets, particularly those dating from the eighteenth and early nineteenth century.

The Group Fully supports the concerns expressed by English Heritage and advises that the proposals do not respect the historic scale or character of the Dockyard site. The Group would expect any scheme for new works on this site to respect the existing heritage assets.

The Group considers that the scale and materials of the proposed structures would detract from the historic character of the site. The failure of the proposal to seek re-use of existing redundant Grade II* buildings is also to be condemned. Therefore the Group advises that this application is refused consent.

The views of the other four letters can be summarised as follows:-

- Isolating heritage It appears that Princes Yachts will be isolating much of the heritage of south yard from public view and destroying much of Devonport and Plymouth's history. Many of the buildings are listed within the area, or of historic interest especially the slipway where many of this country's great and historic ships were built.
- Public access:- We believe the visual prospective of this application is out of character with the unique setting of Historic South Yard. We wish to point out to the planning committee that there is a possibility that a large portion of the historic listed buildings will become off-limits to the general public, including the ropery complex, when land and further areas of land are fenced off for exclusive use of the applicant. We would like the plans re-submitted to take into consideration visual aspects of the site in relation to the 300 years + old dockyard and that public access is still possible, as has always been the case during the dockyard's long history. The public have always been welcomed into South Yard.
- Resource for young people:- Remember the young people of the area by keeping open the heritage site. Its an ideal place of local, military and naval history for schools, youth groups etc which will arouse the gifts and talents of youngsters.
- Prospect of maritime museum lost:- These unique historic buildings are currently fenced off, and withdrawn from public observation, and once transferred to princes Yachts which I believe is the MOD's intensions; it will mean that those wish at some time in the future to see them say as a Maritime Museum along similar lines to what Chatham and Portsmouth have done, simply won't be able to top which I believe is against the public's interest, and for this reason should be moved into the public domain at the earliest opportunity.

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 new manufacturing facility, B1 and B2 uses on this site. (Policies CS04, CS05 and CS20 of the Core Strategy)

- The appearance of the proposed development and impact upon strategic views (Policies CS02 and CS34 of the Core Strategy)
- The impact upon the historic environment, including listed buildings (Policy CS03 of the Core Strategy)
- Community Benefits arising from the proposed development (Policy CS33 of the Core Strategy)
- Access and parking issues (Policies CS28 and CS34 of the Core Strategy)

The principle of developing a new manufacturing facility, B1 and B2 uses on this site.

The South Yard has been used for shipbuilding since it was first developed in the seventeenth century, as evidenced by the wealth of historic buildings and structures that surround the site. It has for generations been used by the military with restricted access. Since the end of the cold war successive naval reviews have resulted in a smaller navy culminating in the decision to open up the South Yard to non-military uses.

The proposal by Princess Yachts to expand their business continues the boatbuilding tradition secures/provides 200 additional jobs; 90 apprenticeships and helps create a climate in which investment in the remainder of the yard, including the many attractive listed buildings, becomes an attractive proposition. Crucially, in policy terms, it represents regeneration that retains and employment generating use, satisfying the core requirements of policies CS04 (Employment Provision) and CS05 (Development of Existing sites).

The site is located within the area covered by the Devonport Area Action Plan (AAP) whose key Objective 3 is :- *'To protect existing employment facilities , particularly those related to Devonport's marine industry , and provide additional employment development to meet the need for further local job opportunities for local people.'* Despite acknowledging that the area suffers from above average levels of unemployment and related low skill/ low wage levels it has proved difficult to attract investment in employment uses into the area or deliver genuine mixed use regeneration. This development proposal would go some way towards compensating for that weakness - especially if it acts as a catalyst for further employment uses on adjoining land.

The appearance of the proposed development & impact upon strategic views

The proposed sales and management office and shallow dock test tank cover would be the most attractive modern buildings built in the South Yard for over a century. They would improve the appearance of the waterfront and the covered No.1 slip when viewed from the Hamoaze and from Mount Edgecome. They fully satisfy the requirements of Policy CS02 (Design) and can be unreservedly welcomed.

The production facility building is more problematic. Despite the architect's best efforts to mitigate its' impact, it would be an extremely large shed whose gargantuan size and scale cannot really be hidden or disguised. It would

dwarf all other buildings in the vicinity and certainly be a conspicuous new feature of any future strategic view of the city from Mount Edgecome, the Hamoaze and even the glimpses available from Royal William Yard. But, like the frigate sheds, further up the Tamar, its' size is a function of its' purpose. In this case the purpose is streamlining the production of very large, luxury, motor yachts. A smaller shed, simply would not provide the same economies of scale.

The character of a working dockyard is one where extraordinary sights, unfamiliar and changing juxtapositions between ships, land based equipment and exceptionally large one off buildings, are the norm, not the exception. The production facility building continues that rugged waterfront tradition and will, in time, become part of the accepted panorama of a working dockyard.

The impact upon the historic environment, including listed buildings

The proposed development will have an adverse affect upon important historic assets - particularly listed buildings. The three phase manufacturing building is a behemoth, whose scale cannot be disguised or much mitigated (245m x 63m x 25m). No amount of colour banding or superficial external treatment can adequately mitigate for the shape, size and scale of the three phase manufacturing building. They are fundamental to the nature of the proposal. But it is the massive internal cranes that it is designed to contain that dictate its' shape and leave little scope for architectural embellishment. What can be achieved, in terms of stratified bands of windows and coloured panels has been incorporated into the elevation details.

However, it is only the settings of the historic protected assets that would be affected - not the intrinsic assets. The historic assets within the site, Building S173 and the raised head, are not protected and are either of limited, or narrowly specialist, value. It is appreciated that the site forms part of a working dockyard and was previously covered by utilitarian post war sheds, built by the navy under Crown exemption. It was not part of a pristine eighteenth Century environment, but the void in the centre created by long filled in mast ponds and bombed buildings.

Requiring retention of No.3 slip in its entirety would be a significant impediment to the development of this site. Its retention would seriously impede movement around the site for employees, their vehicles and the mobile boat hoists that will be used to manoeuvre the yachts. It may be a rare remnant of imperial glory, but its appearance is as a raised concrete platform of little intrinsic merit, to all except naval architecture specialists. It is not protected, and its retention would simply result in it being a persistent nuisance to those who are forced to work around it.

The roof of warehouse building (S0173) is located immediately to the west of the gazebo. The corrugated roof has dominated foreground views from the gazebo for over a century. Beyond this building functional metal sheds, erected by the military have been the main aspect from this viewing platform. The historic view has been degraded to the point where they are of very limited value.

Building S173 is early twentieth century structure. It is, as the Devonport Characterisation study acknowledges, pleasant. The applicant has investigated its retention and re-use, but finds it severely compromises the design layout. The case for requiring its retention and re-use is not considered to be sufficient to risk jeopardising the overall development proposal.

Levels are to be raised to meet the Environment Agency's (EA) requirements. The applicants are discussing with the EA to see whether this is really necessary. The scale of the development is such that across the development this will be difficult to detect.

Conditions to require archaeological investigation can, and should be, imposed upon any planning permission. This is not a reason for refusal.

Community Benefits arising from the proposed development

Policy CS33 (Community Benefits / Planning Obligations) of the Core Strategy, supplemented by the Planning Obligations and Affordable Housing SPD provides the policy framework for consideration of the community benefits delivered by the development proposal. It states:-

'Where needs arise directly as a result of development, the Council will seek to secure planning obligations or agreements pursuant to Section 106 of the Town and Country Planning Act 1990 that make a positive contribution to creating a city of sustainable linked communities.

Through such obligations and agreements, the Council will seek to ensure that development proposals: Meet the reasonable cost of new infrastructure made necessary by the proposal, including transport, utilities, education, community facilities, health, leisure and waste management.'

Specific community benefits arising from the proposal are limited. Under the provisions of the current Market Recovery Measures, in place until March 2011 to stimulate investment during the current economic crisis, commercial development of the kind proposed is exempt from payment of the Plymouth Development Tariff, as set out in the Planning Obligations and Affordable Housing SPD.

However, the applicants have agreed to provide 90 new apprenticeships (30 associated with the implementation of each phase of the production facility). Whilst there is no restriction on the area from which these apprentices can be recruited, the likelihood is that most will come from the wider local area - providing a welcome boost to training and employment in Devonport.

Access and parking issues

The site is relatively compact and quite self contained. Once behind the secure perimeter of the dockyard wall, it is unlikely that any activities, including staff parking, would spill out into the neighbouring area. Adequate on site parking and delivery facilities are proposed within the site.

Vehicular and pedestrian access to the site is currently, and for the foreseeable future, restricted to the secure Granby Gate - and bridge link to the North Yard. Granby Gate is accessed off Granby Way 'one way' system

which, in turn, is accessed from Park Avenue and the A374, to the east. The proposal will result in some increase in traffic on the surrounding road network which is likely to be particularly noticeable to the new houses built on the Southern side of Granby Green as part of the Vision site, but it is unlikely to equal the historic levels associated with the dockyard use in its' military heyday.

Travel Plan arrangements are proposed, secured by Section 106 legal agreement, to mitigate the impact of the development upon the surrounding road network and encourage modal shift in travel to work patterns away from single occupancy private vehicle to more sustainable modes: walking, cycling, public transport and car share.

Subject to approval and implementation of a satisfactory Travel Plan and conditions relating to parking cycle stores etc. the proposal is considered to meet the requirements of Policies CS28 (Local Transport Consideration) and CS34 (Planning Application Considerations) of the Core Strategy.

Equalities & Diversities issues

The applicants architect has amended the Design and Access statement to demonstrate that the site and buildings will be accessible to people with disabilities.

Inequality is such that there is little chance that most people would in the whole of their lives ever be able to afford to buy one of the luxury motor yachts built by Princess Yachts. There is a certainty that, if they did, their fuel consumption would rapidly exhaust the world's remaining supplies of fossil fuels and contribute to climate change leading to large parts of the planet becoming uninhabitable. They are inherently unsustainable and it is questionable as to whether facilities to encourage their manufacture are contrary to Policies CS01 (Sustainable Communities) and Policy CS20 (Resource Use). But, they provide jobs, develop skills and contribute to diversity.

Section 106 Obligations

- The provision of 90 new apprenticeships (30 associated with the development of each phase of the manufacturing building).
- A Travel Plan with associated £78,765.00 fund (collected in three phases of £26,255.00 linked to the three phases of the main manufacturing building) managed by Princess Yachts to promote sustainable transport.
- Management Fee (£60,000.00, rate capped figure)
- Delegated authority to officers to refuse the application within 3 months of resolution if the legal agreement remains unsigned.

Conclusions

It is possible to envisage a different future for the site involving a scale of development that is more sympathetic to the surrounding historic buildings and that introduces a greater degree of permeability and public access. But, the likelihood of this occurring and it delivering employment led regeneration,

not just a built environment that is physically more compatible with the surrounding historic assets, needs to be weighed carefully.

Devonport is some distance from the city centre and has struggled to attract investment, even with significant public sector pump priming from Devonport Regeneration Community Partnership (DRCP) and Homes and Communities Agency (HCA). The chances of a large number of small marine engineering firms taking on the extra cost involved with the renovation of the listed buildings, or a major investor coming forward to deliver a naval visitor centre, are slim. The area has a large number of important heritage assets that it struggles to preserve such as Devonport Guildhall, Devonport Market Hall, St Aubyns Church; Raglan Barracks Gatehouse and, slightly further away, The Palace Theatre.

If Core Strategy policy CS05 (Development of existing [employment] sites) considerations are put aside – and in relation to marine employment sites, that is a big assumption - residential development, conversion and/or new build, might be more commercially viable in the long term. But this has its' own problems. The site, and immediate surrounding area, has restricted / controlled access, suggesting an enclave, or gated, community, and additional residential in the southern part of the city, at the expense of employment uses, reinforces the north south split, increasing the work commute over the A38 to the north, and putting additional pressure on the A386. Furthermore, evidence suggests private sector demand for more waterfront apartments is currently quite flat. So, whilst English Heritage's objections could be cited to provide justification for a refusal of the application on the grounds that it is incompatible with the historic assets, there is no guarantee that a more compatible development proposal will come along in the foreseeable future - and it might not materialise at all.

The current proposal offers the City concrete, realisable, assets. It anchors Princess Yachts, a local marine engineering company, more firmly in the city. Marine industries are one of six priority growth sectors identified in the Core Strategy. It represents significant private sector investment that helps maintain economic diversity in a city that is particularly dependent on public sector and more vulnerable than many others to public spending cuts. The footloose nature of firms is often overplayed, particularly by firms wanting to obtain planning permission - in reality hard assets and soft networks make it difficult to relocate abroad - but the impact on economic and physical regeneration in the area, including the impact on deprived areas and social inclusion objectives, and impact on local employment are factors to take into account as the pros and cons of the application are considered.

On balance, your officers consider that the economic and regeneration advantages arising from this proposal outweigh the acknowledged harm to historic assets and that conditional permission subject to a Section 106 legal agreement should be granted.

Recommendation

In respect of the application dated **26/04/2010** and the submitted drawings, **08676_EX01D; 08676_EX02; 08676_EX03; 08676_EX04; 08676_EX05; 08676_EX06; 08676_EX07; 8676_EX08B; 088676EX09; 08676EX10; 08676_EX11; 08676_EX12; 8676_EX13; 08676_EX14; 08676_EX15; 08676_EX16; 08676_EX17; 08676_SD01R; 08676_SD02E; 08676_SD03D; 08676_SD04D; 08676_SD05B; 08676_SD06D; 08676_SD07A; 08676_SD08D; 08676_SD09C; 08676_SD20E; 08676_SD21D; 08676_SD22B; 08676_SD23E; 08676_SD25; 08676_SD30D; 08676_SD31B; 08676_SD32B; 08676_SD33A; 08676_SD34A; 08676_SD40A; 08676_SD41B; 08676_SD50; 08676_SD51; 08676_SD52; 08676_SD53; 08676_SD54; 08676_SD55; 60095684/D/001Rev.P1** , it is recommended to: **Grant conditionally subject to S106 Obligation, Delegated authority to refuse if S106 not signed within 3 months of the committee date**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

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

Reason:

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

EXTERNAL MATERIALS

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

Reason:

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

SURFACING MATERIALS

(3) 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

(4) 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

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

Reason:

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

EXTERNAL LIGHTING SCHEME

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

Reason:

In order to ensure that adequate external lighting is provided for future occupiers of the site and that it does not interfere with navigation, to comply with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

ON SITE RENEWABLE ENERGY

(7) Prior to the commencement of any development, a report identifying how a minimum of 15% of the development's total predicted carbon emissions for the period 2010-16 will be off-set by on-site renewable energy production methods that shall be implemented on site, shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt, the predicted carbon savings which result from this shall be above and beyond what is required to comply with Part L of the Building Regulations.

Unless otherwise agreed in writing, the approved on-site renewable energy production methods shall be provided and thereafter retained and used for energy supply for so long as the development remains in existence.

The proposed solution should be considered in light of any emerging plans for a district energy network for the Devonport area, and where technically feasible the solution should allow for connection to this network.

If such requirements are to be provided by means of a biomass boiler, in full or part, the submitted report shall also demonstrate that the boiler will be used, a commitment to maintain the boiler and details of how a long term fuel supply can be secured and delivered.

Reason:

To comply with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and in accordance with Government advice contained within PPS22.

CODE OF PRACTICE DURING CONSTRUCTION

(8) 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

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

SITE CHARACTERISATION

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

subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

Reason:

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

SUBMISSION OF REMEDIATION SCHEME

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

Reason:

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

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

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

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

Reason:

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

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

NOISE MITIGATION SCHEME

(14) With the exception of the proposed office building, none of the new buildings /structures hereby approved, or the remaining existing buildings whose use is changed by this permission, shall be brought into use until a scheme for noise mitigation has been submitted to and approved in writing by the Local Planning Authority. The noise mitigation scheme shall ensure that noise levels associated with the use do not regularly exceed 5db above the current ambient baseline conditions and never exceed this figure between the hours of 8pm-8am at night, after 2pm on Saturdays and not at all on Sundays and public holidays.

Reason:

The proposed development represents and intensification of noise generating industrial activity on an unregulated historic site that has been relatively quiet for at least two decades. The Local Planning Authority wishes to ensure that

the proposed development does not result in an unacceptable level of noise disturbance to residential property in the wider area.

IMPLEMENTATION OF NOISE MITIGATION MEASURES

(15) The noise mitigation scheme (approved by condition 14) shall be fully carried out and in place before any of the new buildings / structures, with the exception of the proposed new office building, or any of the existing buildings whose use is changed by this permission, are first brought into use. The measures shall remain in place throughout the duration of the use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure implementation of the noise mitigation measures approved in condition 14.

ARCHAEOLOGICAL RECORDING

(16) No part of the development allowed by this permission shall be commenced until the applicant (or their agent or successors in title) has completed a programme of archaeological investigation and recording in accordance with a written scheme of investigation which has been submitted to, and agreed in writing by, the Local Planning Authority'.

Reason:

To ensure that the possible effects of the proposed development on the historic interest of the site are adequately provided for and that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

RECORDING OF BUILDINGS & OTHER STRUCTURES

(17) No part of the development allowed by this permission shall be commenced until the applicant (or their agent or successors in title) has completed a programme of buildings recording in accordance with a written scheme of investigation which has been submitted to, and agreed in writing by, the Local Planning Authority'.

Reason:

To ensure that the possible effects of the proposed development on the historic interest of the site are adequately provided for and that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

STREET DETAILS

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

Reason:

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

ACCESS (CONTRACTORS)

(19) 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.

PEDESTRIAN/CYCLE ACCESS

(20) None of the three phases of the development shall not be occupied until a safe and continuous means of access for both pedestrians and cyclists has been constructed in accordance with details to be submitted to and approved in writing by the Local planning Authority.

Reason:

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

CAR PARKING PROVISION

(21) The development shall not be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for a maximum of 421 cars to be parked.

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.

CAR PARKING RESTRICTION

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

Reason:

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

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

CYCLE PROVISION

(23) The development shall not be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority) for 93 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

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

Reason:

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

USE OF LOADING AREAS

(25) 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.

TRAVEL PLAN

(26) The development hereby permitted shall not be occupied) until a Travel Plan (TP) has been submitted to and approved in writing by the Local Planning Authority. The said TP shall seek to encourage staff to use modes of transport other than the private car to get to and from the premises. It shall also include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the TP; and the name, position and contact telephone number of the person responsible for its implementation. From the date of occupation of any of the 3 phases of development , the occupier shall operate the approved TP.

Reason:

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

CAR PARKING MANAGEMENT STRATEGY

(27) Prior to the occupation of any part of the site a Car Parking Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. The said strategy shall provide information in respect of the phased release of car parking spaces along with details relating to the management and control of on-site car parking areas.

Reason:

To ensure that the use of on-site car parking is adequately controlled in order to support the aims and objectives of the Travel Plan in securing modal shift towards the use of sustainable modes of transport and hence reduce the number of single occupancy car journeys being made on the local highway network in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy adopted April 2007.

VEHICLE ACCESS STRATEGY

(28) Prior to the occupation of the phase of development that it serves, details of the proposed traffic routes for each phase of the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that appropriate access routes are provided around the site whilst adjoining phases of development are under construction in the interests of highway and pedestrian safety, in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy adopted April 2007.

INFORMATIVE: CONSTRUCTION OF PONTOON JETTY FACILITY

(1) The on water pontoon jetty facility should be constructed in such a way that it is robust enough to work through the full tidal range from lowest astronomical to highest astronomical tide and have a safety factor that allows for tidal surges due to low pressure weather systems increasing the height of tide over the predicted maximum.

INFORMATIVE: LIASON WITH ENVIRONMENT AGENCY

(2) Early Contractor liaison with the local Environment Agency Environment Officer (EO) should begin, preferably through a nominated Environmental Clerk of Works, as soon as the contract is awarded, and continue from the period of the construction phase. The EO should attend a pre-commencement meeting and be updated on the construction works programmed. This is to agree the principles of a Pollution prevention and Control plan and Site Waste Management Plans (SWMP). The pollution prevention planning for each phase should identify any critical operations where detailed method statements will need to be agreed. A pollution control

plan should cover deployment of drill and spill kits and including a drainage plan for close pollution control. It should cover staff training, provision of spill kits, audit routines and record keeping. For further advice the developers should refer to our Pollution prevention Guidelines, particularly PPG6 Working at construction and demolition sites, as well as PPG1, 5 and 14, which can be viewed via the following link:
<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

INFORMATIVE: SOLVENT EMISSIONS DIRECTIVE

(3) You should consult Plymouth City Council on any permits or authorisations required under the local authority permitting regime, for example meeting the Solvent Emissions Directive or COMAH regulations.

INFORMATIVE: BIOMASS BOILER WOOD

(4) Environment Agency advise that only virgin untreated wood can be used in a biomass boiler unless it has abatement equipment fitted to make it Waste Incineration Directive Compliant.

INFORMATIVE: ADVERTISEMENT CONSENT REQUIRED

(5) Notwithstanding any indicative signs shown on submitted drawings the this planning permission does not provide any consent, tacit or otherwise, for the display of any adverts. A separate advertisement consent may be required prior to the display of advertisements at the site.

INFORMATIVE: CODE OF PRACTICE DURING CONSTRUCTION

(6) The management plan required by condition 8 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 principle of developing a new manufacturing facility, B1 and B2 uses on this site.
- The appearance of the proposed development
- The impact upon strategic views
- The impact upon the historic environment, including listed buildings
- Community Benefits arising from the proposed development

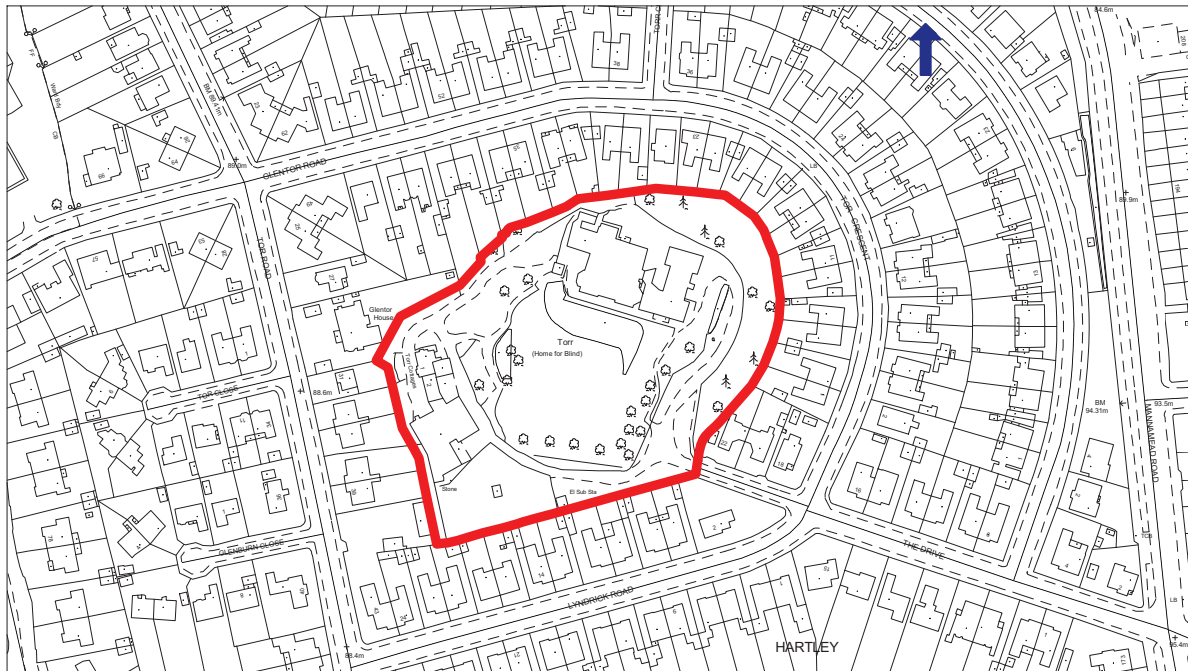
- Access and parking issues

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, and (b) relevant Government Policy Statements and Government Circulars, as follows:

PPG20 - Coastal Planning
PPG22 - Renewable Energy
PPG24 - Planning and Noise
PPG25 - Flood Risk
PPG4 - Industrial and Commercial Development
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
CS20 - Resource Use
CS21 - Flood Risk
CS22 - Pollution
CS03 - Historic Environment
CS05 - Development of Existing Sites
CS01 - Sustainable Linked Communities
CS02 - Design
CS04 - Future Employment Provision
PPS5 - Planning for the Historic Environment

ITEM: 04

Application Number:	10/00555/FUL
Applicant:	Torr Home
Description of Application:	New care home building for elderly mentally infirmed and formation of new car parking areas
Type of Application:	Full Application
Site Address:	TORR HOME, THE DRIVE PLYMOUTH
Ward:	Peverell
Valid Date of Application:	05/05/2010
8/13 Week Date:	04/08/2010
Decision Category:	Member Referral
Case Officer :	Kate Saunders
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



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OFFICERS REPORT

This application is being considered by Planning Committee as a result of a Member referral by Councillors Martin Leaves and Patricia Nicholson. These Ward councillors are concerned about the loss of protected trees on the site.

Site Description

Torr Home is a large period property set within 1.2 hectares of landscaped grounds in the Hartley area of the City. The main building occupies an elevated position in the north east corner of the site with a large lawn extending out to the south. A number of large trees are also situated around the site and are protected by a tree preservation order.

The site is contained by residential development with properties in Lyndrick Road, Tor Road, Glentor Road and Tor Crescent all backing on to the site. Access is provided to the east of the site from The Drive.

The building is currently in use as a residential and nursing home with day care and respite also being provided. On the west of the site a number of outbuildings have been converted to provide 18 self-contained flats which allows independent living for the over 60s.

Proposal Description

New care home building for the Elderly Mentally Infirm (EMI) and formation of new car parking areas

The new EMI building will be located to the west of the site, in front of the converted outbuilding units. The unit will be part-two storey, part-single storey to make use of the changing levels within the site. The proposal will measure approximately 29 metres by 27.5 metres and will have a hipped roof design. An entrance porch and number of small projecting elements have been introduced to break up the main facades of the building. An open atrium will be created in the middle of the development to form an enclosed sitting area for residents.

Relevant Planning History

10/00186/FUL - Retention of garden store in south west corner of Torr Home gardens – Granted Conditionally

09/00531/FUL - Variation of condition 3 to remove reference to C2 use and 'to let' premises to instead restrict occupation to a person with visual impairment or a person with infirmities associated with old age – Granted Conditionally

08/01425 - Siting of portable building in grounds of care home to provide temporary office accommodation – Granted Conditionally

07/00711/FUL - Conversion of office, cottage and store outbuildings to 18 self-contained flats for use in association with existing nursing home- Granted Conditionally

06/01253/FUL - Conversion of conference room into two bedrooms- Granted Conditionally

06/00615/FUL - Change of use of cottage to offices for Torr Home for the Blind – Granted Conditionally

Consultation Responses

Highways Authority – No objections subject to condition

Public Protection Service – No objections subject to conditions

Representations

26 Letters of representation received. The main issues raised are:

- Loss of protected trees
- Overlooking and loss of privacy
- Dominating structure
- Overdevelopment of site
- Loss of visual amenity
- Increased light pollution
- Loss of wildlife habitats
- Increased traffic movements causing congestion and noise
- Pollution from increased vehicle movements
- Highway safety
- Disruption from construction works
- Problems with sewerage
- Out of keeping design
- Development not sympathetic to existing house
- Increased run-off raising likelihood of flooding
- Increase in CO2 and other air pollutants due to loss of trees
- Development will detract from existing building
- Suitability of new building for dementia sufferers
- Concerns regarding contamination
- Development will obscure view of main house
- Impact on quality of life of current residents
- Increase in parking on neighbouring residential streets
- Impact on travel plan
- No provision for pedestrians/wheelchairs on road within the site

The letters also raise the following concerns which are not considered material planning considerations; trees act as a wind belt, property devaluation, damage to view, covenants concerning dry stone walls

Analysis

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

IMPACT OF BUILDING

The proposal involves the construction of a fairly substantial building for use as a 15-bed EMI unit. The proposed building has been designed to take in to account the sloping nature of the site and its position in front of the existing outbuildings creates a barrier/screen between the proposal and surrounding residential properties. The development will have the most direct relationship with properties in Glentor Road located to the north. The building will be at least 40 metres from the residential properties well over the minimum 21 metre privacy distance. In addition the presence of existing fencing and hedging will also ensure privacy levels remain high within surrounding gardens. The amenity of properties in Tor Road will be relatively unaffected. The existing outbuildings form a substantial screen which will prevent overlooking. The houses in Lyndrick Road are situated at least 55 metres away and although this boundary of the site is relatively open it is not considered that the proposal will result in a significant loss of privacy.

Concerns raised in letters of representation note that the new building will appear dominating and overbearing. The building has been specifically set in to the slope of the site and has a shallow pitched roof to minimise its height. Furthermore taking in to account the distance from site boundaries and presence of screening the proposal will not appear unduly dominant or overbearing when viewed from surrounding properties.

The issue of light pollution has also been highlighted. It is noted that the agent has detailed that street lighting is proposed however no details have been supplied. Given that the site is surrounded by residential development a condition requesting further details is considered appropriate.

The development will be situated in close proximity to the existing converted outbuildings. There will be a distance of approximately 12 metres separating the buildings. It is noted that there will be a number of bedroom and office windows facing the newly created flats however it is unlikely that people will be looking out of these windows constantly, with communal areas for the new unit being situated on the opposite side of the building. It is therefore considered that privacy will not be unreasonably affected and the separation distance will ensure the structure does not appear dominating and overbearing.

TREES

Initially a tree report was submitted detailing the removal of three mature trees on site. The property is covered by a tree preservation order and as such the removal of three trees raised concerns. However a further tree report was commissioned by the architects, at the request of the local authority, to provide more detail of the condition of the three trees. The second report

states that only one tree will now be removed and this has been confirmed in writing by the agent. The one tree that is now proposed for removal (Tree 101) is a large beech which is positioned to the western side of the main lawn. Other trees are situated close by however due to the height of the tree it does stand proud and is visible from outside of the site. The second tree report indicates that Tree 101 is in a poor condition. The report goes on to say that “the risks associated with this tree would be minimal if it were not for the extensive decay within the stem and the associated sparse crown indicating considerable dysfunction within the roots.” The tree report notes that the tree could live for a further 10-20 years however this would be in a process of managed decline. Although the local planning authority are minded to agree with the findings of the second tree report it is considered, given the high level of public interest, that further evidence and clarification of the assessed decay should be provided. An addendum will be provided to update members on the findings of the further tree investigations.

It is also considered that the arboreal landscape could be enhanced with new planting. The agent has suggested some replanting options however further details will be required. Retained trees will be protected through the construction phase and landscaping of the site post-construction and replanting details will all be covered by condition.

Letters from neighbours raise the associated problem of loss of wildlife as a result of the tree removal. Potentially due to the size and age of the tree it may be home to a bat roost. Bats are a protected species and as such under the Species and Habitats Regulations 2010 an ecological survey will need to be undertaken prior to the trees removal. If evidence of bats is found then in this case mitigation could be provided and the favourable conservation status of these species would not be compromised. In addition a condition will also be required to ensure any vegetation removal avoids the bird nesting season (March-August inclusive).

Furthermore the release of carbon dioxide in to the environment following the removal of the tree has also been highlighted. Unfortunately due to the size of the development there is no requirement for the proposal to offset any of its predicted carbon emissions. However the replanting of trees on site will make some contribution.

DESIGN

The proposal has a fairly large footprint, predominantly being single storey in nature. The form and design of the building has been largely influenced by the functional requirements of housing people with mental frailties. The changes most commonly encountered by people suffering with dementia will be in the area of short term memory loss, spatial perception, difficulty planning activities and lowered stress thresholds. The fundamental purpose of a dementia friendly unit is to compensate for the effects of dementia and support retained functions and skills. The development is almost square in nature with a single corridor running around the building, an open atrium then forms an enclosed amenity area in the centre. The form of the building therefore allows residents to wander around independently, from their

bedroom to communal areas, without the risk of getting lost. In addition they will also have the ability to go outside without the need for supervision. It is hoped that these features along with the optimal resident number will create a safe, comfortable and secure environment for future residents.

The building is fairly simplistic in terms of its design which is somewhat disappointing. The existing building is of a high quality and although it is not listed or situated within a conservation area it was hoped that a more distinct building would be created to complement and enhance the unique characteristics of the site. However attempts have been made to break up the facades of the building with projecting elements and the use of stonework. The design has made efforts to reflect the form and detailing of the converted outbuildings so it does offer some link to the existing buildings on site.

Although an improved design would be desirable this has to be weighed against the characteristics of the site and the medical need for this facility. Although the site is of high visual quality, it is surrounded by other residential development and the proposal will only be visible, in a limited way, from these neighbouring properties and not an adjacent highway. The building will be set in to the slope and its simple form will not detract from the vista of the main house.

Adult Social Care has confirmed that there is a need for this type of dementia facility within the City. Furthermore in relation to needs analysis the city will in fact be growing its dementia nursing care provision. The location of the unit at Torr Home has also been supported as it will act as a citywide facility.

Therefore in this instance it is considered that the design of the building, although basic, could not warrant refusal of the application given the contained nature of the site and acute medical need for the facility.

TRANSPORT

Initially the Highways Authority raised some concerns as no Transport Statement was submitted to accompany the application. However a Transport Statement has since been produced and the Highways Authority is now happy with the proposal. The highways officer notes that the proposed 12 parking spaces is slightly over the stated maximum parking standards however as applications of this nature are considered on a case by case basis this is considered acceptable. The highways officer was encouraged regarding the already high use of public transport at the site. It was noted that cycling is currently the least favoured travel option therefore a condition will be imposed to provide better facilities on site to try and promote its use. The highways officer also considered that the proposal would only create a negligible increase in vehicular trips to and from the site, further split by the shift working pattern. As such there are no concerns regarding the impact of the proposal on the surrounding highway network. Neighbours concerns regarding highway safety, increased congestion and associated pollution and parking on nearby streets are therefore considered unjustified and could not warrant refusal of the application.

Further comments were also raised concerning the introduction of footways within the site for pedestrians/wheelchair users; this cannot be addressed as part of the application due to the private nature of the site. In any case at the entrance to the site a speed limit is imposed therefore the risk to pedestrians using the site's existing highways is negligible.

The issue of a travel plan has also been highlighted in neighbour letters. The highways officer notes that as there will be more than 15 staff on site then a travel plan will be required and this will be covered by condition.

ENVIRONMENTAL HEALTH

The Public Protection Service has also raised no objections to the proposal although they recommend several conditions. Two of the suggested conditions relate to the installation of a ventilation system and potential noise. These conditions will ensure neighbours' amenities are protected. In addition a condition relating to the construction phase will also be utilised to limit noise and disruption to local residents. Two other conditions relate to the new kitchen in the building and the reporting of unexpected contamination on site. Neighbour concerns touched on the issue of contamination. A land contamination report was submitted to accompany the application and the Public Protection Service is happy with its finding therefore a condition is considered appropriate in this instance.

DRAINAGE

Drainage and Sewerage have also been addressed in neighbour letters. Although a sustainable drainage system would be preferred the site is not located within a flood zone or problem drainage area therefore connecting to the mains is not considered unreasonable in this instance. Building Regulations will also be required for the works and surveyors will ensure that drainage and sewerage facilities reach the required specification.

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 building will be a purpose built EMI unit providing high quality accommodation for people with dementia and other associated conditions. In light of the projected increase in dementia sufferers over the coming years it is considered that the development will provide a much needed community facility.

Section 106 Obligations

The applicants are a registered charity and as such no development tariff is payable.

Conclusions

The local planning authority is minded to recommend the application for approval subject to the submission of further evidence regarding the decay of Tree 101, which is scheduled for removal. If further testing of the tree does not support the current report indicating decay your officers may wish to revisit this recommendation in the addendum report (which will comment on the requested further tree evidence). Although the proposed design of the building is simple, it will only be visible from adjacent properties and its siting and position ensures it does not cause any harm to the original Torr Home. Other issues can all successfully be addressed through appropriate conditions therefore the application is recommended for approval.

Recommendation

In respect of the application dated **05/05/2010** and the submitted drawings, **1833/31, 1833 35, 1833 36, Tree survey plan, Transport Statement, Envirocheck Report, Evolve Tree Protection Plan (received 12th July 2010) 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.

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.

STAFF TRAVEL PLAN

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

Reason:

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

CYCLE PROVISION

(4) The development shall not be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for a minimum of 3 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.

EXTERNAL MATERIALS

(5) 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.

FURTHER DETAILS

(6) 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,
-External Lighting
-Commercial Kitchen Layout
The works shall conform to the approved details.

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF EXTRACT VENTILATION SYSTEM

(7) Prior to the commencement of development, details of the specification and design of any air conditioning equipment shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details. Any alteration or variation to the equipment should receive the prior written approval of the Local Planning Authority.

Reason:

To ensure that the use hereby permitted does not cause any adverse disturbance to the amenities of the residential properties near the premises, and any other properties, and the surrounding area, in accordance with policies CS22 and CS34 of the adopted Core Strategy.

CONTROL OF NOISE LEVELS

(8) The noise generated by the extract ducting/ventilation/air conditioning equipment (LAeqT) shall not exceed the background noise level (LAQO) by more than 5 decibels, including the character/tonalities of the noise, at anytime as measured at the facade of the nearest residential property.

Reason:

To control noise levels generated by the use hereby permitted, in accordance with policies CS22 and CS34 of the adopted Core Strategy.

LAND QUALITY - REPORTING OF UNEXPECTED CONTAMINATION

(9) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken. The report of the findings must include:

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

(ii) an assessment of the potential risks to:

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

BAT SURVEY

(10) An appropriate assessment of Tree 101 must be carried out to assess whether it is home to any bat roosts. The assessment should involve a climbing inspection by an ecological consultant. If evidence of roosting bats is discovered then appropriate mitigation measures shall be implemented. A licence from Natural England will be required prior to felling the tree if bats are discovered.

Reason:

In order to ensure no harm is caused to a recognised protected species in accordance with Policies CS19 and CS34 of the Core Strategy

NESTING BIRDS

(11) No vegetation (trees, hedges etc) shall be removed from the site during bird nesting season (March - August inclusive).

Reason:

In order to ensure no harm is caused to a recognised protected species in accordance with Policies CS19 and CS34 of the Core Strategy

PROVISION FOR TREE PLANTING

(12) No works or development shall take place until full details of all proposed tree planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority and all tree planting shall be carried out in accordance with those details and at those times.

Reason:

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

TREE REPLACEMENT

(13) If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or

destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason:

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

EXISTING TREE/HEDGEROWS TO BE RETAINED

(14) In this condition "retained tree or hedgerow" means an existing tree or hedgerow which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

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

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

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

Reason:

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

TREE PROTECTION DURING CONSTRUCTION

(15) The existing trees and/or hedgerows shown to be retained on the approved plans shall be properly protected with appropriate fencing during construction works. The erection of fencing for the protection of any retained

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

Reason:

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

INFORMATIVE: CODE OF PRACTICE DURING CONSTRUCTION

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

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

Statement of Reasons for Approval and Relevant Policies

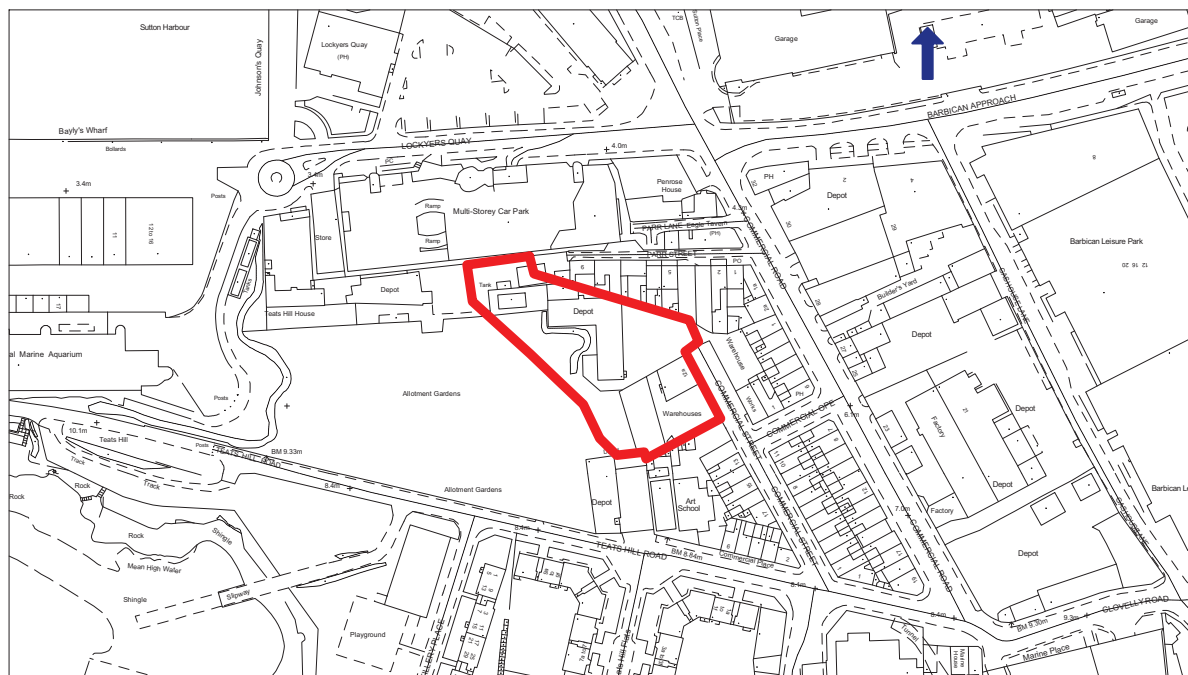
Having regard to the main planning considerations, which in this case are considered to be: effect on neighbouring properties, impact on the character and appearance of the area and highway safety, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations,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

- PPS23 - Planning & Pollution Control
- CS28 - Local Transport Consideration
- CS34 - Planning Application Consideration
- CS18 - Plymouth's Green Space
- CS19 - Wildlife
- CS22 - Pollution

CS01 - Sustainable Linked Communities
CS02 - Design
CS31 - Healthcare Provision
SPD1 - Development Guidelines

ITEM 05:

Application Number:	10/00499/FUL
Applicant:	Harbour Avenue Limited
Description of Application:	Redevelopment of site and erection of 17 no 3 bed terraced houses and 6 no 2 bed apartments with associated car parking and landscaping.
Type of Application:	Full Application
Site Address:	LAND REAR OF QUEEN ANNES QUAY OFF PARSONAGE WAY COXSIDE PLYMOUTH
Ward:	Sutton & Mount Gould
Valid Date of Application:	06/04/2010
8/13 Week Date:	06/07/2010
Decision Category:	Major Application
Case Officer :	Robert Heard
Recommendation:	Grant conditionally subject to S106 Obligation, Delegated authority to refuse is S106 not signed by 29 September 2010
Click for Application Documents:	www.plymouth.gov.uk



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OFFICERS REPORT

Update

At the previous committee on July 1st the Officers recommendation, via an addendum report, to defer a decision on this application on land contamination grounds only (the planning merits of the scheme being considered acceptable) was supported by members.

A Phase 2 Site Investigation and Risk Assessment has now been received and following consideration of this the Councils Public Protection Service has stated that it no longer objects to the application being granted planning permission, subject to conditions. These conditions are attached as numbers 13, 14, 15, 16 and 17.

For reasons set out in the report below, the application is recommend for approval subject to conditions and the completion of a Section 106 Legal Agreement, with delegated authority sought to refuse the application if the Section 106 Agreement is not signed within 2 months of the date of this committee.

At the last meeting the case officer gave a full presentation of the proposal and it was deferred only on land contamination grounds. It is anticipated that the discussion this time will therefore centre around the remaining issue of land contamination (the other planning merits of the scheme not being raised as a matter for deferment).

The report as set out below is the report that was included on the committee agenda for the meeting of the 1st July 2010.

Site Description

The site is located in Cattedown, an area which is situated on the eastern fringes of the City Centre and just to the south of Sutton Harbour. It lies just behind the existing development of luxury flats known as Queen Annes Quay and is 0.315 hectares in area. It is a non prominent location, being a flat site hidden from view by the existing Queen Anne's Quay flats to the south and west, the existing buildings on Commercial Street and Parr Street which are located to the north, east and south of the site and the Lockyers Quay Multi Storey Public car park to the north. The site was formerly occupied by buildings used for warehousing before they were recently demolished. The surrounding area is characterised by a mix of uses, including residential, commercial, retail and leisure.

Proposal Description

It is proposed to erect seventeen 3 bed terraced houses and six 2 bed apartments with associated car parking and landscaping.

Relevant Planning History

10/00198/FUL - Redevelopment of site and erection of 17no 3 bed terraced houses and 6no 2 bed apartments with associated car parking and landscaping. WITHDRAWN.

Consultation Responses

Public Protection Service

Comments to follow

Highway Authority

Support subject to conditions

Representations

21 letters of representation received, all in objection to the application. The grounds of objection are summarised below:

- There is no demand for new housing in the area.
- The proposed dwellings have limited garden space and will receive only limited amounts of natural light, also having a poor outlook.
- The development would result in a reduction in visitor spaces available for the existing Queen Annes Quay development.
- Commercial Street could be used as an additional or alternative access point.
- The development does not provide the range of housing types that is required by the community.
- The site is being over developed and the density should be reduced.
- The proposed access point is unsuitable to cater for additional traffic or the emergency services.
- The proposed development will not make best use of natural light.
- The development does not provide enough parking.
- Increased traffic in the area would be dangerous as many children play in the street by the Teats Hill Flats.

Analysis

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

As stated above, the application proposes to erect seventeen 3 bed terraced houses and six 2 bed apartments with associated car parking and landscaping. The site is almost level and the development is therefore not constrained by any existing topography. The proposed layout has been arranged at the site so that 8 of the proposed dwellings form a segmented (2 blocks of 4 dwellings) arc that sits behind the existing crescent shaped apartment block to the south, on the western part of the site. These dwellings

will have access from the existing gated access road (Parsonage Way) that serves the existing building.

The remaining units are served by a new private drive that is arranged as a cul de sac that is accessed from Parsonage Way, on the eastern part of the site and therefore closer to the gated access point than the 8 dwellings referred to above. This is positioned at a right angle to the existing access drive (Parsonage Way) just as it begins to run adjacent to the rear of the existing apartment block, providing access to 9 dwellings and 6 flats. These are arranged in a terrace of 6 on the southern side of the road and a terrace of 3 on the northern side, with the new apartment block located on the corner and being double aspect so that there is a continuous street frontage to both Parsonage Way and the new private drive. Each dwelling has a private garden, garage and parking space and the proposed apartment block benefits from communal garden space and 9 parking spaces (6 dedicated and 3 visitor spaces).

It is considered that the main issues in the consideration of this application are the principle of the proposed development; the impact that it will have on the character and appearance of the area; impact upon design and visual amenity; impact upon nearby properties residential amenities and impact upon the surrounding highway network. These issues will now be addressed in turn:

Principle of Development

The site was previously occupied by recently demolished warehouse buildings and is thus considered to be brownfield land. It was also previously allocated for residential development in the First Deposit Local Plan under proposal 29. It is therefore considered that residential development of the site is acceptable in principle.

Layout, Character and Appearance

Policy CS43 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) refers to siting, layout, orientation, local context and character. The form of existing development in the area is diverse, there is an existing modern 7 storey 'crescent shaped' block of luxury apartments immediately to the south of the site, a large multi storey car park to the north and west and more traditional terraced houses to the north and east. Density levels in the area are quite high due to the presence of terraced houses and the luxury apartments referred to above, as well as Teats Hill flats which are within close proximity to the south of the site.

The site is hidden from many of the nearby areas by the existing development that surrounds it and therefore occupies a location that is not prominent. With regards to layout generally, the proposal is reflective of the existing built form in the area by providing terraced dwellings.

Specifically, eight dwellings are positioned to the rear of the existing block of flats and oriented to face south, reflecting the crescent shape and orientation of the existing block of flats. The other 9 dwellings and new block of 6 flats

form a small cul de sac within the site that incorporates a turning head for vehicles. Six of the dwellings will be located on the eastern side of the cul de sac and the remaining three dwellings and block of six flats are on the western side. All face onto the cul de sac, which is designed to an adoptable standard.

The layout of the site is considered to be a positive response to the constraints of the site, ensuring that all proposed dwellings face the access road and provide natural surveillance of all areas at the site that are not private. The Councils Architectural Liaison Officer has commented that this will help to reduce the risk of crime at the site (although this is already low due to the gated access point) and it is positive that there are no areas within the development where there is confusion about whether land is private or communal. Corner dwellings have been designed as double fronted to ensure that natural surveillance of cornered areas is maintained and small areas of planting at the site provide an element of soft landscaping in this inner city location.

The back gardens of the majority of the proposed dwellings are positioned back to back with rear gardens of the existing surrounding dwellings on Parr Street, a recognised characteristic of good urban design practice. Each dwelling has a private rear garden and patio and the proposed apartment block has a communal garden with shared clothes drying facilities. A full range of amenities is therefore provided for potential future occupiers.

The density level at the site is 72 dph, with buildings occupying 33% of the overall site area. This is considered acceptable, as with all inner city and central areas density levels are slightly higher than average, particularly when a development includes flatted units.

Overall, it is considered that the proposals would provide a well thought out development that is a positive response to the irregular shape of the site. It has public and private spaces that are safe, attractive, easily distinguished and accessible. The layout of the development is therefore considered acceptable and compliant with Policy CS34.

Design and Visual Amenity

The whole site follows the same design form and the different dwelling types and apartment block contain some very similar features that ensures that the scheme has balance and a considered design approach, through subtle repetition of features and materials. The proposed dwellings are predominantly finished in render which is the dominant local material in this part of Plymouth, but subtle use of timber (another local waterfront material) and glazing on features such as projecting bays ensures that the external appearance and elevations are interesting and varied. The materials palette is respectful of the surrounding development whilst introducing contemporary materials such as standing seam metal, which is also used on the existing Queen Annes Quay apartment block.

The scale and massing of the proposed development is considered appropriate for the site. Fourteen of the seventeen dwellings are 3 storey and thus very similar in height to the majority of the surrounding dwellings. The three remaining dwellings are 2 storey, being corner properties with different footprints and layouts, due to the shape of the site. The block of six apartments is the most significant building within the site, turning the corner created by the proposed new cul de sac. Whilst it is slightly different in design to the terraced units, the use of a similar materials vocabulary ensures the proposed apartment block integrates smoothly into the overall scheme.

It is considered that the proposed development provides a high quality contemporary housing scheme that is sensitive to the character of the surrounding area, respecting elements of the more traditional housing in the area whilst not being a slavish copy of it and introducing modern elements of building design and contemporary materials. The development is therefore considered to make a positive contribution to local visual amenity and is compliant with Policy CS02 (Design) of the City of Plymouth Local Development Framework Core Strategy (2007).

Residential Amenity

It is important that all new residential development should be designed to ensure that the degree of privacy enjoyed by existing nearby properties is not unacceptably reduced and that new problems of overlooking are not created. It is also imperative that the relationship between the new dwellings proposed is acceptable and that each property has an adequate level of privacy and natural light.

The layout of the site has been arranged in order to minimise impact on the surrounding properties. The existing residential properties in closest proximity to the site are the existing apartment block known as Queen Annes Quay (to the south of the site) and those dwellings to the north of the site on Parr Street (numbers 5, 6, 7, 8 and 9).

Taking the Queen Annes Quay apartment block first; this is a 7 storey building that is oriented to face south and therefore the main windows of habitable rooms in this building are on its front elevation that looks seawards, and not its rear elevation which is the elevation that faces the proposed development. The minimum separation distance between the new dwellings proposed and the rear of the main Queen Annes Quay building is 20 metres at the closest point, an adequate separation distance that ensures that problems of overlooking and loss of privacy are not created. With regards to dominance, the Queen Annes Quay apartment block is 7 storeys high and thus the proposed 3 storey dwellings will not impact upon the existing apartment block, with the 20 metre gap ensuring that the new dwellings (being south facing) still receive adequate levels of daylight. The relationship between the proposed new dwellings and the existing apartment block is considered acceptable, and is similar to existing relationships between properties in the city that are on opposite sides of a residential street.

The 5 properties (numbered 5, 6, 7, 8 and 9) that are located to the north of the site on Parr Street all face north and are thus positioned 'back to back' with the closest proposed dwellings within the site. They are therefore separated by gardens and their front elevations face in opposite directions. Whilst the closest relationship between the rear elevations of the existing dwellings on Parr Street and those proposed within this application is 13 metres, the proposed dwellings are oriented in such a way that direct conflict is avoided and no significant overlooking or loss of privacy is created.

The layout of the site has been arranged so that the relationship between the proposed dwellings and apartments within the site is not unacceptable and the application is therefore considered compliant with Policies CS14 and CS34 of the City of Plymouth Local Development Framework Core Strategy (2007).

Highways Issues

The application proposes to provide each dwelling with 1 off-street parking space and an integral garage, equating to 2 off street parking spaces per dwelling. The block of flats will have the benefit of 9 off-street parking spaces, at a ratio of 1.5 spaces per unit (shown arranged as 1 space per flat with 3 visitor spaces). These provisions accord with current and emerging maximum parking standards.

The agent has confirmed that the 8 existing visitor parking spaces at the site, currently serving the Queen Annes Quay apartment block, will be replaced with 7 spaces split between the east and west areas of the existing car park. Although this will result in the loss of 1 visitor space it is accepted that these spaces are all in the ownership of the applicant and are not allocated to the adjoining development. As such, in terms of parking, the development provides adequate car parking and does not utilise or rely on the existing Queen Annes Quay parking allocation.

The applicant has confirmed that the new cul de sac will be made up to adoptable standards, in accordance with City Council Policy, but will remain private. As such the existing access gates to the Queen Anne's Quay apartment block will remain in situ. The development will be made exempt from the provisions of the Advance Payment Code, section 219-225 Highways Act 1980, and as such will be suitable for private ownership. The agent has confirmed that a management company will be in place to maintain the roads.

The site access, onto Teats Hill Road, is already adopted as Highway and as such is deemed suitable for the traffic generated by the development. The junction is within an existing 20mph zone and the configuration and visibility of the junction is designed to an acceptable standard.

The site is considered to be situated in a sustainable location and is within close proximity to public transport services on Sutton Road. It is within a short walking distance of local shops and the City Centre and it is therefore likely that although car parking is provided residents will choose more sustainable travel choices rather than paying parking charges within the City. The

Councils Highways Officer is supportive of the application, recommending approval subject to conditions, and the application complies with Policy CS28 (Local Transport Considerations) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

Sustainable Resource Use

Policy CS20 (Sustainable Resource Use) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) requires all new residential developments of 10 units or more to incorporate onsite renewable energy production equipment to off set at least 15% of predicted carbon emissions for the period 2010 – 2016.

The application includes an energy compliance report for each proposed dwelling. In order to meet the requirements of Policy CS20 each dwelling is proposed to have Photovoltaic Panels and Solar Water Panels installed on the roof. With regards to visual impact, the panels will be almost flush with the roofline and will not be visible from the street.

Photovoltaic Panels generate electricity from light and their energy source is therefore sunlight, meaning that they do not require fuel to operate and produce no air pollution or hazardous waste. Solar Water Panels require no grid connection and are used for the heating of water. Their power source is also sunlight and whilst they are particularly useful in the summer months, a boiler is also required to provide hot water during the winter months.

The use of Photovoltaic and Solar Water Panels is more than adequate to meet the 15% energy saving and the application is therefore compliant with Policy CS20.

Letters of Representation

As stated above in the representations section of this report, 21 letters of objection have been received, for reasons that have already been summarised above. Many of the issues raised and summarised have already been discussed above in the main part of this report. However, those not yet discussed are addressed below:

- *There is no demand for new housing;* There is a need to provide a balanced community and new homes for a growing population, in order to meet general housing and affordable housing targets.
- *Commercial Street could be used as an additional/alternative access;* The application proposes access to the site from Parsonage Way and this is considered acceptable and the Highways Officer is supportive of the application.
- *The development does not provide the range of housing types required by the community;* This is not correct, the area is characterised by smaller flatted units and the majority of the dwellings proposed in the application are family homes, which are required in the area to ensure that the local community is balanced. Affordable housing need is also very high and the application provides 4 affordable housing units.

Equalities & Diversities issues

This development affects people of all ages and from all backgrounds as it provides open market housing that will be made available for sale to the general public. It specifically affects those on lower incomes on the Councils Housing Register as it provides 4 units of the total number of 23 as affordable housing, to be managed by a Housing Association. Older people will also be specifically affected as the development will provide 20% of dwellings to Lifetime Homes standard. The benefits to these groups are considered to be positive.

No negative impact to any equality group is anticipated. The financial mitigation, secured by Section 106 under the Plymouth Development Tariff will benefit the whole community by providing money to be spent on Green Space, Sport and Recreation, Libraries, Health, Children Services and the Public Realm.

Section 106 Obligations

The application is accompanied by a viability assessment that states that the development would not be viable if it was required to provide 30% of units as affordable housing. Policy CS15 (Overall Housing Provision) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) states that on qualifying developments of 15 dwellings or more, at least 30% of the total number of dwellings should be affordable homes, to be provided on site without public grant (subject to viability assessment).

The Local Planning Authority have scrutinised the viability assessment (produced for the applicant by Vickery Holman Property Consultants) and agree that generally, the assumptions made in this report are a fair reflection of the current market. Whilst the applicant has agreed to pay the full tariff (at a 50% discount according to the Market Recovery Scheme due to the site being brownfield land), the viability assessment states that the proposed development would not be viable if affordable housing was required to be provided at the site, in accordance with the Councils Policy of 30% provision.

Through a combination of challenges to certain information contained within the viability assessment and negotiations with the preferred RSL partner about the value and location of potential affordable units, despite compromised viability, agreement has been reached with the applicant to provide 4 Affordable Housing units at the site, comprising of 2 flats and 2 houses (with 2 flats for shared ownership and 2 houses for social rent). This compromise, achieved through positive negotiation with the applicants property consultants, adequately addresses concerns that the application did not contain any affordable housing units. The compromise of a 4 unit affordable housing package would provide housing for identified local needs, achievable 'affordability', and 19% affordable housing delivery at the site.

Whilst the provision of 4 affordable housing units at the site compromises the developers profit on costs to slightly below the 20% target required to ensure

a viable development, it was deemed close enough (19.77%) that the Local Planning Authority was justified in making the case that four units should be the minimum provision at the site. In addition, given the likelihood of future increase in sales values and the contingencies that were already provided within the viability assessment, it is likely that the development could ultimately achieve a profit in excess of 20%. In this event, the Local Planning Authority has agreed (by further negotiation with the applicants property consultants), a clawback mechanism within the Section 106 Agreement to obtain additional planning gain in the event that the development achieves more than a 25% profit-on-cost.

The application has been assessed against the Governments Community Infrastructure Levy (CIL) and it is considered that the financial obligations required by the Plymouth Development Tariff of £120, 497 meet the 3 CIL tests and that the obligation is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development.

Conclusions

To summarise, this application will provide 23 new residential units (17 houses and 6 apartments) with 19% to be provided as affordable housing, to be managed by a Registered Social Landlord. Ancillary car parking and landscaping are also provided as part of the development package and the applicant has agreed to pay the financial contributions considered necessary under the Community Infrastructure Levy.

It is considered that the application proposes high quality contemporary housing with a design solution that is modern and innovative, ensuring consistency in appearance through subtle repetition of features and materials. The layout is a positive response to the constraints of the site.

The proposed development would not impact significantly upon nearby properties residential amenities due to the layout and orientation of the proposed dwellings and would not harm the surrounding highway network, providing adequate levels of off street car parking. The application is therefore recommended for approval, subject to conditions and the successful completion of a S106 agreement by the 5th July 2010, with delegated authority sought to refuse the application if the Section 106 Agreement is not signed by this date.

Recommendation

In respect of the application dated **06/04/2010** and the submitted drawings, **653-301/P, 653-300/P, 653-302/A, 653-320/A, 653/321/A, 653-322/P, 653-323/A, 653-324/A, 653-325/A, 653-326/B, Energy Statement, Contaminated Land Report and Development Appraisal, and accompanying Design and Access Statement** , it is recommended to: **Grant conditionally subject to S106 Obligation, Delegated authority to refuse is S106 not signed by 29 September 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.

DETAILS OF BOUNDARY TREATMENT

(2) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before first occupation of the first dwelling. Development shall be carried out in accordance with the approved details.

Reason:

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

PROVISION OF PARKING AREA

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

Reason:

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

ROAD ALIGNMENT AND DRAINAGE

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

Reason:

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

COMPLETION OF ROADS AND FOOTWAYS

(5) All roads and footways forming part of the development hereby permitted shall be completed in accordance with the details approved under condition 4 above before the first occupation of the penultimate dwelling.

Reason:

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

CYCLE STORAGE

(6) 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.

EXTERNAL MATERIALS

(7) 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.

CODE OF PRACTICE DURING CONSTRUCTION

(8) 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.

ON SITE RENEWABLE ENERGY PRODUCTION

(9) The development shall be constructed in accordance with the details contained within the applicants Energy Statement and individual Energy Compliance Reports for each dwelling, showing that 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, for the period 2010-2016. The hereby 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.

PROVISION OF LIFETIME HOMES

(10) The development shall be constructed strictly in accordance with drawing no. 653-326/B which shows 5 units (plots 1, 7, 10, 11 and 23) within the development hereby approved to be constructed to Lifetime Homes standards. The layout of the floor plans hereby approved shall be permanently retained for so long as the development remains in existence, unless a further permission is granted for the layout of these units to change.

Reason:

In order to provide 20% Lifetime Homes at the site, in accordance with Policy CS15 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

PROVISION OF DRAINAGE WORKS

(11) Development shall not begin until details of drainage works and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details.

Reason:

To ensure that satisfactory infrastructure works are provided in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

FURTHER DETAILS

(12) 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: details of a refuse storage facility for the apartment block hereby approved. The works shall conform to the approved details.

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SITE CHARACTERISATION

(13) 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

(14) 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

(15) 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 OF UNEXPECTED CONTAMINATION

(16) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 13, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 14, 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 15.

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.

LAND QUALITY

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

INFORMATIVE: EXCLUSION FROM PPZ

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

INFORMATIVE: CODE OF PRACTICE DURING CONSTRUCTION

(2) The management plan required by condition 8 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 proposed development on visual and residential amenity and the surrounding 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

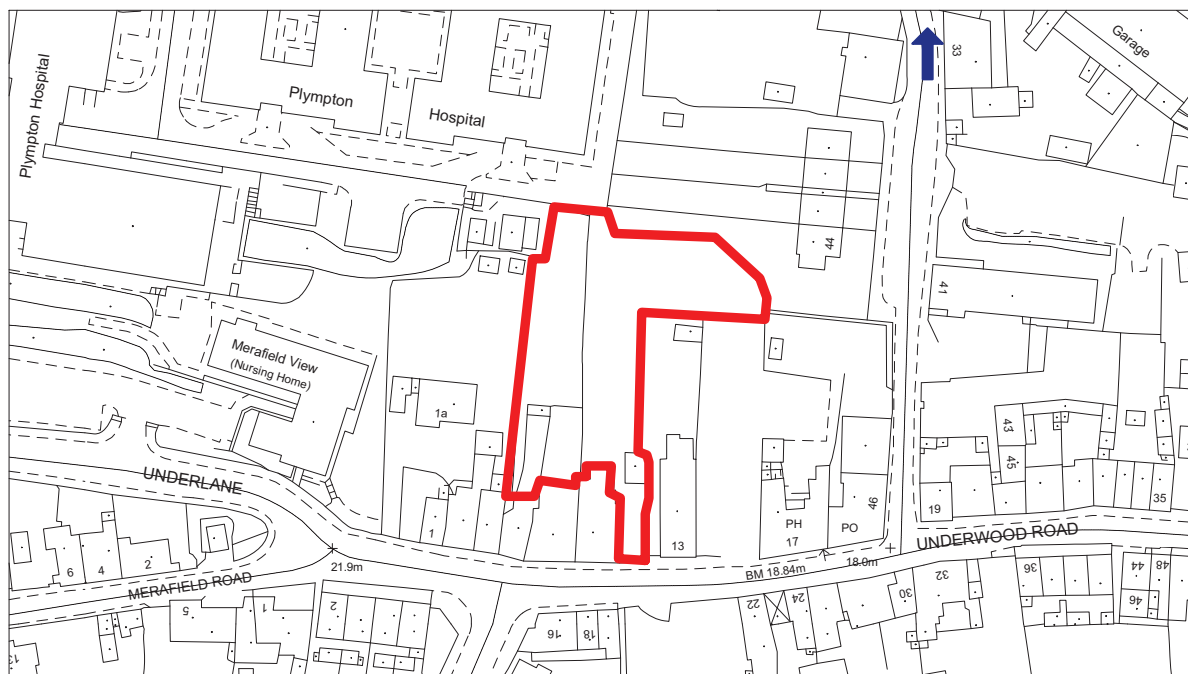
Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, and (b) relevant Government Policy Statements and Government Circulars, as follows:

- PPS3 - Housing
- CS28 - Local Transport Consideration
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS20 - Resource Use
- CS22 - Pollution
- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS15 - Housing Provision
- CS16 - Housing Sites
- SPD1 - Development Guidelines

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ITEM: 06

Application Number:	10/00711/OUT
Applicant:	South-west Property Developments Ltd
Description of Application:	Outline application to develop land by erection of three 4-bedroomed 100sqm floor area detached dwellinghouses
Type of Application:	Outline Application
Site Address:	LAND TO THE REAR OF 7-11 UNDERWOOD ROAD PLYMOUTH
Ward:	Plympton Erle
Valid Date of Application:	24/05/2010
8/13 Week Date:	19/07/2010
Decision Category:	Member Referral
Case Officer :	Jon Fox
Recommendation:	Refuse
Click for Application Documents:	www.plymouth.gov.uk



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OFFICERS REPORT

This application is being considered by Planning Committee as a result of a Member referral by Councillor Terri Beer. This Ward councillor is concerned about the loss of gardens, congestion and parking, potential flooding and overlooking of neighbours.

Site Description

The site comprises garden land to the rear of 7-11 Underwood Road, which also extends to the rear of No.13 and the car park to the public house at No.17 Underwood Road. The land slopes downwards from the front of the site (south to north). The site is bounded to the west by the house and garden at 1a Underwood Road; to the north by Plympton Hospital and the garden of 44 Market Road (both at a considerably lower level than the site) and to the east by 44 Market Road and 13 Underwood Road. Access is via a drive adjacent to 11 Underwood Road, which passes the entrance to accommodation in that property.

Proposal Description

Outline application to develop land by erection of three 4-bedroomed 100sqm floor area detached dwellinghouses. The dimensions of the houses are 8.6 to 8.9 metres wide, 7.6 to 7.9 metres deep and 24.39 to 24.79 metres high (Unit 1), 23.20 to 23.60 metres high (Unit 2) and 22.30 to 22.70 metres high (Unit 3).

Relevant Planning History

09/00532 - Outline application for construction of eight, two-bedroom flats and associated car parking and vehicle turning areas. The flats are indicatively arranged in 4 blocks of two flats each (3 in a terrace on the western side of the site and one to the east, bounded by 44 Market Road and 13-17 Underwood Road. The dimensions of the flats are 7.5 to 7.7 metres deep; 8.0 to 8.2 metres wide and overall between 23.85 to 26.60 metres to the ridge levels. This application was refused due to:-

- (1) The Local Planning Authority considers that the proximity of the proposed access road to Nos. 11 and 13 Underwood Road and the associated vehicle movements to the side of these buildings and associated rear gardens will lead to levels of noise and disturbance that will be demonstrably harmful to the amenities of the occupiers of those properties.
- (2) While the submitted drawings are illustrative only, the Local Planning Authority considers that the buildings will, due to their scale and proximity, be overbearing and dominant when viewed from the rear gardens and houses that surround the site, particularly 1a Underwood Road and 44 Market Road, and due to their height will also result in a serious loss of privacy for the occupiers of those properties and 46 Market Road.
- (3) With regard to sunlight and daylight, the Local Planning Authority considers that the close proximity of the proposed dwellings to the boundaries of neighbouring properties at 1a Underwood Road and 44 Market Road will

result in an unreasonable loss of sunlight and daylight to the rear gardens of those properties.

(4) The Local Planning Authority considers that the density of the development, the intensive use of the site, and the close proximity of the proposed access road and dwellings to neighbouring properties will lead to unreasonable levels of noise, disturbance and light pollution for the occupiers of 1a and 13 Underwood Road and 44 Market Road.

(5) The Local Planning Authority considers that the amount of development is inappropriate for a site that has no frontage onto the main road. In this respect, the size of the plot, and the nature of the sub-standard accessway that serves it, is not considered capable of generating its own street frontage and the density of development would be at odds with the relatively spacious layout and depth of plots on surrounding properties.

(6) The Local Planning Authority considers that the proposed development is likely to result in an unacceptable increase in the number of vehicular movements taking place at and in the vicinity of the application site. The Local Planning Authority considers that the increase in vehicular movements arising from development would give rise to conditions likely to cause:

- (a) Prejudice to public safety and convenience;
- (b) Interference with the free flow of traffic on the highway; and
- (c) Unwarranted hazard to vehicular traffic;

which is contrary to Policy CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

(7) The Local Planning Authority considers that the proposed access arrangement is unsuitable for its intended use and is therefore likely to give rise to issues of personal and highway safety. Vehicular movements arising from the development would give rise to conditions likely to cause:

- (a) Prejudice to public safety and convenience;
- (b) Interference with the free flow of traffic on the highway; and
- (c) Unwarranted hazard to vehicular traffic;

which is contrary to Policy CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

(8) The Local Planning Authority considers that no adequate provision is proposed to be made for the parking of cars of persons residing at or visiting the development. Vehicles used by such persons would therefore have to stand on the public highway giving rise to conditions likely to cause:

- (a) Damage to amenity;
- (b) Prejudice to public safety and convenience; and
- (c) Interference with the free flow of traffic on the highway;

which is contrary to Policy CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

(9) The Local Planning Authority considers that the proposed development is unsatisfactory and unacceptable in that it will fail to meet accepted standards for: turning and parking of vehicles attending at the site; vehicular and

pedestrian circulation within the development; pedestrian links to the wider footway network; safe access to and from the site; and street lighting and drainage and gradient of the street.

05/01696/OUT (13 Underwood Road) - Outline application to develop rear garden by erection of dwelling, with details of means of access (as existing), with demolition of rear tenement of existing dwelling and formation of parking area. This application was refused.

Consultation Responses

Highway Authority

No objections subject to conditions.

Public Protection Service

Have no objections subject to conditions relating to land quality and code of practice.

Representations

Five letters were received, which raise objections on the following grounds:-

1. Dangerous access from Underwood Road – poor visibility and danger to pedestrians – traffic congestion.
2. 'Garden grabbing' – loss of green space - the site was originally a large and mature garden.
3. Contrary to the application, there is no post office and public house nearby.
4. Disruption during the building works, including disruption to access along Underwood Road.
5. There are already 49 houses being built near the site and another three houses are not needed.
6. Overlooking and loss of privacy to 1A Underwood Road.

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.

Main Issues

The main issues in this case relate to the backland nature of the site and the impact of the proposed development on surrounding residential amenity in terms of dominance, visual intrusion, privacy and noise and disturbance; the amount of development and the impact on the character and appearance of the area, and the impact on traffic congestion and highway issues relating to the use of the proposed driveway and access point onto Underwood Road. With regard to the above issues it necessary to assess whether the current

proposals overcome the previous reasons for refusal without raising any other problems.

Transport Considerations

With regard to transport matters, this is a cause for serious concern and objection among those residents who have written in about the proposals. Underwood Road is, at this point, a narrow and busy stretch of highway that is often fraught with vehicular congestion. It was because of the previous highway reasons for refusal that the applicants engaged the Local Planning Authority in post-decision discussions to see if a way forward could be found to overcome the Highway Authority's objections.

Compared with the previous scheme, it is considered that the reduction in residential units would reduce the number of vehicle movements in the vicinity of the site and that the private access way (5.2 metres wide initially, narrowing to 4.2 metres) and the gradient of the accessway (in the order of 1.11), results in an adequate access arrangement. In terms of the suitability of Underwood Road, it is recognised that driver visibility could be hampered at the site entrance. However, it is considered that the current pedestrian build-out in the highway, just to the west of the site entrance, does help to improve visibility at this point. In addition it is considered that new white lining (across the driveway entrance) and/or cross hatching (adjacent to the pedestrian build-out) would discourage parking close to the entrance and improve visibility. This has resulted in a scheme to which the Highway Authority does not object, although there are a number of conditions that underpin this recommendation. On this basis it is considered that the proposals overcome reasons 6, 7, 8 and 9 of the decision notice relating to application 09/00532.

Backland Nature of the Site

With regard to the backland nature of the site, the proposed driveway passes close by to the side of both 11 and 13 Underwood Road. Previously it was considered that the number of vehicle movements associated with this many (eight) units, would lead to conditions of unacceptable noise and disturbance for the occupiers of those properties, and that the number and proximity of units to the gardens of 1a and 13 Underwood Road and 44 Market Road would generate a level of noise and disturbance that would be harmful and out of character in the area, to the detriment of residential amenity at those properties. As far as the current proposals are concerned it is considered that the number and proximity of units to the gardens of 1A and 13 Underwood Road and 44 Market Road would not now lead to such an intensive use of the land that would cause undue noise and disturbance. However, the proposed driveway would still lead to conditions of unacceptable noise and disturbance for the occupiers of 11 and 13 Underwood Road via the comings and goings of vehicles, which would pass close by the side of both these properties. In this case the proposals are contrary to policies CS15 and CS34 of the Core Strategy and the refusal still stands in part.

Impact of Proposed Buildings on Residential Amenity

With regard to the impact on neighbours it was considered previously that the height and proximity of the terrace of 3-storey units to the garden of 1a

Underwood Road would be overbearing and dominant when viewed from the house and garden at that property and would appear visually intrusive and lead to an unreasonable loss of privacy. The same problems would have faced the occupiers of 44 Market Road, which would also have been seriously and unacceptably overlooked from the single block of two flats proposed near that boundary and would also have experienced a loss of sunlight and daylight. The garden at 46 Market Road will also have been overlooked from this part of the proposed development. The current proposals are for three houses that are not as high as the previously proposed flats and do not present a terrace of three buildings when viewed from 1A Underwood Road. The buildings have also been moved further away the boundary with that property. Unit 3 has also been moved further back from the rear elevation of 44 Market Road. However, the two houses backing onto 1A Underwood Road are still near enough to be overbearing and dominant and they would still be visually intrusive. Privacy would not be an issue as the rear facing windows would be angled to face north. However, this in itself presents a problem as the windows would be north-facing and would deny the occupiers a reasonable aspect from the rear of the properties. 44 Market Road would also still be visually dominated by Unit 3 and the loss of sunlight would still be unreasonable. Loss of privacy could be avoided by angling the windows away from No.44. No.46 Market is not now unreasonably affected as Unit 3 is further south than the previously proposed building in this position. However, No.44 is affected by the Unit 2, which is further north than the previous terrace of buildings on the western side of the site. Essentially, the proposals have not overcome refusal reasons 2 and 3 of the previous decision. In this case the proposals are contrary to policies CS15 and CS34 of the Core Strategy.

With regard to refusal reason 4 (intensity of development affecting neighbours) it is considered that the reduced density of the development and more spacious layout would not result in an unreasonable impact on neighbours.

Impact on Character of the Area

With regard to refusal reason 5, the proposals, although lesser in numbers and overall density, are still considered to be out of character in the area. Since the previous application was determined, the Coalition Government has brought in a new presumption against garden development. However, this does not mean that Local Planning Authorities have to refuse all such applications. This Authority has consistently used its adopted policies to refuse applications where garden development has seriously affected the character of the area and that is a consideration that underpins refusal reason 5.

Equalities & Diversities issues

None.

Section 106 Obligations

None.

Conclusions

The proposals overcome a number of the previous refusal reasons, but not those relating to the impact on residential amenity and the impact on the character of the area. The proposals essentially overdevelop the site and this has led to many if not all of the problems identified with the scheme, which are not considered to be outweighed by the aims of policy CS15 (overall housing provision), which is to ensure that sufficient land is available to meet the city's strategic housing allocation up to 2021. It is therefore recommended that planning permission be refused.

Recommendation

In respect of the application dated **24/05/2010** and the submitted drawings, **UR-A3/01B, and accompanying design and access statement**, it is recommended to: **Refuse**

Reasons

NOISE AND DISTURBANCE

(1) The Local Planning Authority considers that the proximity of the proposed access road to Nos. 11 and 13 Underwood Road and the associated vehicle movements to the side of these buildings and associated rear gardens will lead to levels of noise and disturbance that will be demonstrably harmful to the amenities of the occupiers of those properties. The proposals are therefore contrary to policies CS15, CS22 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

IMPACT ON NEIGHBOURS

(2) While the submitted drawings are illustrative only, the Local Planning Authority considers that the buildings will, due to their scale and proximity, be overbearing and dominant when viewed from the rear gardens and houses that surround the site, particularly 1a Underwood Road and 44 Market Road, and will also result in a serious loss of privacy for the occupiers 1A Underwood Road. The proposals are therefore contrary to policies CS15 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

LOSS OF SUNLIGHT

(3) With regard to sunlight and daylight, the Local Planning Authority considers that the close proximity of the proposed dwellings to the boundary of 44 Market Road will result in an unreasonable loss of sunlight and daylight to the rear gardens of that property. The proposals are therefore contrary to policies CS15 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

OUT OF CHARACTER

(4) The Local Planning Authority considers that the amount of development is inappropriate for a site that has no frontage onto the main road. In this respect, the size of the plot, and the nature of the accessway that serves it, is not considered capable of generating its own street frontage and the density

of development would be at odds with the relatively spacious layout and depth of plots on surrounding properties. As such, the proposals are considered to be harmful to the character and appearance of the area. The proposals are therefore contrary to policies CS02 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

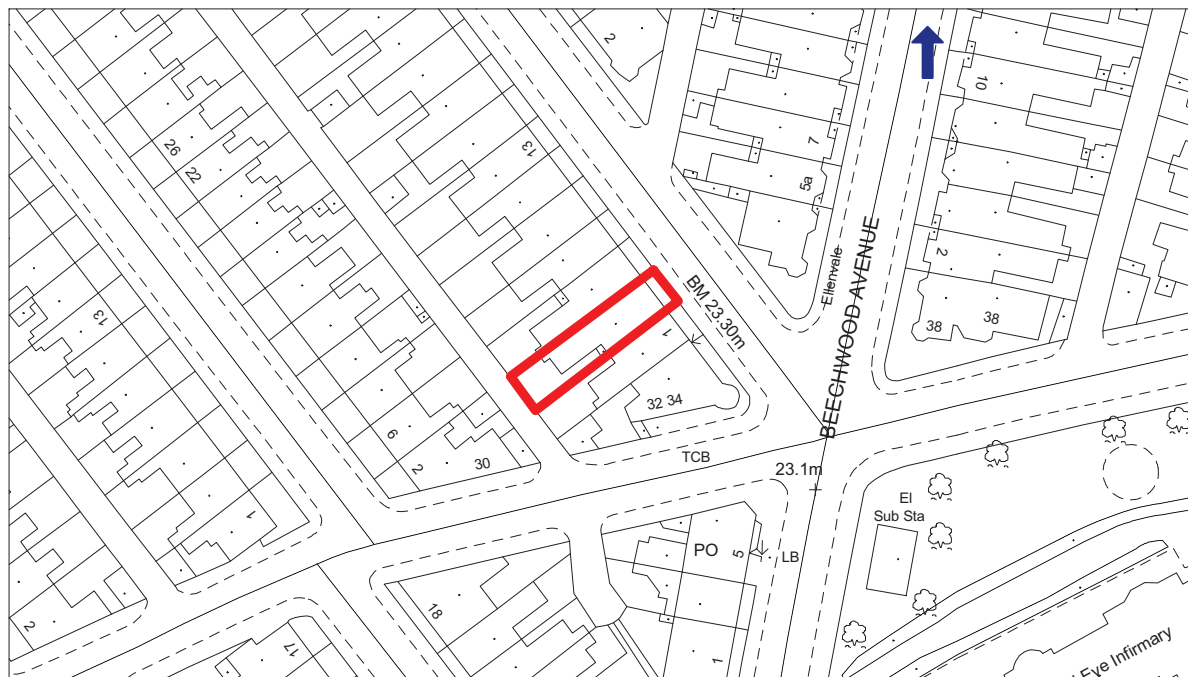
Relevant Policies

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, and (b) relevant Government Policy Statements and Government Circulars, were taken into account in determining this application:

- CS28 - Local Transport Consideration
- CS34 - Planning Application Consideration
- CS18 - Plymouth's Green Space
- CS22 - Pollution
- CS02 - Design
- CS15 - Housing Provision
- SPD1 - Development Guidelines

ITEM: 07

Application Number:	10/00715/FUL
Applicant:	Mr Matthew Conyers
Description of Application:	Change of use to house in multiple occupation (8 bedrooms)
Type of Application:	Full Application
Site Address:	3 HILLSIDE AVENUE PLYMOUTH
Ward:	Drake
Valid Date of Application:	11/05/2010
8/13 Week Date:	06/07/2010
Decision Category:	Member Referral
Case Officer :	Jon Fox
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



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OFFICERS REPORT

This application is being considered by Planning Committee as a result of a Member referral by Councillor Steve Ricketts. This Ward councillor is concerned about sustainability and overdevelopment.

Site Description

3 Hillside Avenue is a terraced house situated on the south western side of the road. The property backs onto a rear service lane. Building works have been carried out within the property, which is now effectively four storeys, comprising basement, ground floor, first floor and converted roof space (second floor). The existing layout is more or less what is shown on the 'proposed' layout floor plan, apart from the omission of a second window in bedroom 5 (first floor); a second window in the rear of bedroom 1 (lower ground floor) and a partition that has been erected, which separates the door at the top of the stairs from bedroom 8 (second floor roof space). There is a small shower room and toilet on the first floor as opposed to the enlarged shower room and toilet shown on the plans.

Proposal Description

Change of use to house in multiple occupation (8 bedrooms). The layout proposes accommodation on four levels. There is a kitchen/diner shown at the front of the building with bedroom 1/en suite to the rear; the ground floor has a lounge to the front with a bathroom and bedroom 2 behind that, and in the tenement there would be a store with bedroom 3 to the rear; the first floor has bedroom 7 to the front with bedroom 6 behind, and in the tenement there would be bedrooms 4 and 5; the roof space would accommodate bedroom 8.

Relevant Planning History

09/01921 – Change of use to house in multiple occupation (12 bedrooms). This application was withdrawn. The property was for a time used by 12 students without planning permission and this application was submitted retrospectively.

99/00424 - Change of use and conversion of dwellinghouse, to provide accommodation for eight students. This application was refused due to the intensification of use (primarily the conversion of the basement to accommodate three bedrooms) and its impact on residential amenity and the character of the area. It was also considered that the change of use would set a precedent for similar proposals that would undermine efforts to maintain small dwellinghouse stock and that the basement bedrooms would have a sub-standard level of lighting and ventilation and would be damp. As such it was considered that the lack of adequate amenity would lead to pressure on internal and external amenity areas would lead to noise and disturbance.

Consultation Responses

Highway Authority

Object due to lack of parking.

Housing

Consideration should be given to revising the layout of the lower ground floor to improve the means of escape from fire. However, it is recognised that sufficiently large and openable windows can be acceptable as a means of escape from fire. Housing also states that the lower ground floor kitchen/lounge area appears to be insufficient in both adequate levels of natural light and ventilation.

Public Protection Service

No objections subject to conditions relating to code of practice, noise and waste. An informative note on land quality is also recommended.

Representations

Four letters were received, which raise the following objections/concerns:-

1. Previous application for conversion of the basement was refused.
2. The building was turned into an unauthorised 12-bed student house.
3. The unauthorised works have affected the party wall with No.5 Hillside and may have affected No.1.
4. Parking in the street is almost impossible.
5. Noise and disturbance from this many occupants.
6. Loud music.
7. Cooking smells from the basement kitchen.
8. Risk of fire.
9. The property should be put back to a 5-bed student house with decent facilities, bedrooms and bathrooms.
10. To go from 5 beds to 8 beds is a dramatic increase in the amount of rooms, kitchen space, lounge space and bathrooms. The facilities are too small.
11. The layout lacks adequate space for kitchen facilities for the number of occupiers and the rooms in the roof space are too cramped.
12. The number of occupiers and associated comings and goings would be inadequately accommodated in the building and would lead to conditions of noise and disturbance that is harmful to the amenities of neighbours.
13. The number of cycle parking spaces is insufficient and the proposals lack alternative modes of transport to the private car, in the interest of sustainability, congestion and risks to highway safety.
14. The street has numerous short term residents who have no real interest in normal community life. HMOs (particularly students) lead to disturbances for neighbouring families and degradation of street life.
15. Parking is difficult in the street and permits should be limited to 2 per property and permit only hours should be extended.

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.

Main Issues

The application turns on policies CS15, CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007 and the Development Guidelines Supplementary Planning Document. The main issues are the impact on residential amenity, the character of the area, layout and highway safety and convenience. In these respects regard is had to the Local Planning Authority's refusal of a similar application in 1999.

Impact on Residential Amenity

With regard to residential amenity, this application, like the 1999 application, proposes eight beds. On that occasion three of the bedrooms were proposed in the basement and none in the roof space. The current proposals are for one bedroom in the basement and one in the roof space. This layout is considered to provide a more spacious property for the same number of persons and the intensity of use would be correspondingly less. Therefore, while the number of persons is the same the increased space within the property means that there is less pressure on communal areas and reduced potential for the intensity of use to spill out into areas that would lead to conditions of noise and disturbance for neighbours. In these respects the proposals are considered to be in accordance with policies CS15 and CS34 of the Core Strategy and SPD1.

Impact on Character of the Area

With regard to the character of the area, there are a number of houses in the street that are being used for student accommodation. It is likely that the majority of these did not require the submission of a planning application because they have been used by students living together as a single household, which in planning terms does not materially change the use of the house from that of a dwelling. Notwithstanding that, it is clear that this is a popular student area and this type of use does alter the character of the area. The evidence from one of the neighbours is that the property had been used for some time as a 5-bed student house. Therefore there is a history of student accommodation in the property. The increase from five persons to eight persons is not considered to be a particularly significant jump in numbers, in planning terms. In fact, while anything above six persons is often considered to be a material change from a dwelling, the most appropriate test is whether the use by eight students, living together as a single household, would actually constitute a material change of use. It is arguable that this would not be the case at 3 Hillside Avenue.

Against this it can be argued that the recent change in the Use Classes Order, which created a separate use class for HMOs, whereby 3 or more unrelated people living together constitutes HMO, means that Local Planning Authorities have more control over change of use of houses for student accommodation. With such control it can also be argued that the Local Planning Authority

should be using these new 'powers' to resist the spread of student accommodation.

Weighing up these issues, it is considered that the historic use of the property by five students, the relatively small increase in numbers (five to eight) and the question mark over whether the proposed use would require permission, is significant in this case and on balance it is considered that the proposals would not in themselves adversely affect the character of the area. In this respect it is considered that the proposals are in accordance with policies CS15, CS34 of the Core Strategy and SPD1.

On a separate note, it is understood that the new government intends to introduce a permitted right whereby planning permission will not be necessary to change a property from class C3 (dwelling) to C4 (HMO), except where the Authority has made an order to prevent such changes. While this prospective change to planning legislation is of interest, it does not carry weight in this case.

Layout of the House

With regard to the layout of the house, the main issue is the use of the basement, which was considered in 1999 to be a serious deficiency that adversely affected living conditions. The current application only proposes one bedroom on the ground floor, and while the kitchen/lounge area would enjoy less natural light than is desirable, there is another lounge on the ground floor, which means that occupiers would not be reliant on just one space for communal use. Natural ventilation in the basement could be augmented by mechanical ventilation. Therefore it is considered that the layout would not lead to conditions that would be detrimental to the living conditions of occupiers, and is in accordance with policies CS15 and C34 of the Core Strategy and SPD1.

Transport Considerations

From the transport point of view, the proposals would increase the level of occupancy without provision for off-street car parking. There is a permit parking scheme in the area, but this only operates for one hour a day and does not fully mitigate against increased parking demand. However, the site is close to the University and is for students only. Given the historic use of the property as a 5-bed student house, the proposals are not considered to significantly increase the demand for on-street car parking in the area and as such a refusal on these grounds is not considered sustainable, in accordance with policy CS28 of the Core Strategy. In accordance with a reduced need for car parking spaces, the proposed use would need to provide eight cycle parking spaces, not four as currently proposed.

Representations refer to works that affect neighbouring properties, which is a private matter that can be raised with the applicant in an informative note. This may also be a building control issue, but that is separate from the considerations for this planning application.

Equalities & Diversities issues

None.

Section 106 Obligations

This application does not qualify for a tariff contribution.

Conclusions

The proposals would formally add another student property to an area that has experienced a large increase in this type of use over the years. However, each case must be assessed having regard to its effect on the area and it is considered that the layout and level of use of the house would not lead to conditions of noise and disturbance for neighbours and would not significantly affect the character of the area. Furthermore, the lack of parking is not considered to be a sustainable reason for refusal. Therefore it is recommended that planning permission be granted, subject to conditions, which include restricting the ground floor store and lounge from becoming bedrooms in the future. The code of practice condition and noise verification conditions recommended by PPS are not considered appropriate.

Recommendation

In respect of the application dated **11/05/2010** and the submitted drawings, **Location plan, 1, 2, and accompanying design and access statement**, it is recommended to: **Grant Conditionally**

Conditions

STUDENT USE ONLY

(1) The property at 3 Hillside Avenue shall be occupied by bone fide students in full-time education only and shall not be occupied by any other persons at any time.

Reason:

The size and layout of the property, and the lack of parking, is considered appropriate for use by students but would be inappropriate for other, non-student purposes and other residential uses would require a higher level of off-street car parking provision, in accordance with policies CS15, CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007 and Development Guidelines Supplementary Planning Document.

NO ADDITIONAL BEDROOMS

(2) No more than 8 bedrooms shall at any time be present in the property and these bedrooms shall be as marked on the approved plan (plan 2). No other part of the property, including the ground floor store, the ground floor lounge and the lower ground floor (except for the area shown as "bedroom 1"), shall at any time be used as a bedroom.

Reason:

The use of other rooms as bedrooms would lead to an over-intensification of use of the building resulting in harm to the amenities of neighbours and the character of the area, in accordance with policies CS15 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

MANAGEMENT PLAN

(3) The property shall not be occupied for the use hereby approved until a management plan for the operation of the student accommodation, which shall include contact details of the person to be contacted regarding any issues arising from the use of the building, has been submitted to and approved in writing by the Local Planning Authority and the management plan shall thereafter be adhered to.

Reason:

In the interests of neighbours' amenities and to provide a ready point of contact for any person who needs to address an issue in relation to the use of the property, in accordance with policies CS15 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007 and Development Guidelines Supplementary Planning Document.

CYCLE PARKING

(4) The property shall not be occupied for the use hereby approved 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 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.

RETENTION OF CYCLE STORAGE

(5) The secure area for storing cycles shown on the approved plan required by condition 3 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.

WASTE

(6) The property shall not be occupied for the use hereby approved until details of the siting and form of bins for the disposal of refuse to be provided on site have been submitted to and approved in writing by the Local Planning Authority. The refuse storage provision shall be fully implemented before the property is first occupied for the use hereby approved 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 policy CS34 of the Core Strategy of Plymouth's Local

Development Framework 2007 and Development Guidelines Supplementary Planning Document (SPD1).

INFORMATIVE - NOISE

(1) The applicant is advised that to ensure that the house in multiple occupation hereby permitted achieves a satisfactory living standard and does not experience unacceptable levels of noise disturbance all rooms should be constructed in accordance with BS8233:1999 so as to provide sound insulation against externally generated noise. The good room criteria should be applied, meaning there should be no more than 30 dB LAeq for living rooms (0700 to 2300 daytime) and 30 dB LAeq for every individual study bedrooms (2300 to 0700 night-time), with windows shut and other means of ventilation provided. Levels of 45 dB LAf.max should not be exceeded in bedrooms (2300 to 0700 night-time).

INFORMATIVE - LAND QUALITY

(2) The Council's Environmental Protection Officer (Land Quality), Public Protection Service, advises that the site is close to a hospital and there is the possibility of contamination of the site as a result. It is therefore recommended that appropriate assessments and site investigations are carried out and, depending on the results, appropriate measures put into place to remediate any contamination affecting the site.

INFORMATIVE - PROPERTY RIGHTS

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

INFORMATIVE - VENTILATION AND ESCAPE FROM FIRE

(4) The applicant is advised to:

- a) consider the use of mechanical ventilation to improve ventilation in the basement kitchen/diner area; and
- b) provide openable windows of an adequate size in the lower ground floor bedroom to permit escape in the event of fire.

INFORMATIVE - EXCLUSION FROM PERMIT PARKING ZONE

(5) The applicant is advised that the property lies within a resident permit parking scheme which is currently over-subscribed. As such the property will be excluded from purchasing permits or visitor tickets for use 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 on residential amenity, the character of the area, layout and highway safety and convenience, 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

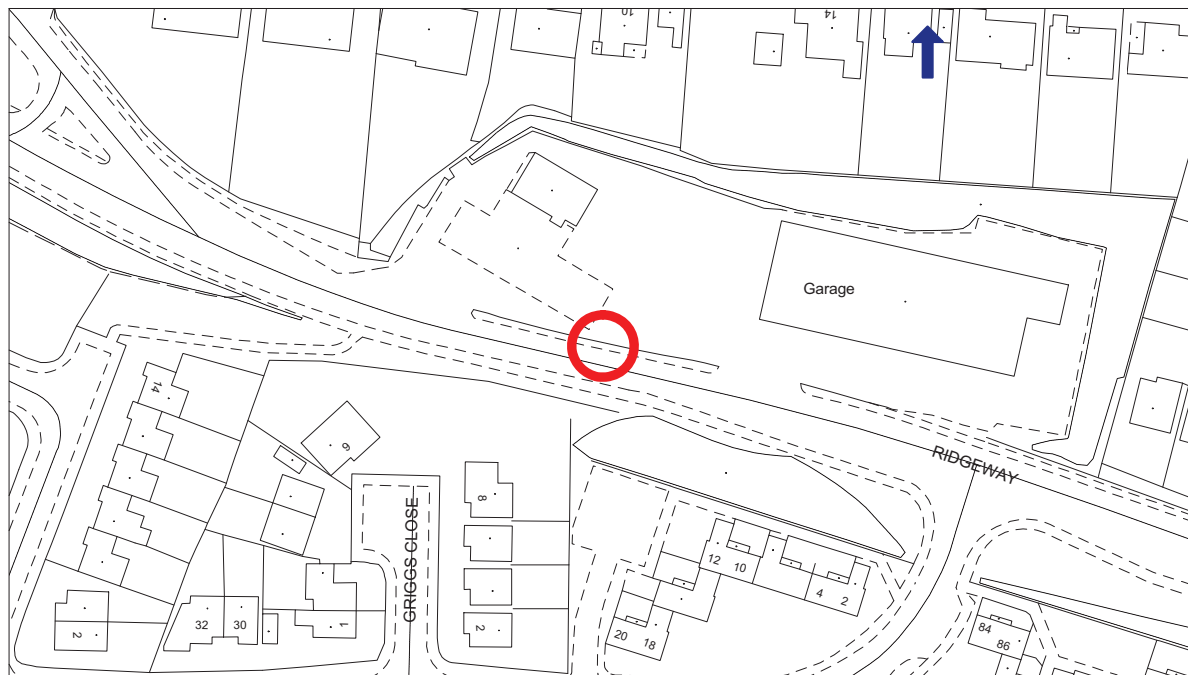
Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, and (b) relevant Government Policy Statements and Government Circulars, as follows:

- CS28 - Local Transport Consideration
- CS34 - Planning Application Consideration
- CS15 - Housing Provision
- SPD1 - Development Guidelines

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ITEM: 08

Application Number:	10/01045/24
Applicant:	Vodafone Limited
Description of Application:	Determination as to whether prior approval is required for siting and appearance of dual user telecommunications monopole, antennas and shroud, and associated equipment cabinet
Type of Application:	GPDO PT24
Site Address:	THE RIDGEWAY PLYMPTON PLYMOUTH
Ward:	Plympton Chaddlewood
Valid Date of Application:	24/06/2010
8/13 Week Date:	18/08/2010
Decision Category:	Member Referral
Case Officer :	Jon Fox
Recommendation:	Defer for Advert Period – Delegated Authority
Click for Application Documents:	www.plymouth.gov.uk



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OFFICERS REPORT

This application is being considered by Planning Committee as a result of a Member referral by Councillors Glenn Jordan and David Salter. These Ward councillors are concerned about the controversial nature of the proposals given their proximity to dwellings and they have severe reservations about the health implications of such masts.

Site Description

The site of the proposed development is highway land opposite Chaddlewood Garage, at the Ridgeway, Plympton. The garden of No.8 Griggs Close, to the south, runs up close to the site of the mast, and just to the east is a small group of flats that are also set down well below the ground level of the existing mast. There are tall conifer trees on the western side of the site.

Proposal Description

Determination as to whether prior approval is required for siting and appearance of dual user telecommunications monopole, antennas and shroud, and associated equipment cabinet. An existing mast is proposed to be removed and replaced by the proposed one.

Relevant Planning History

08/02088 - Determination as to whether prior approval is required for siting and appearance of 12m high telecommunications monopole supporting antennas up to 15m high, and equipment cabinet at ground level – Prior approval NOT REQUIRED

Consultation Responses

Views are awaited from Transport and Public Protection Service.

Representations

The publicity response period expires on 10 August. No representations had been received at the time of preparing the report.

Analysis

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

The relevant policies are CS28, CS29 and CS34 of the Core Strategy and the main issues on this case are the visual impact of the proposed installation, and its impact on the outlook from the residential properties to the south of the site.

The existing monopole is of the 'streetworks' type. These are thin and are designed to have a low visual impact and to visually blend in with existing street furniture. In this case there are a number of lampposts nearby, and the existing monopole is seen in the context of these. Also, there is vegetation and a number of trees surrounding this site. These provide a degree of screening when the proposed installation is viewed from the south of the site, and a softening green background when it is viewed from other directions.

The new monopole is a little wider than the existing pole and the shroud at the top is almost twice the diameter of the existing shroud and is also considerably longer than the existing shroud. However, the overall height of the structure would be basically the same. Therefore it is not considered that the structure would have significantly more visual impact than the existing mast. The proposals are therefore in accordance with policies CS29 and CS34 of the Core Strategy.

There are residential properties near this site. These are situated to the south of the site in Griggs Close and Maddock Drive. The properties in Maddock Drive are approximately 24m away from the site, so there is a reasonable separation distance between these properties and the site. The properties in Griggs Close are nearer to the site, but the vegetation and tree cover which surrounds the site means that the proposed installation would mostly be screened when viewed from these properties. Therefore, it is considered that even though it is larger than the existing apparatus the proposed installation would not have an unreasonable impact on the outlook from the surrounding residential properties. The proposals are therefore in accordance with policies CS29 and CS34 of the Core Strategy

With regards to perceived health risks, and in accordance with PPG8, an ICNIRP certificate has been included with this application. Government advice is that it should not be necessary for the Local Planning Authority to consider perceived health risks further when such a certificate has been included.

Section 106 Obligations

None.

Equalities & Diversities issues

None.

Conclusions

The proposals are not considered to have a significantly greater impact on visual or residential amenity than the existing mast. As the publicity response period does not expire until 10 August, delegated authority is sought for determination of the application.

Recommendation

In respect of the application dated **24/06/2010** and the submitted drawings, **100/A, 200/A, 201/A, 300/A and 301/A** , it is recommended to: **Defer for Advert Period – Delegated Authority**

PPG8 - Telecommunications
CS28 - Local Transport Consideration
CS34 - Planning Application Consideration
CS29 - Telecommunications

PLANNING COMMITTEE

Decisions issued for the following period: 19 June 2010 to 19 July 2010

Note - This list includes:

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

Item No 1

Application Number: 08/02266/OUT **Applicant:** Plymouth & Southwest
Application Type: Outline Application
Description of Development: Outline application for up to 130 residential units with new access from Efford Road and retention of existing bowling green (all other matters reserved for future consideration)
Site UNITY PARK, EFFORD ROAD EFFORD PLYMOUTH
Case Officer: Robert Heard
Decision Date: 09/07/2010
Decision: Grant Subject to S106 Obligation - Full

Item No 2

Application Number: 09/01645/FUL **Applicant:** Mr James Sutherland
Application Type: Full Application
Description of Development: Extension to nursing home including the addition of a first floor above the single-storey wings with an increase in bedrooms from 43 to 66
Site DOWN HOUSE, 277 TAVISTOCK ROAD DERRIFORD
PLYMOUTH
Case Officer: Robert McMillan
Decision Date: 06/07/2010
Decision: Grant Conditionally

Item No 3

Application Number: 09/01705/FUL **Applicant:** Ms Suzanne Reed
Application Type: Full Application
Description of Development: Dormer roof extension, loft conversion and balcony
Site 3 BEATRICE AVENUE KEYHAM PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 13/07/2010
Decision: Grant Conditionally

Item No 4

Application Number: 09/01776/FUL **Applicant:** Mrs J James
Application Type: Full Application
Description of Development: Erection of timber kiosk for retail use (Class A1), (existing kiosk/trailer to be removed)
Site WEST HOE PARK, HOE ROAD WEST HOE PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 28/06/2010
Decision: Application Withdrawn

Item No 5

Application Number: 09/01777/CAC **Applicant:** Mrs J James
Application Type: Conservation Area
Description of Development: Erection of timber kiosk for retail use (Class A1), (existing kiosk/trailer to be removed)
Site WEST HOE PARK, HOE ROAD WEST HOE PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 01/07/2010
Decision: CAC Not Required

Item No 6

Application Number: 09/01869/FUL **Applicant:** Mr Paul Taylor
Application Type: Full Application
Description of Development: Retention of car port
Site 67 LOWER PARK DRIVE PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 12/07/2010
Decision: Refuse

Item No **7**

Application Number: 09/01900/FUL **Applicant:** Alston Homes Ltd
Application Type: Full Application
Description of Development: Redevelopment of site by erection of 13 dwellings (demolition of existing property)
Site ALSTON HOUSE, 2 PLYMBRIDGE ROAD PLYMPTON
PLYMOUTH

Case Officer: Robert Heard
Decision Date: 09/07/2010
Decision: Grant Subject to S106 Obligation - Full

Item No **8**

Application Number: 10/00089/FUL **Applicant:** Mr Jamie Fry
Application Type: Full Application
Description of Development: Use of 0.5 hectare of land for the storage of caravans and motor-homes
Site FRY'S NURSERY, HAYE ROAD PLYMOUTH
Case Officer: Jon Fox
Decision Date: 23/06/2010
Decision: Grant Conditionally

Item No **9**

Application Number: 10/00149/FUL **Applicant:** Mr A Stocke
Application Type: Full Application
Description of Development: Formation of rooms in roofspace including two front and two rear dormer windows, and provision of first-floor rear balcony
Site THE FLAT, 67 RIDGEWAY PLYMOUTH
Case Officer: Jon Fox
Decision Date: 30/06/2010
Decision: Grant Conditionally

Item No 10

Application Number: 10/00160/FUL **Applicant:** Plymouth Community Homes
Application Type: Full Application
Description of Development: Profiled metal sheet replacement roofs and change to roof design on interlinking stairway to pitched roof
Site 1- 41 ALMA ROAD PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 30/06/2010
Decision: Grant Conditionally

Item No 11

Application Number: 10/00276/FUL **Applicant:** Anchor Trust
Application Type: Full Application
Description of Development: Alteration of garage door to window
Site SELKIRK HOUSE,74 CHURCH ROAD PLYMSTOCK PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 01/07/2010
Decision: Grant Conditionally

Item No 12

Application Number: 10/00296/FUL **Applicant:** Mrs K Solano
Application Type: Full Application
Description of Development: Raised decking to rear, with screen fencing, and raising of level of courtyard
Site 235 STUART ROAD PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 02/07/2010
Decision: Grant Conditionally

Item No 13

Application Number: 10/00306/FUL **Applicant:** Personal Office Supplies
Application Type: Full Application
Description of Development: Change of use and conversion of premises from offices to two flats, including demolition of rear out-building and erection of external rear stairway.
Site 6 PATNA PLACE PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 01/07/2010
Decision: Refuse

Item No 14

Application Number: 10/00326/FUL **Applicant:** Mr Steve Hosking
Application Type: Full Application
Description of Development: Rear conservatory
Site PLOT 87 69 VALLETORT ROAD STOKE PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 02/07/2010
Decision: Grant Conditionally

Item No 15

Application Number: 10/00327/PRD **Applicant:** Mr Kevin Ball
Application Type: LDC Proposed Develop
Description of Development: Construction of hardstanding in front garden (porous material)
Site 92 VICARAGE GARDENS PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 14/07/2010
Decision: Refuse to Issue Cert - (Ex)

Item No 16

Application Number: 10/00332/FUL **Applicant:** ALC Building Contractors
Application Type: Full Application
Description of Development: Erection of detached dwelling with private motor garage
Site 120 BILLACOMBE ROAD PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 09/07/2010
Decision: Grant Conditionally

Item No 17

Application Number: 10/00359/FUL **Applicant:** Yacht Havens Ltd
Application Type: Full Application
Description of Development: Siting of Substation and Switchgear buildings
Site YACHT HAVEN QUAY, BREAKWATER ROAD PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 28/06/2010
Decision: Grant Conditionally

Item No 18

Application Number: 10/00368/FUL **Applicant:** Mrs Sylvia Knapman
Application Type: Full Application
Description of Development: Single-storey extension to front
Site 17 WALKHAMPTON WALK PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 16/07/2010
Decision: Grant Conditionally

Item No 19

Application Number: 10/00403/FUL **Applicant:** Mr Jim Woodley
Application Type: Full Application
Description of Development: Change of use from hotel (Use Class C1) to student hostel (sui generis use)
Site GROSVENOR PARK HOTEL 114 to 116 NORTH ROAD EAST PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 22/06/2010
Decision: Grant Subject to S106 Obligation - Full

Item No 20

Application Number: 10/00474/FUL **Applicant:** Yealmpstone Farm Primary
Application Type: Full Application
Description of Development: Demolition of nursery building and erection of new, single-storey nursery building and provision of hard and soft play areas and redirected footpath
Site YEALMPSTONE FARM PRIMARY SCHOOL, MEADOWFIELD PLACE PLYMOUTH
Case Officer: Jon Fox
Decision Date: 05/07/2010
Decision: Grant Conditionally

Item No 21

Application Number: 10/00477/PRD **Applicant:** Modus Care Ltd
Application Type: LDC Proposed Develop
Description of Development: Alterations, including changing a window to a door, and works to external staircase
Site WIXENFORD HOUSE, COLESDOWN HILL PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 12/07/2010
Decision: Issue Certificate - Lawful Use

Item No 22

Application Number: 10/00488/FUL **Applicant:** Mr and Mrs N Schmid
Application Type: Full Application
Description of Development: First-floor side extension
Site 8 WOLRIGE AVENUE PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 12/07/2010
Decision: Refuse

Item No 23

Application Number: 10/00489/OUT **Applicant:** Mrs J Sheehy
Application Type: Outline Application
Description of Development: Outline application for construction of garage with store above
Site 20 BENBOW STREET PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 16/07/2010
Decision: Grant Conditionally

Item No 24

Application Number: 10/00490/FUL **Applicant:** WP Jones and Sons
Application Type: Full Application
Description of Development: Aluminium windows and doors, including two doors to become windows
Site 3 WOLSELEY ROAD PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 22/06/2010
Decision: Grant Conditionally

Item No 25

Application Number: 10/00503/FUL **Applicant:** Friends of Devonport Park
Application Type: Full Application
Description of Development: Bandstand (to be constructed in two phases)
Site DEVONPORT PARK, FORE STREET DEVONPORT PLYMOUTH

Case Officer: Olivia Wilson
Decision Date: 13/07/2010
Decision: Grant Conditionally

Item No 26

Application Number: 10/00516/FUL **Applicant:** Mr A Reynolds
Application Type: Full Application
Description of Development: Timber framed orangery (as a rear extension)
Site 57 FORE STREET PLYMPTON PLYMOUTH

Case Officer: Simon Osborne
Decision Date: 29/06/2010
Decision: Grant Conditionally

Item No 27

Application Number: 10/00517/LBC **Applicant:** Mr A Reynolds
Application Type: Listed Building
Description of Development: Timber framed orangery (as a rear extension)
Site 57 FORE STREET PLYMPTON PLYMOUTH

Case Officer: Simon Osborne
Decision Date: 29/06/2010
Decision: Grant Conditionally

Item No 28

Application Number: 10/00526/FUL **Applicant:** Mr Baniko Solomon
Application Type: Full Application
Description of Development: Two-storey rear extension to allow 2 additional student bedrooms to be provided (total number of bedrooms to be 9)
Site 2 ADDISON ROAD PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 12/07/2010
Decision: Refuse

Item No 29

Application Number: 10/00529/FUL **Applicant:** ALC Building Contractor
Application Type: Full Application
Description of Development: Erection of detached dwellinghouse with integral private motor garage
Site LAND ADJACENT 24 WARLEIGH CRESCENT PLYMOUTH
Case Officer: Janine Warne
Decision Date: 28/06/2010
Decision: Grant Conditionally

Item No 30

Application Number: 10/00538/FUL **Applicant:** Mr & Mrs Lane
Application Type: Full Application
Description of Development: Retention of modular building for use as part of children's nursery
Site 10 MUDGE WAY PLYMPTON PLYMOUTH
Case Officer: Jon Fox
Decision Date: 30/06/2010
Decision: Grant Conditionally

Item No 31

Application Number: 10/00539/FUL **Applicant:** Mr T Cross
Application Type: Full Application
Description of Development: Conversion of garage/store to dwellinghouse
Site REAR OF 12/18 BUCKWELL STREET BRETONSIDE
PLYMOUTH

Case Officer: Karen Gallacher
Decision Date: 14/07/2010
Decision: Grant Conditionally

Item No 32

Application Number: 10/00544/FUL **Applicant:** Mr Webb
Application Type: Full Application
Description of Development: Rear conservatory
Site 52 PLYMBRIDGE ROAD PLYMOUTH

Case Officer: Simon Osborne
Decision Date: 22/06/2010
Decision: Grant Conditionally

Item No 33

Application Number: 10/00546/EXD **Applicant:** Mr G Johnson
Application Type: LDC Existing Develop
Description of Development: Formation of rooms in roofspace including construction of two gable ends and four front rooflights
Site 21 FIRST AVENUE BILLACOMBE PLYMOUTH

Case Officer: Kate Saunders
Decision Date: 22/06/2010
Decision: Issue Certificate - Lawful Use

Item No 34

Application Number: 10/00550/ADV **Applicant:** Millfields Trust
Application Type: Advertisement
Description of Development: Two freestanding fascia boards
Site HQ BUSINESS CENTRE 237 UNION STREET PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 01/07/2010
Decision: Grant Conditionally

Item No 35

Application Number: 10/00553/EXU **Applicant:** EDH MOT and Repair Centre Ltd
Application Type: LDC Existing Use
Description of Development: Use as MOT testing station
Site 12 AND 13 WALLSEND INDUSTRIAL ESTATE, CATTEDOWN ROAD PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 24/06/2010
Decision: Issue Certificate - Lawful Use

Item No 36

Application Number: 10/00559/FUL **Applicant:** Mr Fred Albrighton
Application Type: Full Application
Description of Development: Develop land by erection of four three-bed terrace dwellinghouses and associated parking provision
Site LAND ADJ. 185 TAILYOUR ROAD PLYMOUTH
Case Officer: Janine Warne
Decision Date: 09/07/2010
Decision: Refuse

Item No 37

Application Number: 10/00563/LBC **Applicant:** Mr Salam Fawzi
Application Type: Listed Building
Description of Development: Retention of gas pipe on front elevation
Site 52 SOUTHSIDE STREET PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 13/07/2010
Decision: Refuse

Item No 38

Application Number: 10/00565/LBC **Applicant:** Mr Salam Fawzi
Application Type: Listed Building
Description of Development: Retention of new floor
Site 52 SOUTHSIDE STREET PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 05/07/2010
Decision: Grant Conditionally

Item No 39

Application Number: 10/00566/LBC **Applicant:** Mr Salam Fawzi
Application Type: Listed Building
Description of Development: Retention of ground-floor stud walling
Site 52 SOUTHSIDE STREET PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 05/07/2010
Decision: Grant Conditionally

Item No 40

Application Number: 10/00574/PRD **Applicant:** Mr and Mrs M Haynes
Application Type: LDC Proposed Develop
Description of Development: Single-storey rear extension (existing conservatory to be removed)
Site 4 PRINCESS AVENUE ST BUDEAUX PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 28/06/2010
Decision: Issue Certificate - Lawful Use

Item No 41

Application Number: 10/00592/FUL **Applicant:** Miss S Cattley
Application Type: Full Application
Description of Development: Change of use and conversion of pair of semi-detached dwellinghouses into one dwellinghouse, by means of internal alterations
Site OYSTER QUAY AND MARINE VILLA 29-30 MARINE ROAD ORESTON PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 07/07/2010
Decision: Grant Conditionally

Item No 42

Application Number: 10/00599/FUL **Applicant:** Reel Cinemas
Application Type: Full Application
Description of Development: Change of use of entrance foyer to A3
Site ABC CINEMA, DERRYS CROSS PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 28/06/2010
Decision: Grant Conditionally

Item No 43

Application Number: 10/00608/FUL **Applicant:** Ms Hajikakou
Application Type: Full Application
Description of Development: Extension of raised patio area to rear of property
Site 3 FORDER HEIGHTS CROWNHILL PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 21/06/2010
Decision: Grant Conditionally

Item No 44

Application Number: 10/00614/FUL **Applicant:** Mr J Almeida
Application Type: Full Application
Description of Development: Front porch to include W.C. (existing porch to be removed)
Site 185A ELBURTON ROAD ELBURTON PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 30/06/2010
Decision: Grant Conditionally

Item No 45

Application Number: 10/00625/ADV **Applicant:** Mr Colin Church
Application Type: Advertisement
Description of Development: Two internally illuminated signs on side (north) elevation
Site PARK HOUSE, 28 OUTLAND ROAD PLYMOUTH
Case Officer: Janine Warne
Decision Date: 13/07/2010
Decision: Refuse

Item No 46

Application Number: 10/00627/FUL **Applicant:** Mrs Julie Bees
Application Type: Full Application
Description of Development: Extension to dormer window on front elevation
Site 49 BUENA VISTA DRIVE PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 05/07/2010
Decision: Grant Conditionally

Item No 47

Application Number: 10/00630/PRD **Applicant:** Mr and Mrd Murphy
Application Type: LDC Proposed Develop
Description of Development: Loft conversion including rear dormer, installation of rooflights and alterations to roof to form a gable end
Site 51 MUTLEY ROAD PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 21/06/2010
Decision: Issue Certificate - Lawful Use

Item No 48

Application Number: 10/00643/FUL **Applicant:** Mr and Mrs S Pocock
Application Type: Full Application
Description of Development: Infill existing front canopy, two-storey side extension with attached single-storey private motor garage, and single-storey rear extension (existing garage to be removed)
Site 61 THE KNOLL PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 01/07/2010
Decision: Grant Conditionally

Item No 49

Application Number: 10/00644/TPO **Applicant:** Mrs Phyllis Porter
Application Type: Tree Preservation
Description of Development: Beech - remove one Beech leaning on wall
Site 11 COMPTON PARK ROAD PLYMOUTH
Case Officer: Jane Turner
Decision Date: 30/06/2010
Decision: Grant Conditionally

Item No 50

Application Number: 10/00646/FUL **Applicant:** Plympton Conservative Club
Application Type: Full Application
Description of Development: Part change of use of retail premises at 107 Ridgeway in connection with existing private members club (109 Ridgeway) to provide disabled access together with associated external alterations to the front of 109 Ridgeway
Site 107 & 109 RIDGEWAY PLYMOUTH
Case Officer: Jon Fox
Decision Date: 07/07/2010
Decision: Grant Conditionally

Item No 51

Application Number: 10/00648/FUL **Applicant:** Mr Lee Curtis
Application Type: Full Application
Description of Development: Erection of two detached dwellinghouses, one with integral double private motor garage and one with detached double private motor garage, and associated driveway
Site LAND OFF COLESDOWN HILL PLYMOUTH
Case Officer: Jon Fox
Decision Date: 16/07/2010
Decision: Grant Conditionally

Item No 52

Application Number: 10/00652/FUL **Applicant:** Unit Build/Mr P & Mrs Y Partridge
Application Type: Full Application
Description of Development: Erection of building containing two units for light industrial office, industrial and warehouse purposes (use class B1, B2 and B8) with associated parking and landscaping. Amendment to approved application 08/01725
Site SISNA PARK, ESTOVER ROAD PLYMOUTH
Case Officer: Janine Warne
Decision Date: 02/07/2010
Decision: Grant Conditionally

Item No 53

Application Number: 10/00664/ADV **Applicant:** Co-operative Group
Application Type: Advertisement
Description of Development: Replacement fascia and projecting signs
Site 288 TO 296 BEACON PARK ROAD PLYMOUTH
Case Officer: Harry Sedman
Decision Date: 24/06/2010
Decision: Grant Conditionally

Item No 54

Application Number: 10/00666/FUL **Applicant:** Mr M Bedford Smith
Application Type: Full Application
Description of Development: Change of use, conversion and alteration of first-floor offices to form a self-contained flat
Site 247 VICTORIA ROAD PLYMOUTH
Case Officer: Janine Warne
Decision Date: 16/07/2010
Decision: Grant Conditionally

Item No 55

Application Number: 10/00669/FUL **Applicant:** Plymouth City Council
Application Type: Full Application
Description of Development: External ramped access, remodelling of reception area and internal alterations
Site 23 BRANDRETH ROAD PLYMOUTH
Case Officer: Harry Sedman
Decision Date: 24/06/2010
Decision: Grant Conditionally

Item No 56

Application Number: 10/00673/FUL **Applicant:** Mr and Mrs M Curtis
Application Type: Full Application
Description of Development: Two-storey side extension (existing utility room and garage to be removed)
Site 15 SHUTE PARK ROAD PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 24/06/2010
Decision: Grant Conditionally

Item No 57

Application Number: 10/00674/FUL **Applicant:** Dr Vasant Raman
Application Type: Full Application
Description of Development: Two storey side extension (including private motor garage) and two storey rear extension (existing conservatory and garage to be removed)
Site 27 WARLEIGH CRESCENT PLYMOUTH
Case Officer: Harry Sedman
Decision Date: 23/06/2010
Decision: Refuse

Item No 58

Application Number: 10/00675/FUL **Applicant:** Mr C Hayward
Application Type: Full Application
Description of Development: Front porch
Site 4 MARY DEAN CLOSE PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 24/06/2010
Decision: Grant Conditionally

Item No 59

Application Number: 10/00677/FUL **Applicant:** Mr P Shell
Application Type: Full Application
Description of Development: Single-storey side extension and front porch
Site 11 GARA CLOSE PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 22/06/2010
Decision: Grant Conditionally

Item No 60

Application Number: 10/00678/FUL **Applicant:** Plymouth City Council
Application Type: Full Application
Description of Development: Installation of two double classroom units for a temporary period (two years)
Site COMPTON C OF E PRIMARY SCHOOL, HIGHER COMPTON
ROAD PLYMOUTH
Case Officer: Janine Warne
Decision Date: 29/06/2010
Decision: Grant Conditionally

Item No 61

Application Number: 10/00680/FUL **Applicant:** Mr R Green
Application Type: Full Application
Description of Development: Retention of raised rear decking with new timber lean-to
Site 88 OLD LAIRA ROAD LAIRA PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 29/06/2010
Decision: Grant Conditionally

Item No 62

Application Number: 10/00682/FUL **Applicant:** Mr Paul Hawke
Application Type: Full Application
Description of Development: Front porch/entrance hall
Site 34 BARNFIELD DRIVE PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 30/06/2010
Decision: Refuse

Item No 63

Application Number: 10/00683/PRD **Applicant:** Mr G Bridgeman & Miss L Atkins
Application Type: LDC Proposed Develop
Description of Development: Single storey rear extension (existing lean-to to be demolished)
Site 11 ELPHINSTONE ROAD PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 29/06/2010
Decision: Issue Certificate - Lawful Use

Item No 64

Application Number: 10/00693/FUL **Applicant:** The Bac Bar
Application Type: Full Application
Description of Development: Retention of marquee in rear garden area
Site 40 DRAKE CIRCUS PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 24/06/2010
Decision: Grant Conditionally

Item No 65

Application Number: 10/00694/FUL **Applicant:** Mr Nick Wilkinson
Application Type: Full Application
Description of Development: First-floor side extension
Site 36 LUCAS LANE PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 09/07/2010
Decision: Grant Conditionally

Item No 66

Application Number: 10/00695/FUL **Applicant:** Mr & Mrs Davies
Application Type: Full Application
Description of Development: Two storey side extension and single storey rear extension
Site 93 ROCHFORD CRESCENT ERNESETTLE PLYMOUTH
Case Officer: Harry Sedman
Decision Date: 05/07/2010
Decision: Refuse

Item No 67

Application Number: 10/00701/FUL **Applicant:** Goss Interactive
Application Type: Full Application
Description of Development: Insertion of windows to south east and north east elevations
Site 24 DARKLAKE VIEW PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 30/06/2010
Decision: Grant Conditionally

Item No 68

Application Number: 10/00702/FUL **Applicant:** Mr David Penn
Application Type: Full Application
Description of Development: Revision to planning permission 09/01566 by amending the design of the north elevation fourth floor by changing the high level glazing
Site PLYMOUTH COLLEGE OF ART, TAVISTOCK PLACE
PLYMOUTH
Case Officer: Robert McMillan
Decision Date: 25/06/2010
Decision: Grant Conditionally

Item No 69

Application Number: 10/00703/FUL **Applicant:** Mrs K Wall
Application Type: Full Application
Description of Development: Single storey side extension (use for dependant relative)
Site 6 MARISTOW CLOSE DERRIFORD PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 01/07/2010
Decision: Grant Conditionally

Item No 70

Application Number: 10/00705/FUL **Applicant:** Valad Property Group
Application Type: Full Application
Description of Development: Change of use to uses within Classes B1, B2 and B8 (business, general industrial, and storage and distribution) with trade counter and ancillary sales
Site 6 VALLEY ROAD PLYMOUTH
Case Officer: Jon Fox
Decision Date: 30/06/2010
Decision: Grant Conditionally

Item No 71

Application Number: 10/00706/FUL **Applicant:** Home Retail Group
Application Type: Full Application
Description of Development: Installation of 9 heat pumps, 4 louvres and 1 flue
Site ARGOS, TRANSIT WAY PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 01/07/2010
Decision: Grant Conditionally

Item No 72

Application Number: 10/00707/FUL **Applicant:** S J Knibb
Application Type: Full Application
Description of Development: Rear conservatory
Site 32 LEGIS WALK BELLIVER PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 05/07/2010
Decision: Grant Conditionally

Item No 73

Application Number: 10/00708/PRD **Applicant:** Mr & Mrs Michael Cook
Application Type: LDC Proposed Develop
Description of Development: Conversion of sub-floor void to living accommodation and single-storey rear extension
Site 10 BAYDON CLOSE PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 01/07/2010
Decision: Issue Certificate - Lawful Use

Item No 74

Application Number: 10/00710/FUL **Applicant:** Dunstone Primary School
Application Type: Full Application
Description of Development: Alterations to and enlargement of car park, including increase in parking spaces from 12 to 16 and relocation of bin store
Site DUNSTONE PRIMARY SCHOOL, SHORTWOOD CRESCENT PLYMOUTH
Case Officer: Harry Sedman
Decision Date: 22/06/2010
Decision: Grant Conditionally

Item No 75

Application Number: 10/00712/FUL **Applicant:** Mr Chris Woolley
Application Type: Full Application
Description of Development: Rear extension
Site 291 TAVISTOCK ROAD PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 05/07/2010
Decision: Grant Conditionally

Item No 76

Application Number: 10/00713/FUL **Applicant:** Mrs D Payne
Application Type: Full Application
Description of Development: Alterations and extensions to dwellinghouse to provide living facilities for disabled relative including: raising of ridge height, provision of pitched roof over existing single-storey rear extension, formation of rooms in new and existing roofspace including front dormer and rear juliet balcony, enlargement of existing private motor garage and additional hardstanding area.
Site 61 STADDISCOMBE ROAD PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 06/07/2010
Decision: Grant Conditionally

Item No 77

Application Number: 10/00714/PRD **Applicant:** Mr A Maddocks
Application Type: LDC Proposed Develop
Description of Development: Lawful Development Certificate for room in roof, rear dormer and front rooflights
Site 60 HERMITAGE ROAD PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 05/07/2010
Decision: Issue Certificate - Lawful Use

Item No 78

Application Number: 10/00716/FUL **Applicant:** Miss Kerry Bottomley
Application Type: Full Application
Description of Development: Conversion and extension of garage to form living accommodation and first floor rear extension
Site 38 SWINBURNE GARDENS PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 05/07/2010
Decision: Grant Conditionally

Item No 79

Application Number: 10/00722/FUL **Applicant:** Mr C Ribbons
Application Type: Full Application
Description of Development: Demolish detached garage and develop part of garden by erection of single-storey dwelling with access from private road leading to Orchard Crescent
Site COZIE QUARRIE, BROAD PARK ORESTON PLYMOUTH
Case Officer: Jon Fox
Decision Date: 05/07/2010
Decision: Grant Conditionally

Item No 80

Application Number: 10/00726/FUL **Applicant:** Mr Rod Latham
Application Type: Full Application
Description of Development: Single-storey rear extension
Site 51 FLETCHER CRESCENT PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 22/06/2010
Decision: Grant Conditionally

Item No 81

Application Number: 10/00731/FUL **Applicant:** Mr J Bowden
Application Type: Full Application
Description of Development: Conservatory to rear
Site 8 HOLTWOOD ROAD PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 07/07/2010
Decision: Grant Conditionally

Item No 82

Application Number: 10/00733/TPO **Applicant:** Plant Tec
Application Type: Tree Preservation
Description of Development: 5 Horse Chestnut, 1 Beech - crown reduce by 3-4m and thin by 10%
Site ECHO CRESCENT PLYMOUTH
Case Officer: Jane Turner
Decision Date: 05/07/2010
Decision: Grant Conditionally

Item No 83

Application Number: 10/00734/FUL **Applicant:** Mr C Horsefield
Application Type: Full Application
Description of Development: Two-storey rear extension (demolition of store and w.c.)
Site 70 HYDE PARK ROAD PLYMOUTH
Case Officer: Janine Warne
Decision Date: 07/07/2010
Decision: Refuse

Item No 84

Application Number: 10/00739/FUL **Applicant:** Mr & Mrs K Loft
Application Type: Full Application
Description of Development: Two-storey side and rear extension incorporating annexe accommodation
Site 25 HIRMANDALE ROAD PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 07/07/2010
Decision: Grant Conditionally

Item No 85

Application Number: 10/00742/FUL **Applicant:** Mrs M Sharp
Application Type: Full Application
Description of Development: Formation of self-contained first-floor flat
Site 336 ST LEVAN ROAD PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 14/07/2010
Decision: Refuse

Item No 86

Application Number: 10/00743/FUL **Applicant:** Mrs H Poulter
Application Type: Full Application
Description of Development: Change of use from single dwellinghouse (Use Class C3) to house in multiple occupancy (Use Class C4)
Site 58 COLLEGE AVENUE PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 30/06/2010
Decision: Grant Conditionally

Item No 87

Application Number: 10/00744/FUL **Applicant:** Mr Timothy Marler
Application Type: Full Application
Description of Development: two Single-storey rear extensions with covered roof terrace and external staircase (removal of existing rear extensions and first-floor conservatory) rear dormer and two rooflights (removal of existing rear dormer) and formation of vehicle hardstanding in rear garden, including part demolition of rear boundary wall and installation of gates
Site 27 WYNDHAM SQUARE PLYMOUTH
Case Officer: Carly Francis
Decision Date: 09/07/2010
Decision: Grant Conditionally

Item No 88

Application Number: 10/00745/LBC **Applicant:** Mr Timothy Marler
Application Type: Listed Building
Description of Development: Two single-storey rear extensions with covered roof terrace and external staircase (removal of existing rear extensions and first-floor conservatory), rear dormer and two rooflights (removal of existing rear dormer), formation of vehicle hardstanding in rear garden, including part demolition of rear boundary wall and installation of gates and other internal and external alterations
Site 27 WYNDHAM SQUARE PLYMOUTH
Case Officer: Carly Francis
Decision Date: 09/07/2010
Decision: Refuse

Item No 89

Application Number: 10/00747/PRU **Applicant:** Plymouth One Ltd and Plymouth
Application Type: LDC Proposed Use
Description of Development: Use as internet café and sandwich bar
Site 19 RALEIGH STREET PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 12/07/2010
Decision: Refuse to Issue Cert - (Ex)

Item No 90

Application Number: 10/00749/FUL **Applicant:** Plymouth One Ltd and Plymouth
Application Type: Full Application
Description of Development: New shopfront
Site 19 RALEIGH STREET PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 09/07/2010
Decision: Grant Conditionally

Item No 91

Application Number: 10/00755/PRD **Applicant:** Mr/s G Lynch
Application Type: LDC Proposed Develop
Description of Development: Formation of rooms in roofspace including hip to gable extension and rear dormer
Site 158 ST MARGARETS ROAD PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 09/07/2010
Decision: Issue Certificate - Lawful Use

Item No 92

Application Number: 10/00757/FUL **Applicant:** Miss P Jones
Application Type: Full Application
Description of Development: Alterations to shop with residential accomodation above, including loft conversion with front rooflights and rear dormer (to provide maisonette on first and second floors), walkway access to rear and balustrading of rear flat roof area
Site 43 RIDGEWAY PLYMPTON PLYMOUTH
Case Officer: Jon Fox
Decision Date: 08/07/2010
Decision: Grant Conditionally

Item No 93

Application Number: 10/00759/PRD **Applicant:** Nicholas Pope
Application Type: LDC Proposed Develop
Description of Development: Single storey extension (existing garage to be demolished)
Site 72 ASHBURNHAM ROAD PLYMOUTH
Case Officer: Harry Sedman
Decision Date: 09/07/2010
Decision: Refuse to Issue Cert - (Ex)

Item No 94

Application Number: 10/00760/ADV **Applicant:** Co-operative Group
Application Type: Advertisement
Description of Development: Illuminated and non-illuminated fascia and other signs and illuminated projecting sign
Site 122 ALEXANDRA ROAD MUTLEY PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 30/06/2010
Decision: Grant Conditionally

Item No 95

Application Number: 10/00762/ADV **Applicant:** Space Maker
Application Type: Advertisement
Description of Development: Internally illuminated fascia sign and two banner signs
Site 12 ST MODWEN ROAD PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 14/07/2010
Decision: Refuse

Item No 96

Application Number: 10/00763/FUL **Applicant:** Mr & Mrs R Godfree
Application Type: Full Application
Description of Development: Loft conversion with provision of side dormer
Site 54 TORLAND ROAD PLYMOUTH
Case Officer: Harry Sedman
Decision Date: 15/07/2010
Decision: Grant Conditionally

Item No 97

Application Number: 10/00764/FUL **Applicant:** ROK Development
Application Type: Full Application
Description of Development: Redevelopment of site by erection of industrial unit (use classes B1/B8) and a non-food bulky goods retail unit with associated access and car parking area (extension to the time limit for planning implementation of the existing planning permission reference 07/00179)
Site UNIT J 91 ST MODWEN ROAD MARSH MILLS PLYMOUTH
Case Officer: Robert McMillan
Decision Date: 13/07/2010
Decision: Application Withdrawn

Item No 98

Application Number: 10/00768/FUL **Applicant:** Maison Terry Property
Application Type: Full Application
Description of Development: Change of use of part of lower ground floor from hairdressing salon (A1) to café (A3)
Site 6-8 DRAKE CIRCUS PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 16/07/2010
Decision: Grant Conditionally

Item No 99

Application Number: 10/00772/FUL **Applicant:** Mr G J & Mrs V A Lavers
Application Type: Full Application
Description of Development: Two-storey side and rear extension (existing side utility room to be removed)
Site 32 LANDS PARK PLYMSTOCK PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 13/07/2010
Decision: Grant Conditionally

Item No 100

Application Number: 10/00773/PRD **Applicant:** Mr Bruce Baker
Application Type: LDC Proposed Develop
Description of Development: Single-storey side and rear extension
Site 94 LALEBRICK ROAD PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 30/06/2010
Decision: Issue Certificate - Lawful Use

Item No 101

Application Number: 10/00774/FUL **Applicant:** Mr Phil Studden
Application Type: Full Application
Description of Development: Develop land by erection of two terrace dwellinghouses attached to side of no. 187, with associated off-street parking
Site LAND ADJOINING 187 TAILYOUR ROAD PLYMOUTH
Case Officer: Janine Warne
Decision Date: 14/07/2010
Decision: Refuse

Item No 102

Application Number: 10/00777/FUL **Applicant:** Mrs Maria Banbury
Application Type: Full Application
Description of Development: Formation of room in roofspace, including rear dormer and front rooflights
Site 22 WHEATRIDGE PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 30/06/2010
Decision: Grant Conditionally

Item No 103

Application Number: 10/00779/ADV **Applicant:** Euro Car Parts Ltd
Application Type: Advertisement
Description of Development: Three illuminated fascia signs
Site 41 VALLEY ROAD PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 15/07/2010
Decision: Grant Conditionally

Item No 104

Application Number: 10/00783/FUL **Applicant:** Mr and Mrs Fincher
Application Type: Full Application
Description of Development: Rear conservatory
Site 58 THE MEAD PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 01/07/2010
Decision: Grant Conditionally

Item No 105

Application Number: 10/00784/PRD **Applicant:** Miss R Bailey
Application Type: LDC Proposed Develop
Description of Development: Single-storey rear extension (existing lean-to to be removed)
Site 16 BERROW PARK ROAD PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 14/07/2010
Decision: Issue Certificate - Lawful Use

Item No 106

Application Number: 10/00787/TCO **Applicant:** Richard Eve
Application Type: Trees in Cons Area
Description of Development: Remove conifer
Site HILLSDENE, SEVEN STARS LANE PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 29/06/2010
Decision: Grant Conditionally

Item No 107

Application Number: 10/00791/ADV **Applicant:** Santander
Application Type: Advertisement
Description of Development: Illuminated and non-illuminated fascia, projecting and other signs
Site 2 ST STEPHENS PLACE PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 30/06/2010
Decision: Grant Conditionally

Item No 108

Application Number: 10/00795/FUL **Applicant:** Mr Brett Newitt
Application Type: Full Application
Description of Development: Two-storey extension
Site 44 RINGMORE WAY PLYMOUTH
Case Officer: Harry Sedman
Decision Date: 14/07/2010
Decision: Refuse

Item No 109

Application Number: 10/00796/FUL **Applicant:** Mr Alan A'Flaherty
Application Type: Full Application
Description of Development: Single-storey rear extension
Site 38 FIRCROFT ROAD PLYMOUTH
Case Officer: Harry Sedman
Decision Date: 16/07/2010
Decision: Grant Conditionally

Item No 110

Application Number: 10/00797/ADV **Applicant:** Babcock International Group
Application Type: Advertisement
Description of Development: Non-illuminated company logo sign
Site FRIGATE REFIT COMPLEX, DEVONPORT DOCKYARD,
SALTASH
ROAD PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 15/07/2010
Decision: Grant Conditionally

Item No 111

Application Number: 10/00799/FUL **Applicant:** Mr and Mrs Gould
Application Type: Full Application
Description of Development: Two replacement white PVCu patio doors to front and rear of
first-floor flat
Site 55 WHITE FRIARS LANE PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 14/07/2010
Decision: Grant Conditionally

Item No 112

Application Number: 10/00800/FUL **Applicant:** Montrose Residential Ltd
Application Type: Full Application
Description of Development: Change of use and conversion of public house into 5 studio flats and one 7 bedroomed flat for students, including rear extension and dormers
Site NO PLACE INN,353 NORTH ROAD WEST PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 15/07/2010
Decision: Grant Conditionally

Item No 113

Application Number: 10/00802/CAC **Applicant:** Montrose Residential Ltd
Application Type: Conservation Area
Description of Development: demolition associated with conversion of public house into 5 studio flats and one 7 bedroomed flat for students
Site NO PLACE INN,353 NORTH ROAD WEST PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 15/07/2010
Decision: Grant Conditionally

Item No 114

Application Number: 10/00803/FUL **Applicant:** Mrs Audrey Pearce
Application Type: Full Application
Description of Development: Vertical disabled lift and ramp to front
Site 15 CARRADALE ROAD EGGBUCKLAND PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 16/07/2010
Decision: Grant Conditionally

Item No 115

Application Number: 10/00804/TPO **Applicant:** Mr Fred Horley
Application Type: Tree Preservation
Description of Development: Oak- reduce overhanging branches by 1-2 metres
Site 11 ELMWOOD CLOSE GLENHOLT PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 02/07/2010
Decision: Grant Conditionally

Item No 116

Application Number: 10/00806/FUL **Applicant:** Mrs R A Hussain
Application Type: Full Application
Description of Development: Formation of vehicle hardstanding in front garden
Site 20 FORT AUSTIN AVENUE CROWNHILL PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 14/07/2010
Decision: Refuse

Item No 117

Application Number: 10/00813/ADV **Applicant:** Tesco Stores Ltd
Application Type: Advertisement
Description of Development: Illuminated and non-illuminated fascia signs
Site TESCO EXPRESS 137 EGGBUCKLAND ROAD PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 15/07/2010
Decision: Grant Conditionally

Item No 118

Application Number: 10/00815/PRD **Applicant:** Mr/s Perry
Application Type: LDC Proposed Develop
Description of Development: Formation of room in roofspace with rear dormer
Site 46 BRIDWELL ROAD PLYMOUTH
Case Officer: Harry Sedman
Decision Date: 15/07/2010
Decision: Issue Certificate - Lawful Use

Item No 119

Application Number: 10/00816/FUL **Applicant:** Mr Alan Ivey
Application Type: Full Application
Description of Development: Double private motor garage (existing garage and greenhouse to be removed)
Site 33 DUNCLAIR PARK PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 08/07/2010
Decision: Grant Conditionally

Item No 120

Application Number: 10/00818/FUL **Applicant:** Mr and Mrs Michael Foren
Application Type: Full Application
Description of Development: Double private motor garage (existing garage to be removed)
Site 47 DUNCLAIR PARK PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 05/07/2010
Decision: Grant Conditionally

Item No 121

Application Number: 10/00819/FUL **Applicant:** Mr Andrew Samphier
Application Type: Full Application
Description of Development: Detached private motor garage
Site 30 CHARLTON ROAD CROWNHILL PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 19/07/2010
Decision: Grant Conditionally

Item No 122

Application Number: 10/00821/FUL **Applicant:** Mr Matthew Conyers
Application Type: Full Application
Description of Development: Change of use, conversion and alteration, including front and rear rooflights, to form a house in multiple occupation (student accommodation - 8 bedrooms)
Site 25 ALEXANDRA ROAD MUTLEY PLYMOUTH
Case Officer: Jon Fox
Decision Date: 19/07/2010
Decision: Grant Conditionally

Item No 123

Application Number: 10/00822/TCO **Applicant:** Ms Joanne Lally
Application Type: Trees in Cons Area
Description of Development: Oaktree - Reduce and lift crown over dwelling roof
Site GABLES END 23 NELSON AVENUE STOKE PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 02/07/2010
Decision: Grant Conditionally

Item No 124

Application Number: 10/00824/FUL **Applicant:** A Yeo
Application Type: Full Application
Description of Development: Front porch (existing porch to be removed)
Site 7 DRYBURGH CRESCENT PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 14/07/2010
Decision: Grant Conditionally

Item No 125

Application Number: 10/00827/FUL **Applicant:** Mr A Budge
Application Type: Full Application
Description of Development: Part single-storey, part two-storey rear extension
Site 32 JULIAN STREET PLYMOUTH
Case Officer: Harry Sedman
Decision Date: 08/07/2010
Decision: Grant Conditionally

Item No 126

Application Number: 10/00832/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 PLYMPTON PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 15/07/2010
Decision: Grant Conditionally

Item No 127

Application Number: 10/00920/EXD **Applicant:** ROK Development Ltd
Application Type: LDC Existing Develop
Description of Development: Certificate of lawful development for the commencement of development of planning permission 07/00179/FUL for the redevelopment of the site by the erection of an industrial unit and non-food bulky goods retail unit; the works comprising a material operation by the initial works on the construction of the southern vehicular access to the development site
Site UNIT J 91 ST MODWEN ROAD PLYMOUTH
Case Officer: Robert McMillan
Decision Date: 07/07/2010
Decision: Issue Certificate - Lawful Use

The following decisions have been made by the Planning Inspectorate on appeals arising from decisions of the City Council:-

Application Number	09/00562/FUL
Appeal Site	TWIN OAKS RIDGE ROAD PLYMPTON PLYMOUTH
Appeal Proposal	Use of land for siting of mobile home and touring caravan
Case Officer	Jon Fox

Appeal Category

Appeal Type Informal Hearing

Appeal Decision Allowed

Appeal Decision Date 18/06/2010

Conditions

Award of Costs Awarded To

Appeal Synopsis

Greenscape/countryside park:- The Inspector stated that the appeals are subject to policies CS17 and CS18 (greenscape) and NP11 (countryside park) of the North Plymstock Area Action Plan (AAP). He had regard also to Circular 01/2006. The Inspector regards CS18 as a 'local landscape designation', which does not have the same weight as nationally recognised designations mentioned in para 52 of the circular. He recognises the importance of the countryside park in the context of the large development planned around it, but judged that high protection over such a large area would make it virtually impossible to identify sites for gypsies and travellers. This potential effect underlies the importance of para 53 of the circular.

The Inspector decided that the cycleway/footpath planned in NP11 would not be incompatible with the development sites. The Inspector noted that the gypsy site at the Ride is within the countryside park, and is not incompatible with the strategic cycle route nearby. He concluded there was only moderate harm to the countryside park and the greenscape.

Sustainability:- The Inspector noted that accessibility for pedestrians, and the opportunity to use public transport, is poor. However, he found that other residents nearby had similar accessibility and that the gypsy site at the Ride is not a benchmark that would make the appeal sites significantly unsatisfactory in this respect. The deficiencies of the site in respect of criteria 1 and 4 of CS17 were outweighed by the para 54 of the circular, which states that decision makers 'should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services'. The Inspector also put much weight on para 64, which promotes peaceful and integrated co-existence and the underlying benefits of securing lawful sites compared with the detrimental consequences of the absence of lawful pitches. Peaceful and integrated co-existence is unlikely to be furthered while there is a high level of unmet need for sites, he judged.

Residential amenity:- (CS17 - criteria 5) The Inspector found that subject to conditions any adverse impact on the amenity of adjoining occupiers would not be significant.

Need and alternative sites:- The need (50 pitches) is identified in CS17. None have been provided. The Inspector gave little or no weight to the planning permission for 10 sites at Efford, for which there is no funding, and the consultation exercise that has been carried out. Despite the Council's sincere commitment to provide sites, he could see no grounds for confidence that this commitment is likely to bear fruit in the reasonably near future. The unmet need is significant and the Inspector confirmed that sites are unlikely to be acceptable on all counts.

The Inspector gave no weight to the fact that the appellants had left pitches at the Ride in order to occupy the land in question. He said that the need was for more sites for gypsies and travellers, not for sites for particular families.

The Inspector concluded that the deficiencies of the sites and the resulting conflict with the development plan are substantially outweighed by the by the significant need for pitches and the absence of alternatives.

Application Number 09/00983/FUL
Appeal Site LAND AT RIDGE ROAD HARDWICK PLYMOUTH
Appeal Proposal Use of land for a two-pitch Gypsy site, consisting of two mobile homes and two touring caravans and parking
Case Officer Jon Fox

Appeal Category

Appeal Type Informal Hearing

Appeal Decision Allowed

Appeal Decision Date 18/06/2010

Conditions

Award of Costs Awarded To

Appeal Synopsis

Greenscape/countryside park:- The Inspector stated that the appeals are subject to policies CS17 and CS18 (greenscape) and NP11 (countryside park) of the North Plymstock Area Action Plan (AAP). He had regard also to Circular 01/2006. The Inspector regards CS18 as a 'local landscape designation', which does not have the same weight as nationally recognised designations mentioned in para 52 of the circular. He recognises the importance of the countryside park in the context of the large developments planned around it, but judged that high protection over such a large area would make it virtually impossible to identify sites for gypsies and travellers. This potential effect underlies the importance of para 53 of the circular.

The Inspector decided that the cycleway/footpath planned in NP11 would not be incompatible with the development sites. The Inspector noted that the gypsy site at the Ride is within the countryside park, and is not incompatible with the strategic cycle route nearby. He concluded there was only moderate harm to the countryside park and the greenscape.

Sustainability:- The Inspector noted that accessibility for pedestrians, and the opportunity to use public transport, is poor. However, he found that other residents nearby had similar accessibility and that the gypsy site at the Ride is not a benchmark that would make the appeal sites significantly unsatisfactory in this respect. The deficiencies of the site in respect of criteria 1 and 4 of CS17 were outweighed by the para 54 of the circular, which states that decision makers 'should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services'. The Inspector also put much weight on para 64, which promotes peaceful and integrated co-existence and the underlying benefits of securing lawful sites compared with the detrimental consequences of the absence of lawful pitches. Peaceful and integrated co-existence is unlikely to be furthered while there is a high level of unmet need for sites, he judged.

Residential amenity:- (CS17 - criteria 5) The Inspector found that subject to conditions any adverse impact on the amenity of adjoining occupiers would not be significant.

Need and alternative sites:- The need (50 pitches) is identified in CS17. None have been provided. The Inspector gave little or no weight to the planning permission for 10 sites at Efford, for which there is no funding, and the consultation exercise that has been carried out. Despite the Council's sincere commitment to provide sites, he could see no grounds for confidence that this commitment is likely to bear fruit in the reasonably near future. The unmet need is significant and the Inspector confirmed that sites are unlikely to be acceptable on all counts.

The Inspector gave no weight to the fact that the appellants had left pitches at the Ride in order to occupy the land in question. He said that the need was for more sites for gypsies and travellers, not for sites for particular families.

The Inspector concluded that the deficiencies of the sites and the resulting conflict with the development plan are substantially outweighed by the significant need for pitches and the absence of alternatives.

Application Number **09/01336/OUT**
Appeal Site **WE DONEIT, FORESTERS ROAD PLYMOUTH**
Appeal Proposal Outline application to develop site by erection of six bungalows (existing dwelling to be removed)
Case Officer Stuart Anderson

Appeal Category REF
Appeal Type Written Representations
Appeal Decision Dismissed
Appeal Decision Date 11/06/2010

Conditions

Award of Costs Awarded To

Appeal Synopsis

Inspector agreed that the development would appear cramped and out of character, and that such a tight arrangement would mean that the development would appear squeezed into the site, contrary to the more relaxed and spacious development around, and for this reason the appeal should not succeed. However, inspector did not agree with the highways reasons for refusal. Partial costs awarded to appellants.

Application Number **10/00038/FUL**
Appeal Site **56 SHIRBURN ROAD PLYMOUTH**
Appeal Proposal Two storey rear extension
Case Officer Kate Saunders

Appeal Category
Appeal Type Written Representations
Appeal Decision Dismissed
Appeal Decision Date 13/07/2010

Conditions

Award of Costs Awarded To

Appeal Synopsis

The inspector agreed that the development would be a prominent addition which would appear out of character with the area. The design was also considered poor and contrary to established design principles reflected in the SPD. In conclusion the inspector stated that the proposal would be unduly harmful to the character and appearance of the area.

Note:

Copies of the full decision letters are available to Members in the Ark Royal Room and Plymouth Rooms. Copies are also available to the press and public at the First Stop Reception.

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