

# Public Document Pack



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## **PLANNING COMMITTEE**

**DATE: THURSDAY 26 AUGUST 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 29 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 49 LYMPNE AVENUE, ERNESETTLE, PLYMOUTH (Pages 9 - 12)**  
09/01832/FUL

Applicant:	Mr. Steve Gascoyne
Ward:	Honicknowle
Recommendation:	Grant Conditionally

- 6.2** 61 GREEN PARK ROAD, PLYMOUTH 10/01234/FUL **(Pages 13 - 16)**
- Applicant: Mr. & Mrs. J. James  
Ward: Plymstock Radford  
Recommendation: Grant Conditionally
- 6.3** 7 TORR VIEW AVENUE, PLYMOUTH 10/00951/FUL **(Pages 17 - 20)**
- Applicant: Mr. D. Boseley  
Ward: Peverell  
Recommendation: Grant Conditionally
- 6.4** 11 GLENEAGLE ROAD, PLYMOUTH 10/00915/FUL **(Pages 21 - 24)**
- Applicant: Mr. M. Willcox  
Ward: Compton  
Recommendation: Grant Conditionally
- 6.5** 11 ORESTON ROAD, PLYMOUTH 10/01077/FUL **(Pages 25 - 28)**
- Applicant: Dr. & Mrs. J. Chilton  
Ward: Plymstock Radford  
Recommendation: Grant Conditionally
- 6.6** 93 ROCHFORD CRESCENT, ERNESETTLE, PLYMOUTH 10/01200/FUL **(Pages 29 - 32)**
- Applicant: Mr. & Mrs. Davies  
Ward: Honicknowle  
Recommendation: Grant Conditionally
- 6.7** 1 ARLINGTON ROAD, PLYMOUTH 10/01180/FUL **(Pages 33 - 36)**
- Applicant: Mrs. Sherain Al Subiai  
Ward: Efford & Lipson  
Recommendation: Grant Conditionally
- 6.8** 5 MAIDENWELL ROAD, PLYMOUTH 10/01035/FUL **(Pages 37 - 40)**
- Applicant: Mr. Stephen Foster  
Ward: Plympton Erle  
Recommendation: Grant Conditionally
- 6.9** 25 COLTNESS ROAD, PLYMOUTH 10/00776/REM **(Pages 41 - 46)**
- Applicant: Mr. A. Nutbean  
Ward: Plymstock Dunstone  
Recommendation: Grant Conditionally

- 6.10** LAND AT BELL CLOSE (EAST OF PARKSTONE LANE),  
NEWNHAM INDUSTRIAL ESTATE, PLYMPTON,  
PLYMOUTH 10/00174/FUL **(Pages 47 - 66)**
- Applicant: Mr. & Mrs. S. Rowland  
Ward: Plympton St. Mary  
Recommendation: Grant Conditionally
- 6.11** LAND TO THE REAR OF 7-11 UNDERWOOD ROAD,  
PLYMOUTH 10/00711/OUT **(Pages 67 - 76)**
- Applicant: South-West Property Developments Ltd.  
Ward: Plympton Erle  
Recommendation: Refuse
- 6.12** FORMER TOTHILL SIDINGS, LAND SOUTH OF  
KNIGHTON ROAD, PLYMOUTH 10/00851/OUT **(Pages 77 - 94)**
- Applicant: Mr. H. Shibl  
Ward: Sutton & Mount Gould  
Recommendation: Grant Conditionally subject to S106 Obligation,  
delegated authority to refuse if not signed by 31 August,  
2010
- 6.13** FROBISHER HOUSE AND FLEET HOUSE, 64-66  
EBRINGTON STREET AND 15 HEWERS ROW,  
PLYMOUTH 10/00847/FUL **(Pages 95 - 110)**
- Applicant: Saltire Property Developments Ltd.  
Ward: St. Peter & The Waterfront  
Recommendation: Grant Conditionally subject to S106 Obligation,  
delegated authority to refuse it not signed by 27 August,  
2010
- 6.14** FORMER SITE OF BARNE BARTON PRIMARY SCHOOL,  
POOLE PARK ROAD, PLYMOUTH 10/00681/FUL **(Pages 111 - 132)**
- Applicant: BDW Trading Ltd.  
Ward: St. Budeaux  
Recommendation: Grant Conditionally subject to S106 Obligation,  
delegated authority to refuse if not signed by 27 August,  
2010
- 6.15** THE FELLOWSHIP INN, TREVITHICK ROAD, PLYMOUTH  
10/00853/FUL **(Pages 133 - 144)**
- Applicant: Colourcolt Ltd.  
Ward: St. Budeaux  
Recommendation: Grant Conditionally subject to S106 Obligation,  
delegated authority to refuse if not signed by 10  
September, 2010

**6.16 23 MARLBOROUGH STREET, PLYMOUTH 10/01022/FUL (Pages 145 - 152)**

Applicant: Mr. M. Obrien  
Ward: Devonport  
Recommendation: Grant Conditionally

**6.17 FORMER MOD SITE, MOUNT WISE, PLYMOUTH 10/00670/OUT (Pages 153 - 180)**

Applicant: Mount Wise (Guernsey) Ltd.  
Ward: Devonport  
Recommendation: Grant Conditionally subject to S106 Obligation, delegated authority to refuse if not signed by 15 October, 2010

**6.18 FORMER MOD SITE, MOUNT WISE, DEVONPORT, PLYMOUTH 10/01271/OUT (Pages 181 - 210)**

Applicant: Mount Wise (Guernsey) Ltd.  
Ward: Devonport  
Recommendation: Grant Conditionally subject to S106 Obligation, delegated authority to refuse if not signed by 15 October, 2010

**6.19 FORMER MOD SITE, MOUNT WISE, DEVONPORT, PLYMOUTH 10/00671/LBC (Pages 211 - 216)**

Applicant: Mount Wise (Guernsey) Ltd.  
Ward: Devonport  
Recommendation: Grant Conditionally

**6.20 FORMER MOD SITE, MOUNT WISE, DEVONPORT, PLYMOUTH 10/01272/LBC (Pages 217 - 222)**

Applicant: Mount Wise (Guernsey) Ltd.  
Ward: Devonport  
Recommendation: Grant Conditionally

**7. PLANNING APPLICATION DECISIONS ISSUED (Pages 223 - 260)**

The Assistant Director of Development (Planning Services) acting under powers delegated to him by the Council will submit a schedule outlining all decisions issued from 20 July to 16 August, 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 261 - 264)**

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 29 July 2010

### PRESENT:

Councillor Lock, in the Chair.

Councillor Roberts, Vice Chair.

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

Apologies for absence: Councillor Wheeler

Also in attendance: Paul Westrope, Area Planning Manager, Julie Rundle, Senior Lawyer.

The meeting started at 1.00 pm and finished at 4.15 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.*

### 19. **DECLARATIONS OF INTEREST**

There were no declarations of interest in accordance with the code of conduct.

### 20. **MINUTES**

Agreed that the minutes of the 1 July 2010 be approved as a correct record.

### 21. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

### 22. **QUESTIONS FROM MEMBERS OF THE PUBLIC**

There were no questions from members of the public.

### 23. **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 23.3, 23.4, 23.7 and 23.8.

**23.1 53 FURZEHATT ROAD, PLYMOUTH 10/00626/FUL**

(Mr. and Mrs. Fisher)

Decision:

Application **GRANTED** conditionally.

**23.2 86 UNDERLANE, PLYMPTON, PLYMOUTH 10/00405/FUL**

(Mr. David Legg)

Decision:

Application **GRANTED** conditionally.

**23.3 HM NAVAL BASE, SOUTH YARD, DEVONPORT, PLYMOUTH 10/00640/FUL**

(Princess Yachts International)

Decision:

Application **GRANTED** conditionally subject to S106 obligation, delegated authority to refuse if S106 not signed within three months of the committee date.

The Committee received a verbal update that English Heritage had informed the Case Officer that applications had been received for the listing of the warehouse relay building S173 and the Raised Head, although it was not deemed that this would impact on the application.

(At the invitation of the Chair, the Committee heard from Councillor Wildy, Ward Member, speaking in support of the application).

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

**23.4 TORR HOME, THE DRIVE, PLYMOUTH 10/00555/FUL**

(Mr. and Mrs. Fisher)

Decision:

Application **REFUSED**

The Case Officer's recommendation was amended to refuse in the provided addendum report due to the loss of an important tree, contrary to policies CS18 and CS34 of the adopted City of Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

(At the invitation of the Chair, the committee heard representation against the application).

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

(Harbour Avenue Limited)

Decision:

Application **GRANTED** conditionally subject to S106 obligation,



delegated authority to refuse if S106 not signed by the 29 September 2010.

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

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

**23.6 LAND TO THE REAR OF 7-11 UNDERWOOD ROAD, PLYMOUTH 10/00711/OUT**

(South West Property Developments Ltd)

Decision:

Application **DEFERRED** in order for a site visit and accurate report to be prepared for committee.

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

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

(Councillor Mrs Bowyer's proposal to defer for the preparation of an accurate report and site visit, having been seconded by Councillor Delbridge, was put to the vote and declared carried).

**23.7 3 HILLSIDE AVENUE, PLYMOUTH 10/00715/FUL**

(South West Property Developments Ltd)

Decision:

Application **REFUSED** on the following grounds:-

The proposed development would give rise to an increased intensity of use of the property sufficient to seriously impact on the living conditions of surrounding residential properties and the character of the area contrary to policies CS15, CS28 and CS34 and in conflict with development guidelines SPD.

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

(At the invitation of the Chair, the committee heard representation against the application)

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

**23.8 THE RIDGEWAY, PLYMPTON, PLYMOUTH 10/01045/24**

(Vodafone Limited)

Decision:

**DEFER** for advert period with delegated authority to the Assistant Director of Development.

24. **PLANNING APPLICATION DECISIONS ISSUED**

The Assistant Director for 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.

It was confirmed by the Case Officer that application 10/00089/FUL would not involve the sale or occupation of caravans and the application was for storage only.

Agreed that the report be noted.

25. **APPEAL DECISIONS**

A schedule of decisions made by the Planning Inspectorate on appeals arising from the decision of the City Council was considered.

Agreed that the report be noted.

26. **EXEMPT BUSINESS**

There were no items of exempt business.

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

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

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

## PLANNING COMMITTEE

DATE OF MEETING – 29/07/2010

## SCHEDULE OF VOTING

Minute No.	Voting For	Voting Against	Abstained	Excluded from voting due to Interests Declared	Absent
<b>23.1</b> 53 Furzehatt Road, Plymouth 10/00626/ful	Unanimous				
<b>23.2</b> 86 Underlane, Plympton, Plymouth 10/00405/ful	Unanimous				
<b>23.3</b> HM Naval Base, South Yard, Devonport, Plymouth 10/00640/ful	Unanimous				
<b>23.4</b> Torr home, The Drive, Plymouth 10/00555/ful	Unanimous				Councillor Vincent
<b>23.5</b> Land rear of Queen Annes Quay, off Parsonage Way, Coxside, Plymouth 10/00499/ful	Unanimous				
<b>23.6</b> Land to the rear of 7-11 Underwood Road, Plymouth 10/00711/out	Unanimous				Councillor Lowry
<b>23.7</b> 3 Hillside Avenue, Plymouth 10/00715/ful		Unanimous			
<b>23.8</b> The Ridgeway, Plympton, Plymouth 10/01045/24	Councillors Vincent, Tuohy, Stevens, Mrs Foster, Thompson, Browne, Delbridge, Stephens, Roberts, Lock		Councillor Stevens		Councillor Lowry

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## PLANNING APPLICATIONS FOR CONSIDERATION

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

### Addendums

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

### Public speaking at Committee

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

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

- Ward Member
- Objector
- Supporter

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

### Committee Request for a Site Visit

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

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

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

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

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

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

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

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

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

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

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

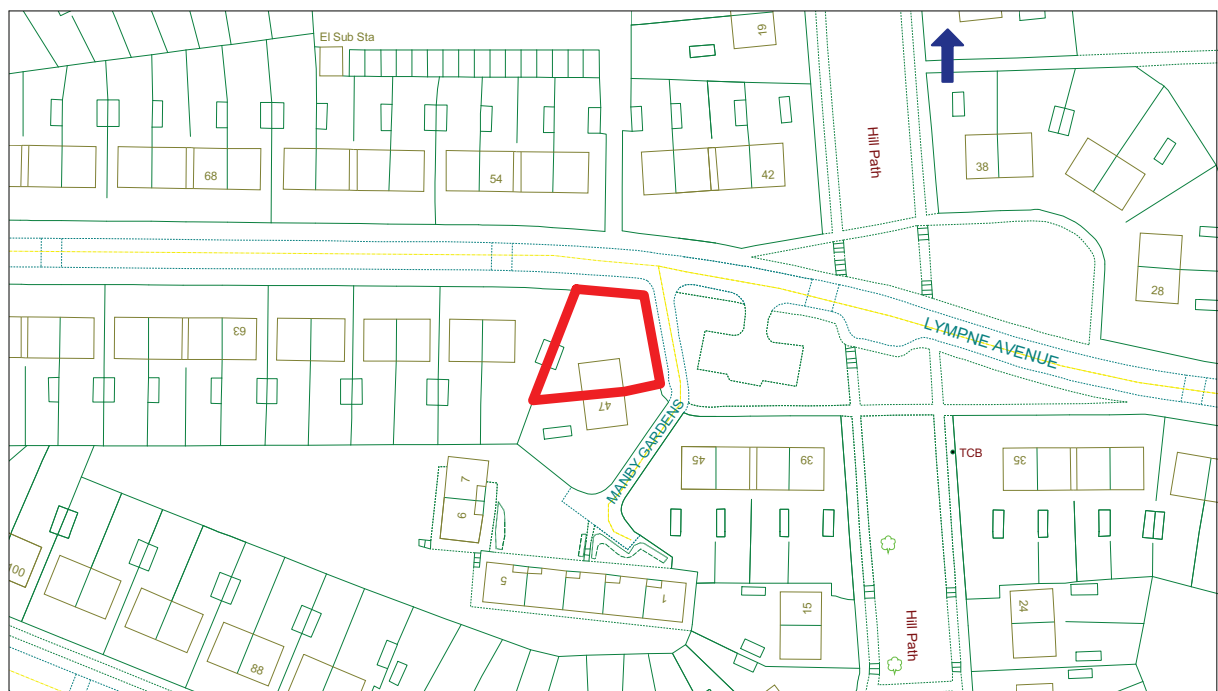
**Decisions contrary to Officer recommendation**

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

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

**ITEM: 01**

<b>Application Number:</b>	09/01832/FUL
<b>Applicant:</b>	Mr Steve Gascoyne
<b>Description of Application:</b>	Two-storey side extension
<b>Type of Application:</b>	Full Application
<b>Site Address:</b>	49 LYMPNE AVENUE ERNESETTLE PLYMOUTH
<b>Ward:</b>	Honicknowle
<b>Valid Date of Application:</b>	02/02/2010
<b>8/13 Week Date:</b>	<b>30/03/2010</b>
<b>Decision Category:</b>	Member/PCC Employee
<b>Case Officer :</b>	Louis Dulling
<b>Recommendation:</b>	Grant Conditionally
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



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## OFFICERS REPORT

### Site Description

49 Lypnpe Avenue is a semi-detached dwellinghouse in the Ernesettle area of Plymouth. The property occupies a large corner plot.

### Proposal Description

The proposal is for a two-storey side extension to provide a sitting room and two additional bedrooms. The proposed side extension is 7 metres in depth and 4.3 metres in width. It is set down 0.3 metres from the existing building's roof and stepped back from the front elevation by 1 metre.

The proposal has been amended since originally submitted, at the request of your officers. The originally submitted scheme showed an extension 8 metres in depth and 5 metres in width, and not set down or set back from the existing building.

### Relevant Planning History

51 Lypnpe Avenue (05/00598/FUL) - Erection of a single storey side extension and front porch (incorporating private motor garage) – Approved.

### Consultation Responses

South West Water – draws the applicant's attention to the proximity of the proposed development to public sewers.

### 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 (SPD).

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

### Neighbourhood Amenity

The corner plot which 49 Lypnpe Avenue occupies is considered to be a prominent space in the street scene. SPD paragraph 2.48 states that '*corner plots are prominent sites. Often corner plots are left undeveloped to create a*



*spacious feel in an area or to ensure highway safety. Corner extensions, therefore, must be of a particularly high standard to be acceptable.'*

The proposed side extension would occupy approximately one third of the corner plot. The majority of the space would therefore remain open and it is considered that the proposed side extension would not result in a loss of the 'open' appearance of the corner plot. Furthermore, the proposed side extension would not create an unacceptable impact on the street scene as the semi-detached property would remain set back from the established building line of Lympne Avenue.

The proposed side extension is set back from the main property by 1 metre and the roof line is set down from the main property's roof by 0.3 metre. This represents a marked improvement on the proposal originally submitted. The proposed side extension is now considered to appear subordinate to the main property and is therefore acceptable. It is considered that the degree of subordination now helps to retain the balance of the pair of semi-detached properties. The proposed side extension is considered to relate well to the existing property, with bay windows on the front elevation which mirror the existing bay windows on the main property.

#### Neighbouring Amenity

Although the proposed side extension has a rear bedroom window on the first floor, there are no concerns over the loss of privacy, outlook or light as the first floor side window of 51 Lympne Avenue is an obscure glazed bathroom window. With regard to the impact on the rear garden of No. 51, it is considered that the proposed rear bedroom window will not create a significant increase in the level of overlooking as there is an existing bedroom window in the existing rear elevation of 49 Lympne Avenue. There are no concerns over loss of privacy, outlook or light with regard to the ground floor windows and there is a boundary fence in place separating Nos. 49 and 51 which provides sufficient screening. It is considered that there will not be any loss of privacy, outlook or light to the adjoining property, No. 47.

The existing property's side elevation has a side door to the kitchen, a landing window and a bathroom window. The proposed side extension has a shower room/toilet window on the first floor and a sitting room window on the ground floor. Therefore, natural surveillance of the corner is maintained by the ground floor window.

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

There are no equalities and diversities issues.

#### **Conclusions**

The application is therefore recommended for the grant of permission subject to the standard commencement condition.

**Recommendation**

In respect of the application dated **02/02/2010** and the submitted drawings, **001 (amended version received 25 June 2010)**, 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.

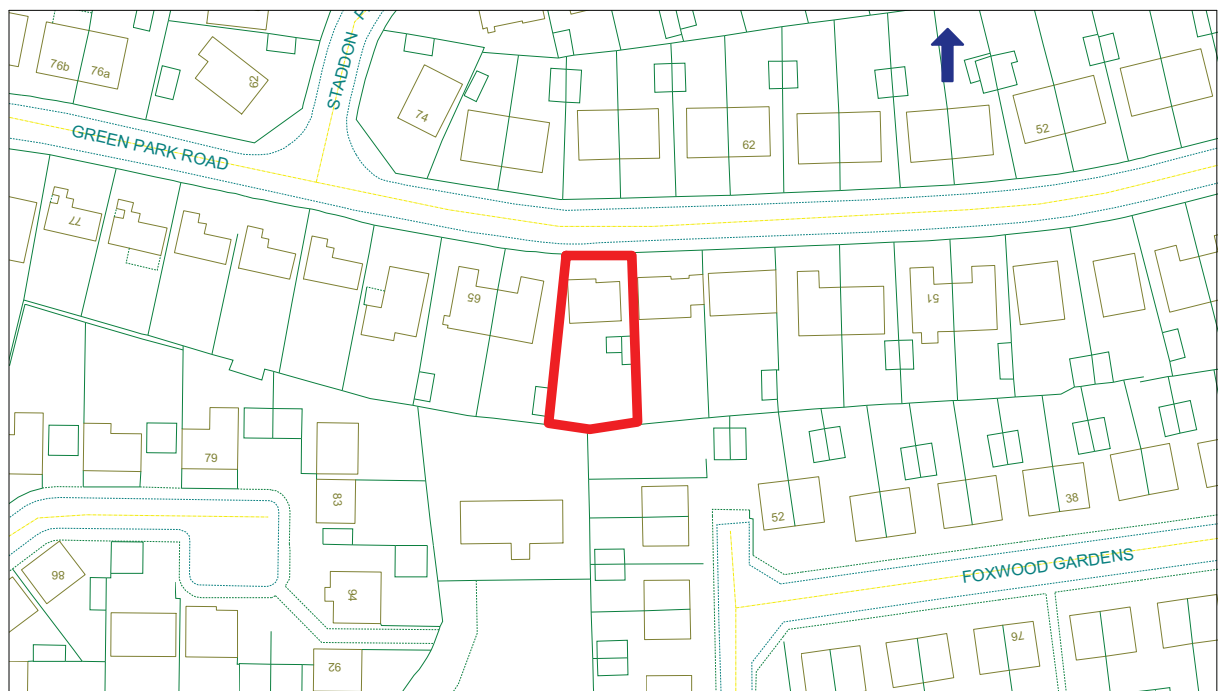
**Statement of Reasons for Approval and Relevant Policies**

Having regard to the main planning considerations, which in this case are considered to be: impact on neighbouring amenity and the 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 condition, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, and (b) relevant Government Policy Statements and Government Circulars, as follows:

CS34 - Planning Application Consideration  
CS02 - Design  
SPD1 - Development Guidelines

**ITEM: 02**

<b>Application Number:</b>	10/01234/FUL
<b>Applicant:</b>	Mr & Mrs J James
<b>Description of Application:</b>	Side/rear private motor garage and single-storey rear extension with balcony over and external spiral staircase (existing rear porch, store and garage to be removed)
<b>Type of Application:</b>	Full Application
<b>Site Address:</b>	61 GREEN PARK ROAD PLYMOUTH
<b>Ward:</b>	Plymstock Radford
<b>Valid Date of Application:</b>	20/07/2010
<b>8/13 Week Date:</b>	<b>14/09/2010</b>
<b>Decision Category:</b>	Member/PCC Employee
<b>Case Officer :</b>	Louis Dulling
<b>Recommendation:</b>	Grant Conditionally
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



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## OFFICERS REPORT

### Site Description

No. 61 Green Park Road is a detached dwellinghouse in the Plymstock area of Plymouth.

### Proposal Description

The proposal is for a replacement garage and a rear extension with balcony over, walkway and spiral staircase.

The proposed garage is on the east side and is to be 2.6 metres in width, 5.2 metres in length and 3 metres in height.

The proposed rear extension, which would enlarge the lounge, projects beyond the rear of the existing property by 2.6 metres, is 5.5 metres wide and 2.9 metres in height.

The proposed walkway projects 0.9 metres from the rear of the existing property and is 2.4 metres in width. Both the rear extension and walkway have 1.1 metre high balustrades, creating a balcony. The proposed spiral staircase is 1.3 metres in diameter and 3.5 metres in height.

### Relevant Planning History

61 Green Park Road (10/01061/PRDE) – Single-storey side/rear garage – Withdrawn.

61 Green Park Road (10/01064/PRDE) – Rear extension with balcony over and external steel staircase down to rear garden – Withdrawn.

### Consultation Responses

No consultations were necessary.

### Representations

No representations had been received at the time of preparing this report. However, the publicity response period does not end until 24 August, so any representations received will be reported and considered in an addendum 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.

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 impact on neighbouring amenity and on the character and appearance of the area.

The proposed garage replaces the existing garage, relocating it closer to the house. The proposed garage will result in an additional 0.6 metres in height which is not considered to be a significant increase and, whilst there will be some impact on the amount of light received at the neighbouring property at No. 59, this is considered acceptable.

SPD1 states that *'where a garage is attached to a house it is usually preferable to set it back from the front of the property'*. The proposed garage is set well back from the front of the property. It will not impact on the street scene as the driveway slopes away from the road and is not clearly visible from street level.

The rear extension projects 2.6 metres from the rear elevation of the main property. It does not impact on the privacy of No. 63 Green Park Road as there is sufficient natural screening provided by a row of trees which separates the two properties. Additionally, where a small break in the tree line occurs, No. 63 has a rear porch and obscure glazed bathroom windows which face the rear of No. 61. Therefore the impact of the proposed rear extension is considered to be acceptable in this case as no habitable room window will be affected.

With regard to the extension's impact on No. 59, to the east, the proposed garage would screen much of the rear garden from view when at balcony level. Furthermore the proposed rear extension includes 1.7 metre high obscure glazed screening on both the east and west elevations to reduce overlooking from the balcony. This is in accordance with Paragraph 2.29 which states that *'screening or fencing may be used to overcome any overlooking problems but must be of a scale that does not unreasonably affect the outlook or daylight of the neighbouring property.'* The extension is not visible from any public vantage point and therefore does not have a negative impact on the character and appearance of the street scene.

The proposed spiral staircase will be almost entirely screened from view, by the proposed garage, when viewed from the rear garden of No 59. The staircase will not have a significant impact on the outlook of No. 63 as this property has obscure glazed bathroom windows facing.

### **Equalities & Diversities issues**

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

### **Conclusions**

The application is therefore recommended for the granting of conditional permission.

**Recommendation**

In respect of the application dated **20/07/2010** and the submitted drawings, **Site Location Plan, 53:03:2010, 53:04:2010, 53:05:2010A, 53:06:2010, 53:07:2010A, 53:08:2010, 53:09:2010, 53:01:2010, 53:02:2010**, 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: impacts on neighbouring amenity and the 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 condition, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, and (b) relevant Government Policy Statements and Government Circulars, as follows:

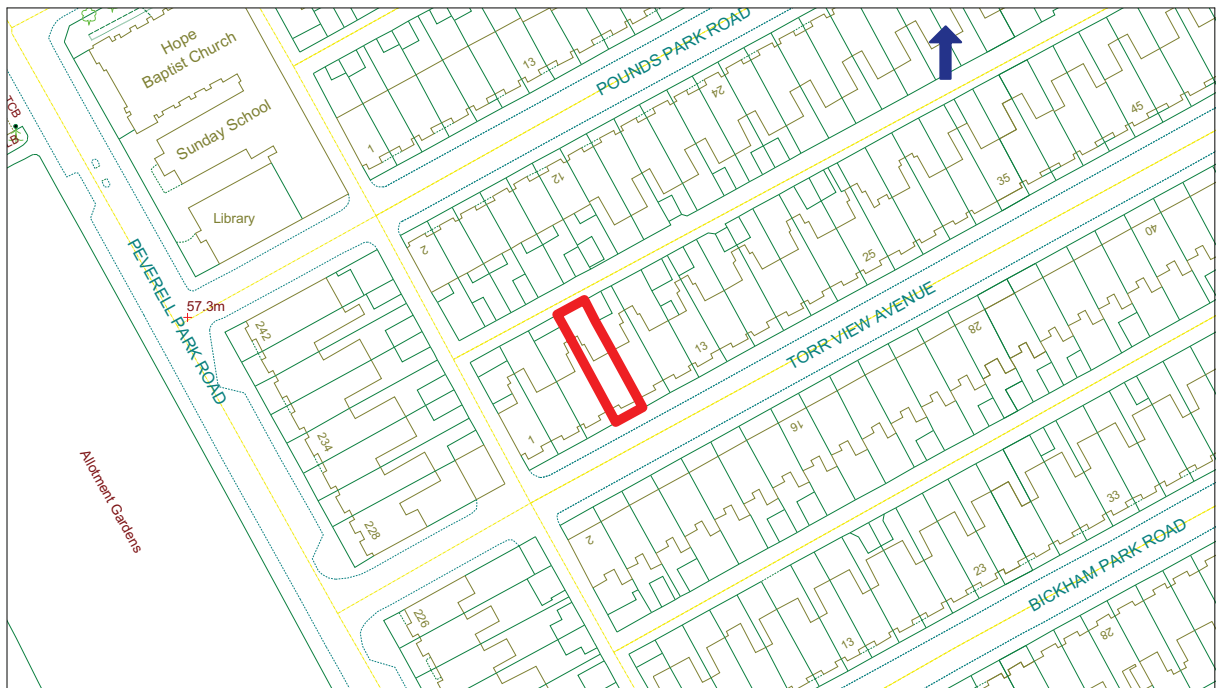
CS34 - Planning Application Consideration

CS02 - Design

SPD1 - Development Guidelines

**ITEM: 03**

<b>Application Number:</b>	10/00951/FUL
<b>Applicant:</b>	Mr D Boseley
<b>Description of Application:</b>	Extension to kitchen and existing store
<b>Type of Application:</b>	Full Application
<b>Site Address:</b>	7 TORR VIEW AVENUE PLYMOUTH
<b>Ward:</b>	Peverell
<b>Valid Date of Application:</b>	10/06/2010
<b>8/13 Week Date:</b>	<b>05/08/2010</b>
<b>Decision Category:</b>	Member/PCC Employee
<b>Case Officer :</b>	Kirsty Barrett
<b>Recommendation:</b>	Grant Conditionally
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



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## OFFICERS REPORT

### **Site Description**

7 Torr View Avenue is a mid-terraced property within the Peverell area of Plymouth

### **Proposal Description**

Single-storey rear extension to enlarge existing kitchen and store

### **Relevant Planning History**

No relevant planning history

### **Consultation Responses**

No consultations required

### **Representations**

None

### **Analysis**

This application turns upon Policy CS34 of the City of Plymouth Core Strategy 2006-2021 and the Development Guidelines Supplementary Planning Document. The main planning considerations are the impact on neighbour amenities and the impact on the character and visual appearance of the area.

This proposal is not considered to have any overbearing effect on the amenities of the neighbouring dwellings, Nos. 5 and 9 Torr View Avenue. The tenement will be increased in length from 5.5 metres to 9 metres and in width from 2 metres to 3.3 metres. There is only a small increase in height (0.4 metre). The windows in the extension will look towards the adjacent neighbour at No. 9. However this is not considered to be harmful as they are at ground-floor level. Therefore, the amenities of neighbouring properties will not be harmed to any notable extent.

The increase in size of this tenement into a usable extension reduces the amenity space of this property, but sufficient garden space would remain. It is also considered that this extension will not detract from the character of the area or the building itself.

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

### **Equalities & Diversities issues**

None



**Conclusions**

Recommended for conditional grant of permission.

**Recommendation**

In respect of the application dated **10/06/2010** and the submitted drawings, **61:01:2010, 61:02:2010, 61:03:2010, 61:04:2010, Site Location Plan**, it is recommended to: **Grant Conditionally**

**Conditions**

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

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

Reason:

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

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

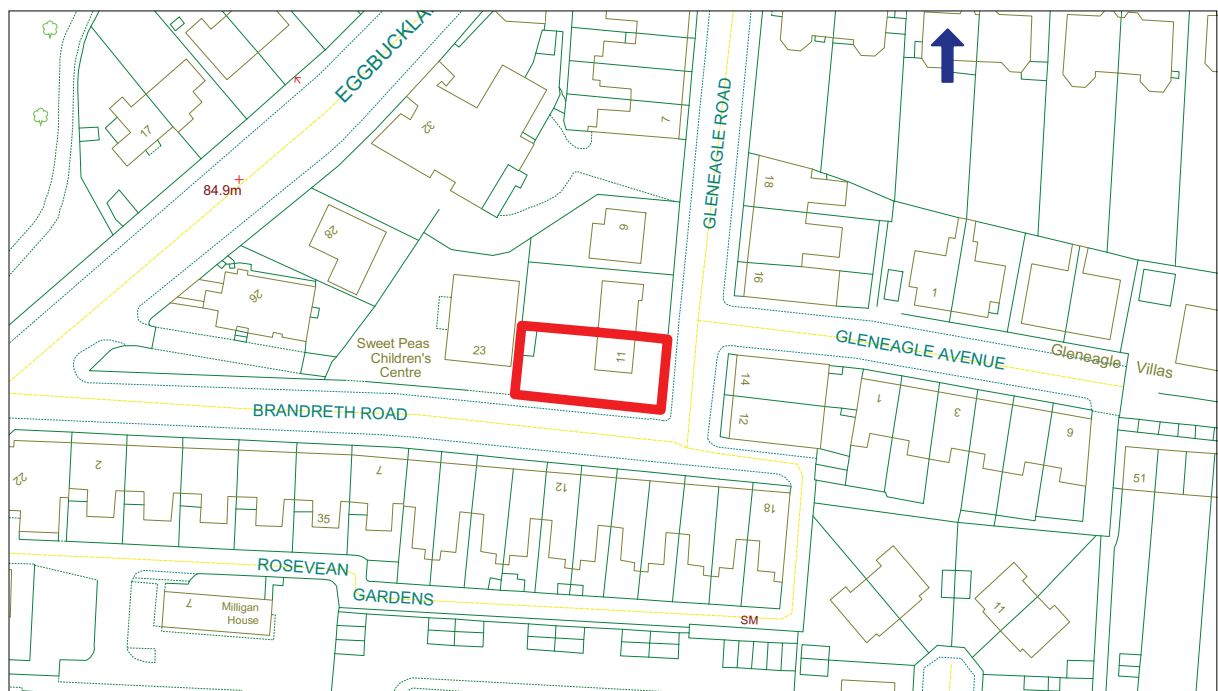
Having regard to the main planning considerations, which in this case are considered to be: impact on neighbour amenities and the impact on the character and visual appearance of the area, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations,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

CS34 - Planning Application Consideration  
SPD1 - Development Guidelines

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**ITEM: 04**

<b>Application Number:</b>	10/00915/FUL
<b>Applicant:</b>	Mr M Willcox
<b>Description of Application:</b>	Widening of existing driveway
<b>Type of Application:</b>	Full Application
<b>Site Address:</b>	11 GLENEAGLE ROAD PLYMOUTH
<b>Ward:</b>	Compton
<b>Valid Date of Application:</b>	07/06/2010
<b>8/13 Week Date:</b>	<b>02/08/2010</b>
<b>Decision Category:</b>	Member/PCC Employee
<b>Case Officer :</b>	Kirsty Barrett
<b>Recommendation:</b>	Grant Conditionally
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



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## OFFICERS REPORT

### Site Description

11 Gleneagle Road is a two-storey semi-detached dwellinghouse in the Mannamead area of Plymouth. The existing driveway entrance which serves the property is to the rear on Brandreth Road. The driveway slopes downwards from north to south.

### Proposal Description

The proposal consists of the widening of the existing driveway. A new retaining wall is also proposed as is the reshaping and resurfacing of the kerb on Brandreth Road.

### Relevant Planning History

No planning applications previously submitted at 11 Gleneagle Road

### Consultation Responses

Transport – Recommend approval subject to condition

### Representations

No letters of representation received

### Analysis

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

The proposed development increases the width of the existing driveway by 750 mm to approximately 3.5 metres. The new width would increase the area of the driveway by 4.75m<sup>2</sup>. The new retaining wall will contain a stucco render finish. The existing granite kerb and paving slabs will be removed and replaced with a situ concrete surface. A new electrically operated roller shutter door is proposed to the entrance of the driveway.

The Council's Transport section has provided no objection to the proposal but notes that the footway vehicle crossing will become the maximum permitted amount for a double crossing of 4.8 metres in width. It advises that before the driveway is extended it will be necessary to secure a dropped footway crossing with the consent of the Local Highway Authority.

The proposed hardstanding should not drain onto the public highway. Following consultation between the applicant and the Transport section, it has been agreed that a drainage soakaway should be provided to prevent run-off. A condition is included as part of this approval to ensure drainage is constructed in accordance with the details shown on amended plans submitted to and approved by the Local Planning Authority.

The Development Guidelines Supplementary Planning Document (SPD) provides that to minimise the impact on the streetscene, a hardstanding should retain as much original walling and fencing as practical to ensure the

appearance of the enclosure is preserved. The replacement retaining wall is considered acceptable in defining the driveway. In addition, sufficient space should be incorporated for soft landscaping to screen cars and minimise the visual impact of the hard standing area. The driveway is already well screened by overhanging trees and surrounding hedges and therefore satisfies the guidance set out in the SPD.

There is no discernible harm to the amenity of neighbouring properties.

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

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

No equality and diversity issues to consider with this application.

#### **Conclusions**

The proposed development will not have a detrimental impact on neighbours' amenity, the streetscene or transport considerations. It is therefore recommended for approval subject to conditions.

#### **Recommendation**

In respect of the application dated **07/06/2010** and the submitted drawings, **SK01, SK02, SK03, SK04, SK05**, 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.

##### **DRAINAGE AND SURFACING**

(2) The widened driveway hereby approved shall not be used until it has been drained and surfaced in accordance with the details submitted to and approved by the Local Planning Authority.

Reason:

To ensure adequate drainage and surfacing in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

**INFORMATIVE - DROPPED FOOTWAY CROSSING CONSENT**

(1) Before the access hereby permitted of 4.8 metres in width is first brought into use it will be necessary to secure a dropped footway crossing with the consent of the Local Highway Authority. The developer should contact Plymouth Transport & Highways Planned Maintenance Operations Team, Hatfield House, Burrington Way, Plymouth, PL5 3LZ for advice on this matter before any work is commenced.

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

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

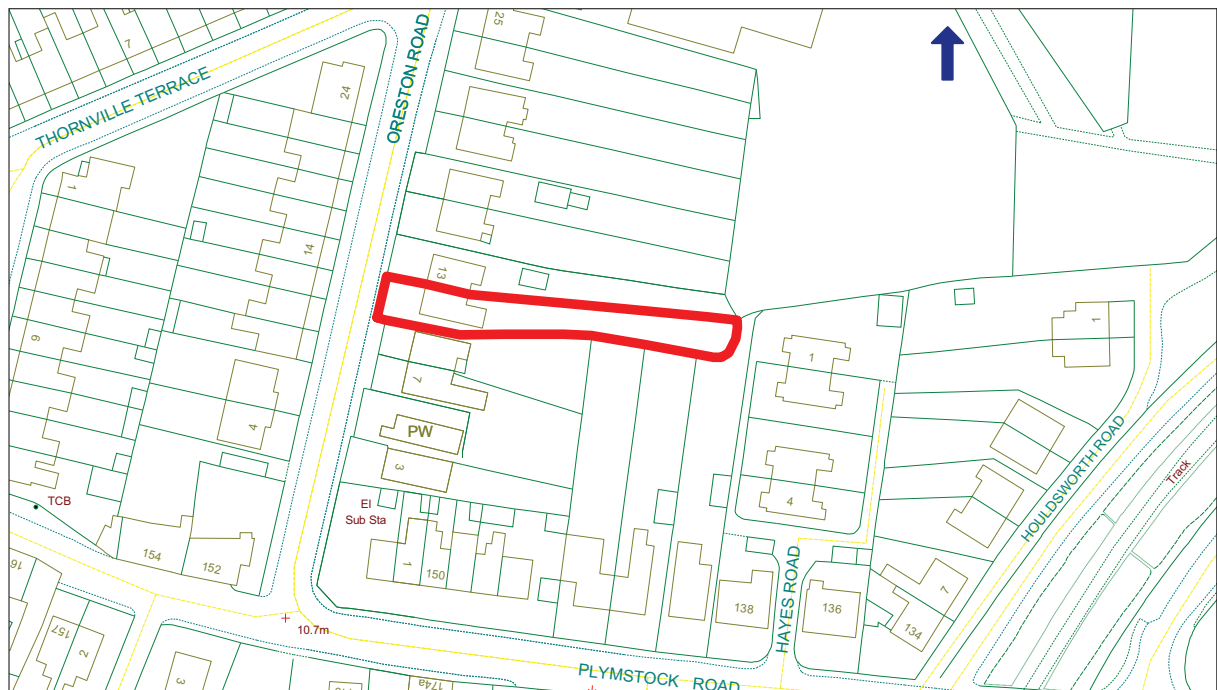
CS28 - Local Transport Consideration

CS34 - Planning Applications

SPD1 - Development Guidelines

**ITEM: 05**

<b>Application Number:</b>	10/01077/FUL
<b>Applicant:</b>	Dr and Mrs J Chilton
<b>Description of Application:</b>	Single-storey rear extension, with pitched roof over existing and proposed rear extensions
<b>Type of Application:</b>	Full Application
<b>Site Address:</b>	11 ORESTON ROAD PLYMOUTH
<b>Ward:</b>	Plymstock Radford
<b>Valid Date of Application:</b>	30/06/2010
<b>8/13 Week Date:</b>	<b>25/08/2010</b>
<b>Decision Category:</b>	Member/PCC Employee
<b>Case Officer :</b>	Louis Dulling
<b>Recommendation:</b>	Grant Conditionally
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



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## OFFICERS REPORT

### Site Description

No. 11 Oreston Road is a semi-detached property in the Oreston area of Plymouth. The property has an existing kitchen “extension” projecting beyond the main rear property line.

### Proposal Description

The proposal is for a ground floor rear extension to enlarge the kitchen and dining areas. It projects 4.4 metres beyond the main rear elevation and is 2.6 metres wide, and it lies flush with the rear of the existing ground floor kitchen projection. A pitched roof is proposed over the existing and proposed rear extensions, with three rooflights on each side of the pitched roof. The pitched roof reaches a height at ridge of 4 metres, compared to the existing flat roof of 2.75 metres.

### Relevant Planning History

There is no relevant planning history in relation to this application.

### Consultation Responses

Historic Environment Officer – no significant archaeological implications

### Representations

No representations received.

### Analysis

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

The application is assessed having regard to policies CS02 and CS34 of the Core Strategy, and to the Development Guidelines Supplementary Planning Document (SPD).

The SPD, at paragraph 2.51, states ‘*a rear extension should be in keeping with the main dwelling and the character of the area*’. It is considered that the proposed rear extension is in keeping with the surrounding area, which is characterised by properties with similar sized extensions. The design of the extension is considered to be appropriate as the pitched roof improves upon the existing flat roof of the kitchen extension. The existing rear door will be moved to the rear elevation of the proposed extension and will, along with the windows, relate well to the existing fenestration in the main property.

There are no windows proposed in the side elevations of the proposed extension. Additionally there is a high boundary fence separating the property



from the adjoining property at No. 13 and therefore only the roof of the proposed extension will be visible from that property's ground floor. The extension is considered to be acceptable in terms of effect on light, outlook and privacy for this and other nearby properties.

**Equalities & Diversities issues**

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

**Conclusions**

The application is recommended for the grant of conditional permission.

**Recommendation**

In respect of the application dated **30/06/2010** and the submitted drawings, **Site Location Plan, 67:01:2010, 67:02:2010, 67:03:2010, 67:04:2010**, 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: impact on neighbouring amenity and the 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 condition, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, and (b) relevant Government Policy Statements and Government Circulars, as follows:

CS34 - Planning Application Consideration  
CS02 - Design  
SPD1 - Development Guidelines

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**ITEM: 06**

<b>Application Number:</b>	10/01200/FUL
<b>Applicant:</b>	Mr & Mrs Davies
<b>Description of Application:</b>	One/two storey side and rear extension, with integral garage
<b>Type of Application:</b>	Full Application
<b>Site Address:</b>	93 ROCHFORD CRESCENT ERNESETTLE PLYMOUTH
<b>Ward:</b>	Honicknowle
<b>Valid Date of Application:</b>	16/07/2010
<b>8/13 Week Date:</b>	<b>10/09/2010</b>
<b>Decision Category:</b>	Member/PCC Employee
<b>Case Officer :</b>	Olivia Wilson
<b>Recommendation:</b>	Grant Conditionally
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



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## OFFICERS REPORT

**This proposal is brought before Committee as it is submitted by a Council employee.**

### **Site Description**

93 Rochford Crescent is a three-bedroom dwellinghouse located at the end of a small row of terraced housing in the Ernesettle area of the City. The property is bounded to the west and rear by neighbouring properties and to the east by an area of public open space with footpath. An access drive runs to the east of the site up towards the rear garden.

### **Proposal Description**

Two-storey side and single-storey rear extension, with integral garage. The extension is proposed to provide a garage, dining room and en-suite bedroom. The resulting dwellinghouse is shown to stay as a three-bedroom property because an existing bedroom is proposed as a lobby room, although this room could readily be used as a 4<sup>th</sup> bedroom.

### **Relevant Planning History**

10/00695/FUL - Two-storey side extension and single-storey rear extension. This application was refused because the proposal was the same height as the existing dwelling with no set down from the ridge, was flush with the front of the property and was over one half of the existing property's width, collectively resulting in a significant detriment to the visual amenity and character of the street scene and surrounding area.

### **Consultation Responses**

No formal consultation responses were required with regard to this application.

### **Representations**

No letters of representation had been received at the time of preparing this report. The publicity response period expires on 24 August and any representations will be considered in an addendum report.

### **Analysis**

The main issues to consider with this application are: the effect on the amenities of neighbouring properties and the impact on the street-scene.

The proposal follows the previous application that was refused permission. The applicant has responded to the refusal reasons.

The first-floor of the extension has been set back by 1 metre from the front elevation of the property. The roof of the side part of the extension is also set down from the ridge of the main roof by 0.5 of a metre. It is considered that this achieves a sufficient degree of subordination from the main dwelling to have an acceptable visual impact on the street-scene. It is considered that the original concern about an insufficient level of subordination has been adequately addressed.

The side part of the extension would almost double the width of the existing property. The Development Guidelines SPD suggests that side extensions should be a width that ensures they appear less important than the original dwelling. In this instance, however, the extension is on a fairly wide plot leaving a good distance to the property boundary. Therefore, this is considered acceptable.

The proposal is sympathetic to the style of the original house, with the shape and pitch of the roof mirroring that of the existing dwelling, as do the materials. The first-floor front windows reflect the positioning and shape of the existing property windows. It is considered that they have an acceptable impact on the character of the dwelling and appearance of the area.

It is considered that the proposed side part of the extension will not have a detrimental impact on the amenities of neighbouring properties. The property sides onto an area of public open space and therefore it is considered that light will not be significantly reduced as a result of the proposal.

The provision of a private motor garage is considered acceptable in principle as it will be served by the existing driveway. The policies of the Development Guidelines SPD suggest where a garage is attached to a house it is usually preferable to set it back from the front of the property, which this development does not. However, the fact that the first floor of the extension is now set back is considered to be an acceptable degree of subordination.

The rear, single-storey part of the extension is fairly substantial extending 4.3 metres into the back garden. However, there is approximately 6 metres to the neighbouring property boundary and the proposal will not break the 45-degree rule, indicating that there will be little or no loss of light to the neighbouring property.

The extension is set at a good distance from the boundary with the public open space - approximately 2.5 metres away at the front of the extension and 1 metre at the rear. Furthermore, the existing boundary hedgerow which currently acts as screening will be maintained, ensuring the single-storey rear part of the extension will not be greatly visible and or suffer from overlooking from the public footpath.

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

### **Section 106 Obligations**

None

**Equalities & Diversities issues**

There are no additional equalities and diversities issues to be considered.

**Conclusions**

This application is recommended for conditional approval.

**Recommendation**

In respect of the application dated **16/07/2010** and the submitted drawings, **43:01:2010, 43:02:2010, 43:04:2010A, 43:03:2010, site location plan, 43:06:2010, 43:07:2010, 43:08:2010, 43:09:2010**, 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.

**INFORMATIVE LAND QUALITY**

The Council's Environmental Protection Officer (Land Quality), Public Protection Service, advises that the site is close to an area of filled ground 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 in place to remediate any contamination affecting the proposed development.

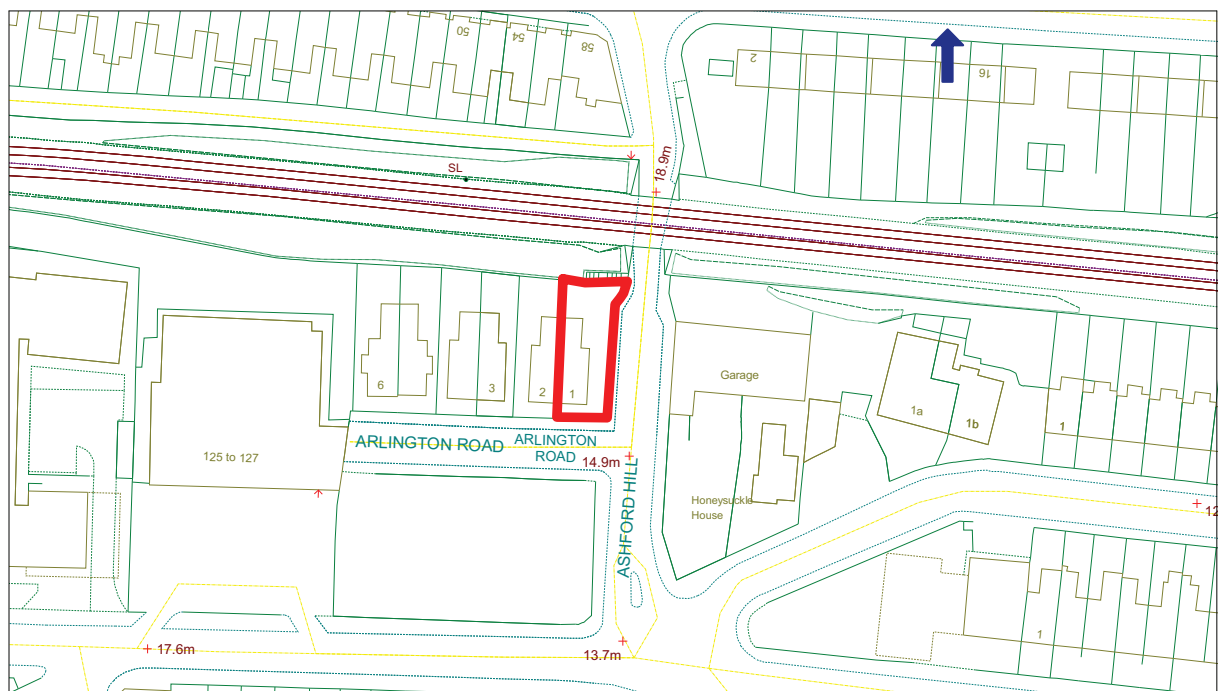
**Statement of Reasons for Approval and Relevant Policies**

Having regard to the main planning considerations, which in this case are considered to be: impact on the street scene and the amenity 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 condition, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, and (b) relevant Government Policy Statements and Government Circulars, as follows:

CS34 - Planning Application Consideration  
SPD1 - Development Guidelines

**ITEM: 07**

<b>Application Number:</b>	10/01180/FUL
<b>Applicant:</b>	Mrs Sherain Al Subiai
<b>Description of Application:</b>	Two-storey side extension
<b>Type of Application:</b>	Full Application
<b>Site Address:</b>	1 ARLINGTON ROAD PLYMOUTH
<b>Ward:</b>	Efford & Lipson
<b>Valid Date of Application:</b>	14/07/2010
<b>8/13 Week Date:</b>	<b>08/09/2010</b>
<b>Decision Category:</b>	Member/PCC Employee
<b>Case Officer :</b>	Kate Saunders
<b>Recommendation:</b>	Grant Conditionally
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



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## OFFICERS REPORT

**This application is being brought before Committee as the agent is a Plymouth City Council employee.**

### Site Description

1 Arlington Road is a semi-detached three-bedroom dwellinghouse situated on the western side of Ashford Hill, at the corner with Arlington Road and just south of the main railway line. The site slopes up from south to north and consequently the rearmost part of the site comprises an elevated amenity area, which is retained above the main courtyard.

### Proposal Description

A two-storey extension to the side of the existing rear tenement to provide a lounge, bedroom and bathroom, with the existing lounge proposed to become a further bedroom, resulting in a total of 5 bedrooms.

### Relevant Planning History

09/01466/FUL - Erection of two-storey building containing 2 flats, attached to side/rear of existing house – Refused

### Consultation Responses

No external consultations requested or received

### Representations

No letters of representation had been received at the time of preparing this report. The publicity response period expires on 24 August and any representations will be considered in an addendum report.

### Analysis

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

The proposal involves the construction of a two-storey extension measuring 4.4 metres wide by 5.3 metres deep. It will be a side extension of the original rear tenement. The development will have a pitched roof which will extend from ridge height. Whilst normally a side extension should be subordinate to the existing property, in this case the extension is effectively at the rear and therefore does not require such subordination to achieve a satisfactory relationship with the existing house and the street scene. Matching materials will be utilised and fenestration will also replicate existing.

The property is situated on a corner plot and as such guidance indicates that extension should be of a high standard. It is considered that the extension is



sympathetic to the form and detailing of the original house and does not overdevelop the site in terms of bulk and massing. Generally a gap of 3 metres should be left between an extension and the pavement on a corner plot; in this case the distance is only 1 metre. However this is considered sufficient given that development on the opposite side of the road extends right up to the pavement. The gable end has a number of windows which will provide natural surveillance and add interest to the streetscene.

The development will not extend beyond the existing rear building line and will therefore have no impact on the adjoining property.

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

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

No equality and diversity issues to be considered

#### **Conclusions**

The proposal will cause no harm to neighbours' amenities or the visual appearance of the area and is therefore recommended for approval.

#### **Recommendation**

In respect of the application dated **14/07/2010** and the submitted drawings, **01, 02, 03, 04, 05, 06**, it is recommended to: **Grant Conditionally**

#### **Conditions**

**DEVELOPMENT TO COMMENCE WITHIN 3 YEARS**

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

Reason:

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

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

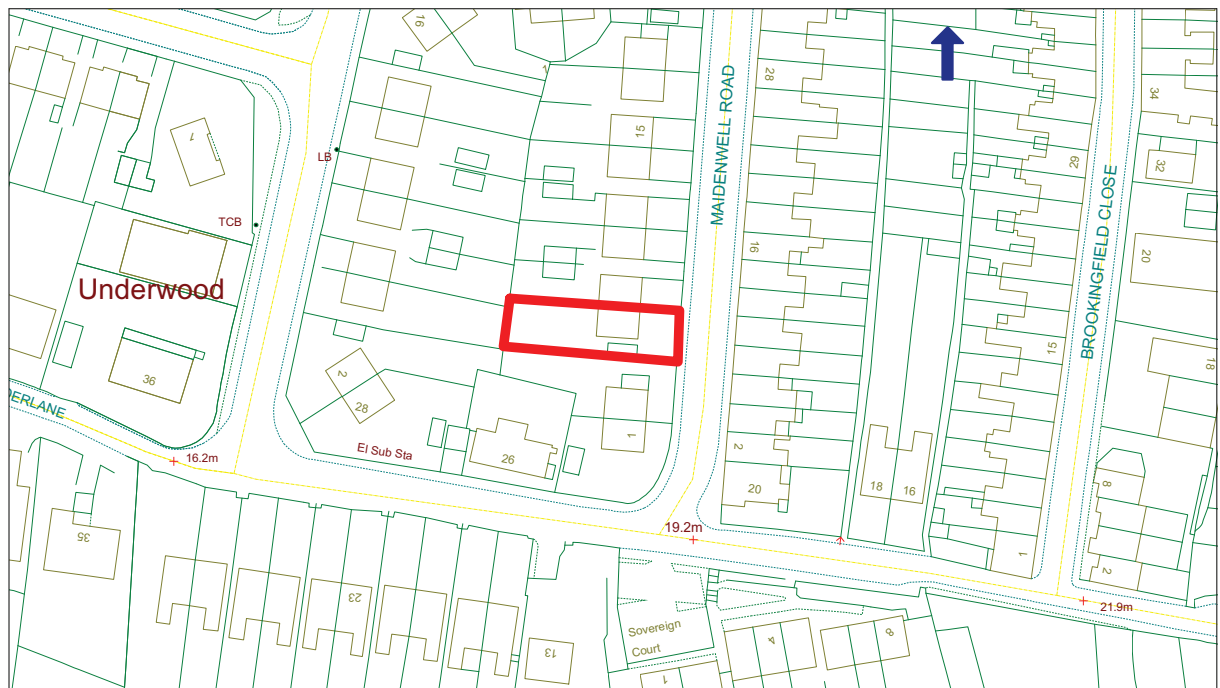
Having regard to the main planning considerations, which in this case are considered to be: effect on neighbouring properties and the impact on the streetscene, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified condition, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core

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

CS34 - Planning Application Consideration  
SPD1 - Development Guidelines

**ITEM: 08**

<b>Application Number:</b>	10/01035/FUL
<b>Applicant:</b>	Mr Stephen Foster
<b>Description of Application:</b>	Two-storey side extension (Existing garage to be removed)
<b>Type of Application:</b>	Full Application
<b>Site Address:</b>	5 MAIDENWELL ROAD PLYMOUTH
<b>Ward:</b>	Plympton Erle
<b>Valid Date of Application:</b>	23/06/2010
<b>8/13 Week Date:</b>	<b>18/08/2010</b>
<b>Decision Category:</b>	Member/PCC Employee
<b>Case Officer :</b>	Kate Saunders
<b>Recommendation:</b>	Grant Conditionally
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



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## **OFFICERS REPORT**

**This application is being brought before Committee as the applicant is a Plymouth City Council employee.**

### **Site Description**

5 Maidenwell Road is a semi-detached three-bedroom dwellinghouse located in the Plympton area of the City. The property is bounded to the north, south and rear by similar residential properties. The property is situated on a steeply sloping site which runs down from south to north.

### **Proposal Description**

Two-storey side extension to provide garage, living room, two bedrooms and a bathroom (existing garage to be removed)

### **Relevant Planning History**

No relevant background planning history

### **Consultation Responses**

No external consultations requested or received

### **Representations**

No letters of representation received

### **Analysis**

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

The extension will measure 3.5 metres wide and will span the depth of the property, plus extends beyond the rear by 3 metres. The first-floor will be set back 1 metre from the front façade of the property. Although ideally the whole extension should be set back, the existing garage is flush with the front of the property therefore the set back just at first-floor level is considered acceptable in this case. Matching materials will be utilised and fenestration details will also replicate existing. The extension is considered to be in keeping with the character and appearance of the area.

No.3 Maidenwell Road, situated to the south, is located at a far higher ground level and as a result the proposal will cause no loss of light, outlook or privacy.

The extension will extend beyond the rear building line and as such will be visible from the adjoining property, No.7. However the development will not break the 45-degree rule, which indicates that there will be little or no loss of

light or outlook. Windows are proposed in the side elevation of the extension facing No.7, but only at ground-floor level. There is existing screening on the boundary which will prevent any significant overlooking. The proposal will not be detrimental to the amenities of neighbouring properties.

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

### **Equalities & Diversities issues**

No equality and diversity issues to be considered

### **Conclusions**

The proposal will cause no harm to neighbours' amenities or the visual quality of the area and is therefore recommended for approval.

### **Recommendation**

In respect of the application dated **23/06/2010** and the submitted drawings, **5MR/SF/1, 5MR/SF/2**, it is recommended to: **Grant Conditionally**

### **Conditions**

#### **DEVELOPMENT TO COMMENCE WITHIN 3 YEARS**

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

Reason:

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

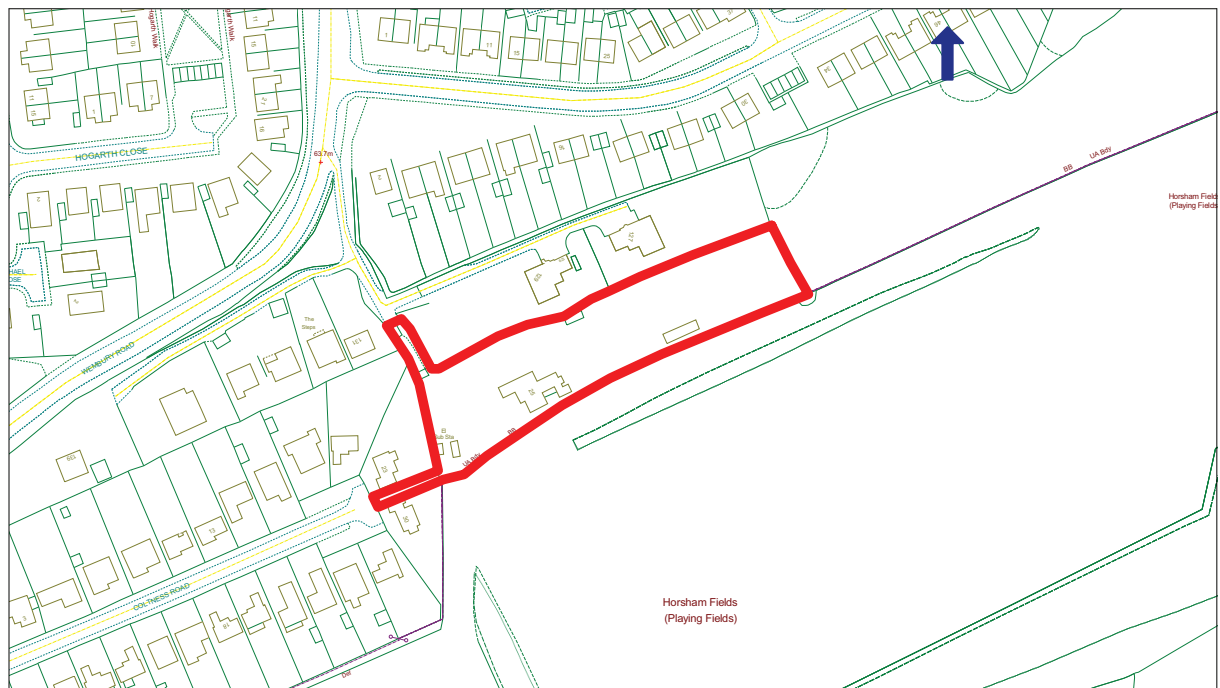
### **Statement of Reasons for Approval and Relevant Policies**

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

CS34 - Planning Application Consideration  
SPD1 - Development Guidelines

**ITEM: 09**

<b>Application Number:</b>	10/00776/REM
<b>Applicant:</b>	Mr A Nutbean
<b>Description of Application:</b>	Demolish dwelling and develop site by erection of 3 detached dwellings (approval of reserved matters)
<b>Type of Application:</b>	Reserved Matters
<b>Site Address:</b>	25 COLTNESS ROAD PLYMOUTH
<b>Ward:</b>	Plymstock Dunstone
<b>Valid Date of Application:</b>	24/05/2010
<b>8/13 Week Date:</b>	<b>19/07/2010</b>
<b>Decision Category:</b>	Member/PCC Employee
<b>Case Officer :</b>	Stuart Anderson
<b>Recommendation:</b>	Grant Conditionally
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



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## OFFICERS REPORT

**This application is being brought to committee due to the involvement of a City council employee, who is connected in business to the applicant.**

### **Site Description**

This site is in Plymstock and currently has one dwelling on it. This dwelling has a large curtilage with many trees, a hedgerow bordering the site and woodland area to the east. To the south and east of the site are the 'Horsham' fields, to the north and west are residential dwellings.

### **Proposal Description**

Demolish dwelling and develop site by erection of 3 detached dwellings (approval of reserved matters).

### **Relevant Planning History**

07/02390/OUT – Outline application to demolish dwelling and develop site by erection of four detached dwellinghouses (refused)

08/00897/OUT – Outline application to demolish dwelling and develop site by erection of three detached dwellings (granted)

### **Consultation Responses**

Transport Officer recommends conditions

Public Protection Service requests a condition relating to unexpected contamination

### **Representations**

One letter of representation has been received, from 127 Wembury Road, one of the properties to the north of the site. This letter expresses a number of concerns about the proposed development, which are:

1. Concerns over privacy, we have windows from our bathroom, bedroom, toilet and kitchen facing the proposed development, which would be overlooked by the three new houses. Also, most of our garden would be overlooked.
2. Our house is built on a north facing slope, which means that winter sunlight is at a premium. We do not want any reduction in the level of sunlight as a result of the development.
3. Outflow from septic tanks would flow northwards towards our property.
4. A similar situation to 3, above, would arise with the disposal of rainwater.
5. We are anxious to maintain the mature trees on the site.
6. It is essential that we have access to both sides of our western boundary wall for maintenance, when the pedestrian access way is repositioned to the edge of the property.



7. The new plans show that the road access to the new houses is to be located on the southern side of the development. This is a major improvement from our point of view.

### **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 CS15, CS16, CS18, CS22, CS28, and CS34 of the Core Strategy, and the Development Guidelines Supplementary Planning Document. The relevant issues are discussed below.

### **HIGHWAYS/PARKING**

Each of the proposed dwellings has 2 parking spaces, in the form of a double garage. Adequate access and turning facilities are provided. Access from Coltness Road is from an existing private drive, and due to the increase in traffic a passing bay would be provided within the site, to ensure that cars do not need to reverse back out onto Coltness Road.

The Transport Officer has no objections to the proposal, but is recommending conditions, which are that the dwellings shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans, and that a Construction Phase Management Plan is submitted to and approved in writing by the Local Planning Authority, before development is commenced. These conditions were imposed on the outline planning permission, so would not need to be added now.

### **IMPACT ON TREES**

The trees on this site are covered by a Tree Preservation Order. The 2007 outline application (07/02390/OUT) was refused due to harm to trees. The plans showed a dwelling at the eastern end of the site in the wooded area, meaning that many trees would have to be felled in order to make way for the dwelling. On the current application, the plans show that the proposed dwellings would be kept away from the protected trees.

### **DESIGN**

There is a mix of housing styles in Coltness Road, and the street does not conform to any one particular style or 'streetscene'. On this basis, it is considered that the proposed dwellings would not appear out of character with the surrounding area.

The proposed dwellings would be quite bulky, but it is considered that the site is of a good enough size to accommodate large dwellings without appearing cramped or overdeveloped.

#### IMPACT ON SURROUNDING RESIDENTIAL AMENITY

The proposed dwellings would not be in close proximity to any other houses. However, the letter of representation from the occupiers of 127 Wembury Road is noted. Also noted is the difference in levels between this site and number 127 (127 is at a lower ground level than the site).

The proposed dwellings would be situated 8m to 13m away from the boundary with 127 and 129 Wembury Road, so there would be a reasonable separation distance between the properties. Also, there is a vertical drop over the boundary between both sites (i.e. the site ends at a boundary wall, then drops down to the level of 127 and 129). Also, tree cover over the boundary gives some degree of screening. Therefore, it is considered that the impact on the privacy of 127 and 129 would not be great enough for the application to be refused.

With regard to the impact on the natural light enjoyed by 127 and 129, the distance separation between the proposed properties and the boundary with 127 and 129 is again relevant. Also, there would be wide gaps between the proposed houses which would allow natural light to penetrate and reach 127 and 129.

On the basis of the above observations it is considered that the proposal is not harmful to the amenities of surrounding residential properties.

#### STANDARD OF ACCOMMODATION

Each of the proposed houses would be of a generous size, and would therefore be able to provide a full range of amenities. Each house would also have its own area of private garden. Therefore, the proposal would offer a good standard of accommodation for future occupiers, in accordance with policy CS15 (criteria 5).

#### OTHER ISSUES

The submitted letter of representation expresses concern over surface water, and it is recommended that a condition is imposed to address this issue.

#### **Section 106 Obligations**

None

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

None

#### **Conclusions**

The proposal is recommended for approval.

#### **Recommendation**

In respect of the application dated **24/05/2010** and the submitted drawings, **Site location plan, site survey drawing, 042, SF17058-001 Rev C, SF17058-003 Rev A, SF17058-002 Rev A, SF17057-001 Rev D, SF17057-002 Rev B, SF17057-003 Rev B, SF16689-001 Rev E, SF16689-003 Rev A,**

**and accompanying Design and Access Statement**, it is recommended to:  
**Grant Conditionally**

### **Conditions**

#### REPORTING OF UNEXPECTED CONTAMINATION

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

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

(ii) an assessment of the potential risks to:

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

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'.

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

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

#### Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours, and other offsite receptors, in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### SURFACE WATER

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

Reason:

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

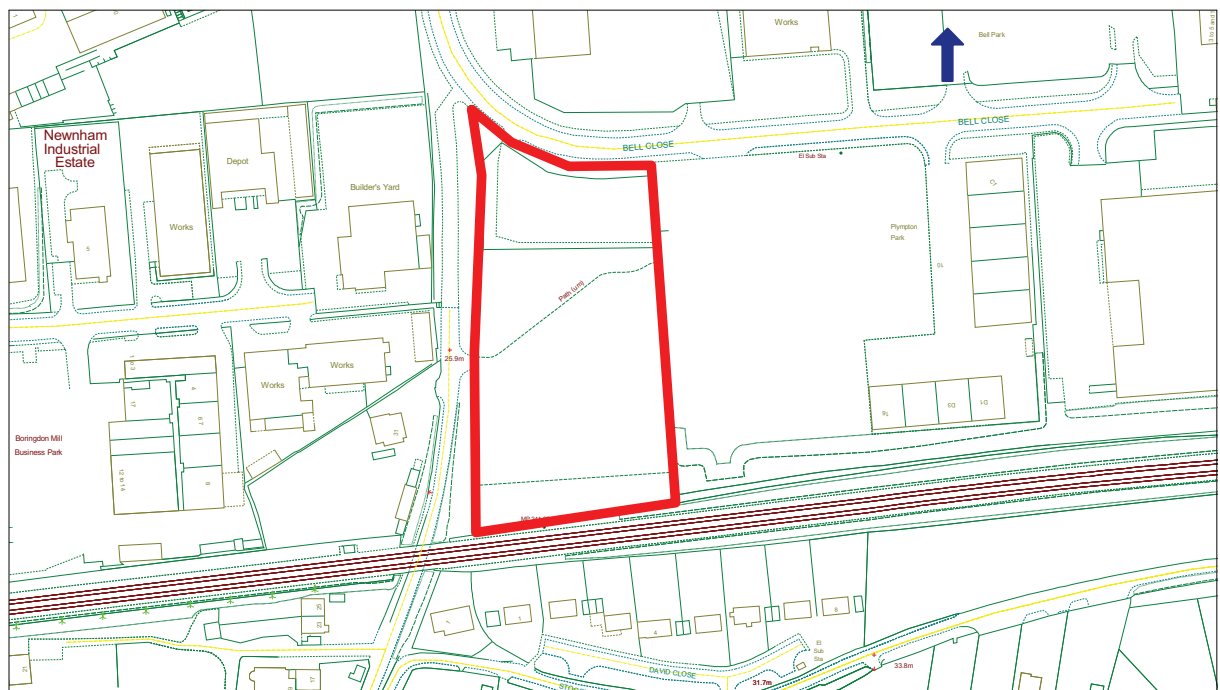
**Statement of Reasons for Approval and Relevant Policies**

Having regard to the main planning considerations, which in this case are considered to be: highways/parking, design, impact on trees, impact on surrounding residential amenity, and standard of accommodation, 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  
CS22 - Pollution  
CS18 - Plymouth's Green Space  
CS15 - Housing Provision  
CS16 - Housing Sites  
SPD1 - Development Guidelines

**ITEM: 10**

<b>Application Number:</b>	10/00174/FUL
<b>Applicant:</b>	Mr and Mrs S Rowland
<b>Description of Application:</b>	Use of land as base for travelling showpeople (3 families)
<b>Type of Application:</b>	Full Application
<b>Site Address:</b>	LAND AT BELL CLOSE (EAST OF PARKSTONE LANE) NEWNHAM INDUSTRIAL ESTATE PLYMPTON PLYMOUTH
<b>Ward:</b>	Plympton St Mary
<b>Valid Date of Application:</b>	11/02/2010
<b>8/13 Week Date:</b>	<b>08/04/2010</b>
<b>Decision Category:</b>	Member Referral
<b>Case Officer :</b>	Jon Fox
<b>Recommendation:</b>	Grant Conditionally
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



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## OFFICERS REPORT

**This application is being considered by Planning Committee as a result of a Member referral by Councillor Patrick Nicholson. This Ward Councillor is concerned about the loss of employment land, impact on the industrial estate and lack of detail.**

### **Site Description**

The site consists of a roughly rectangular shaped piece of vacant industrial land just under a hectare in size situated on the southern side of Bell Close, which is an industrial estate access road serving a number of employment sites in the north eastern part of Plympton. The site is bounded on the western side by a hedgebank and narrow band of trees. Beyond this Parkstone Lane runs south from Bell Close to join up with Glen Road. Parkstone Lane is blocked off to vehicular traffic approximately half way along its length, next to the site, and vehicles using this part of the lane are able to turn in a small turning head that abuts the site boundary. This part of the Lane provides access to 31 Parkstone Lane, situated on the western side of the road, which is a care home run by the Durnford Society. The site is bounded to the south by the main intercity railway line, beyond which lie the residential properties in David Close and Stoggy Lane. The eastern side of the site is a continuation of the industrial estate. The land itself is mainly overgrown with vegetation although it does include a number of trees in the south and south western part of the site.

### **Proposal Description**

Use of land as base for travelling showpeople (3 families). The applicant's planning statement states that the site would be shared by three travelling showpeople's families, i.e. for mixed land use comprising the siting and occupation of showpeople's caravans for residential occupation together with the storage and maintenance of the individual showpeople's fairground equipment. The site will be owned by the applicants with space let out to two other showmen's families.

The applicant's are aware that when this application was reported to members on 1<sup>st</sup> April, it was recommended by officers that permission be granted for the proposed use of the land for a five year period. However, the cost of acquiring and developing the site, the cost of implementing the landscaping scheme, the cost of connecting to mains drainage and other services would be so great that temporary permission cannot, in the applicant's view, be justified.

Typical accommodation for a single showman's family site is that of a main showman's caravan and an ancillary caravan (used for the children's bedrooms). There may be one other caravan used for residential occupation on each site, although none is needed at the moment. This additional caravan would provide accommodation for a dependent relative (i.e. a mother or father of the showman who may become dependent on the younger generation). Whilst ultimately the site will provide for one extended family (Mr

and Mrs Rowland, their children and in due course their own children) it is intended now that there will be three nuclear families which will comprise the travelling showperson, his/her spouse and children, together with any resident dependent (potentially mother or father). Notwithstanding the above, the submitted plans show each plot comprising a living caravan, touring caravan and one, or two, touring caravans used for storage.

The applicants are members of the Showmen's Guild of Great Britain, which requires members to follow a strict code of practice regulating the use of their sites. On the business side the applicants employ a warden to help safeguard the site and two permanent employees and three/four casual employees to help maintain and operate the fairground equipment.

The applicant's agent has submitted a formal site layout plan that shows the vehicle maintenance and storage area towards the front of the site and the three individual living areas situated towards the rear.

### **Relevant Planning History**

05/00183/FUL - Erection of warehouse for use in connection with adjacent factory, with car parking and lorry turning area and additional vehicular access. This application was permitted.

00/01264/FUL - Single-storey side extension to provide offices and inspection area (to replace cold store units) and provision of two canopies. This application was permitted.

### **Consultation Responses**

#### **Highway Authority**

No objections: The application site is within easy reach of a range of amenities by walking and public transport, and not far from existing residential areas. Also with the application site being located within an Industrial Estate the local road network is designed to accommodate commercial vehicle movements, and would therefore meet the needs of commercial vehicle movements associated with transporting of fairground plant and equipment. The existing vehicle crossing into the site should be reinstated as footway and the new access should be constructed in accordance with highway standards.

#### **Public Protection Service**

Object to the application on the grounds that the use is a sensitive one, as it includes residential use, and there is no land quality assessment to demonstrate that the risk of contaminated land or that the risk of pollution to controlled waters is acceptable. PPS also raise object on the grounds that the occupiers of the caravans will not be sufficiently protected from noise.

#### **Community Services**

There has been no new site provision for Travelling Show People in Plymouth since the Gypsy and Traveller Accommodation Assessments (GTAA) was completed. The last provision was made more than 30 years ago when the Council transferred land to the Show Guild for their families' use. During the

past five years, the Rowland family has sought and followed advice from Council officers about the correct procedures for acquiring and developing a site for their home and business. If planning consent is agreed it will both address their personal ambitions and assist us to meet the assessed need for sites as identified in our GTAA. It would also contribute to our broader strategy to address reported overcrowding within the present Travelling Show people site in the city and on the Rowlands current site.

#### **Police Architectural Liaison Officer**

The Devon and Cornwall Constabulary is not opposed to the granting of planning permission for this application.

#### **Housing**

Do not wish to comment on the application as this falls outside the Housing Act 2004. Housing only has powers or an interest in the condition of fixed dwellings.

#### **Economic development**

Do not wish to comment on the application.

#### **Representations**

24 letters were received. The majority of these raise objections on the following grounds:-

1. The land is designated for industrial use and would be better used for the creation of new premises and jobs. The use will preclude creating employment opportunities. The Development would undermine the City's Strategic Objective 6 (LDF Core Strategy) through the erosion of the availability of employment land in what the Strategy identifies as a key business area (Core Strategy para 6.17) (Structure Plan ST20). The Development would be contrary to Policy CS05, as informed by the Employment Land Review, through the loss of a viable employment site necessary to meet the area's long term economic development needs.
2. Bell Close Industrial Estate is particularly valuable as an area for companies to grow and develop. Land designated for industrial purposes is a rare commodity in Plymouth. Other residential opportunities exist elsewhere within the city.
3. The proposed use will lead to gypsies and travellers occupying the site.
4. It is believed that the applicants have sites at Lee Mill and Efford. Why do they need more?
5. There is no detail in the application of the layout of the site. Will access be from Parkstone Lane or Bell Close? What assurances is there that access will be from Bell Close?
6. To allow residential use within an industrial area would be contrary to Strategic Objective 15, requiring the potential health impacts of development to be considered early in the planning process.
7. There is a continuous movement of lorries on the estate. Combined with noise, pollution and other features of an industrial estate make it unsuitable for residential use. From a health and safety aspect alone,



permitting residential dwellings in an industrial area is extremely hazardous.

8. The Development would fail to meet the requirement in Policy CS34 to protect the residential amenity of those proposing to live at the site and fail to protect those residents from the effects of noise, in particular, which are acceptable in the context of an industrial estate but which would be inappropriate in a residential context.
9. Any grant of planning permission would be premature given the advanced stage reached in the emerging RSS and work by DCC and Plymouth City Council to provide for Showpeople through the development plan framework, as advised in Circular 04/2007. Where is the evidence of the demand for this site? What studies have been done by the Council into reasonable alternatives?
10. The sale of the land would forfeit the Council's control and management of the site.
11. Contrary to the application, there has been no industrial building on the site.
12. The site is near to a residential area. Noise and pollution affecting residents, i.e. from the maintenance of fairground equipment and vehicle movements.
13. A precedent would be set for future families to join the site or elsewhere on the industrial estate.
14. Will the number of caravans and people be limited?
15. The area has wildlife and diversity value.
16. There is a mobile phone mast nearby and having regard to the emissions from masts, is the site safe for residential use?
17. The planning site notices were removed and not replaced.
18. Sewage and drainage problems. What will happen with sewage and drainage?
19. There will be increased rubbish and waste.
20. Any use of electricity generators will be noisy.
21. Contrary to the application, Colebrook does not have a post office or bank and the shop is not a supermarket.
22. The occupiers of the site might complain about the noise from existing industrial activity and this could jeopardise business operations in the area.
23. There will be increased pedestrian traffic between Bell Close and Parkstone Lane.
24. There is an objection to temporary, and any permanent, use of the site for these purposes as this would result in the loss of the industrial use.

One of the remaining letters states that the site should be maintained in a tidy condition and queries whether there will be assurances that it will be for three families only (there is a query also as to how big a family is); what assurances there are that it will not expand to "all and sundry"; who will ensure that rules are adhered to; and who will inspect the site regularly?

The remaining letter is one of support from the Showmen's Guild of Great Britain, which states that the applicant has been a member of the Guild for many years and that his family has a long tradition of travelling at fun fairs,

and also that the applicant has lived in the Plymouth area all his life and that he needs a place to live and to accommodate his equipment.

Other comments have been made in representations that imply negative stereotyping in relation to travelling showpeople and these comments cannot be considered on this basis, and on the basis that they are not planning matters. Other comments such as the impact on property values are also not planning matters.

### **Analysis**

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

The application turns on policies CS05 (development of existing sites), CS15 (overall housing provision), (CS18 (Plymouth's Green Space) and CS34 (Planning Application Considerations) of the Core Strategy of Plymouth's Local Development Framework 2007. Strategic Objective 10 of the Core Strategy seeks to ensure that everyone has access to a decent and safe home within a quality living environment. Government Circular 04/2007 (Planning for Travelling Showpeople) is an important material consideration in the determination of this application. The Circular states that *showpeople require secure, permanent bases for the storage of their equipment and more particularly for residential purposes. Such bases are most occupied during the winter, when many showpeople will return there with their caravans, vehicles and fairground equipment..... However, increasingly showpeople's quarters are occupied by some members of the family permanently. Older family members may stay on site for most of the year and there are plainly advantages in children living there all year to benefit from uninterrupted education.* The Circular also states that *the requirement for sites to be suitable both for accommodation and business uses is very important to the travelling showpeople's way of life as they find the principle of site-splitting unacceptable.* The Circular also recognizes that *the nature of travelling showpeople's business often means that equipment repairs and maintenance are necessary which can have a visual impact and can create noise in the immediate surrounding areas.* One of the intentions of the Circular is to *increase the number of travelling showpeople's sites in suitable locations with planning permission in order to address current under-provision over the next 3 – 5 years, and to maintain an appropriate level of site provision through RSSs and LDFs.*

Guidance in the Circular to travelling showpeople is that, where there are no existing or allocated sites, the following should be considered:

- *identify your area of search. Is the reason for your looking for a particular location due to family circumstances, work or other requirements?*
- *are there suitable previously developed (i.e. brownfield) sites available?*
- *Consider:*
  - *means of access*
  - *closeness to the main road network*
  - *ground conditions and levels of land*
  - *accessibility of schools and other facilities*
  - *existence of landscaping*
  - *capability of being further screened*
  - *respect for neighbouring uses*

Critically, the Circular also refers to cases where a local planning authority is preparing its site allocations DPD and that local planning authorities are expected to give substantial weight to any unmet for showmen's sites, and where there is such a need local planning authorities should consider granting a temporary planning permission.

In this case there are policy arguments for and against granting permission for the proposed use of the land. It is considered that the site's location in an established industrial location, its good access to the road network and continuing popularity as an industrial location causes disquiet at its loss. It is also one of the easier sites to develop and this estate has the potential to attract higher quality businesses. In this respect policy CS05, which requires an assessment to be made of sites proposed for alternative uses, states that consideration should be given to whether the proposal would result in the loss of a viable employment site necessary to meet the area's current or longer term economic development needs, taking into account the overall level of provision indicated by Policy CS04. In respect of this application the use is for a mix of quasi-industrial employment use and residential accommodation for the operators. It should also be borne in mind that the site is unused and has been for some time and that there is not a shortage of employment land in Plymouth according to the Employment Land Review 2006 (ELR). For example, the ELR states that the future employment land requirement in 2016 will be 57.63 hectares, whereas the quantity of employment land at the time of the report was 75.28 hectares with permission and 49.83 hectares allocated, which results in a difference of 67.48 hectares.

With regard to the demand for travelling showpeople's sites, the draft Regional Spatial Strategy (RSS) identified the need for three such sites within Devon. However, RSSs have now been revoked by the Coalition Government. As a result the Department for Communities and Local Government have issued advice on provision for travellers and (while travellers are not the same as travelling showpeople) this advice is considered to be a reasonable comparison in terms of the principles local authorities should be applying to the need for showpeople's accommodation. The Department states that: 'local councils are best placed to assess the needs of travellers. The abolition of Regional Strategies means that local authorities will be responsible for determining the right level of site provision, reflecting local need and historic demand, and for bringing forward land in DPDs. They should

continue to do this in line with current policy. *Gypsy and Traveller Accommodation Assessments* (GTAAs) have been undertaken by all local authorities and if local authorities decide to review the levels of provision these assessments will form a good starting point. However, local authorities are not bound by them. We will review relevant regulations and guidance on this matter in due course.'

In this respect the agent has submitted a statement regarding the need for the three families to find a site in Plymouth. All three families have been unable to find permanent accommodation in the West Country and the site at Lee Mill does not have space for the applicant's family. The existing Showmans' site at Efford is also at capacity. In addition the agent has submitted a survey report undertaken by the Showmen's Guild of Great Britain in 2004, which highlights in the South West an existing need at that time for 35 families with a total need for 57 families.

Contrary to the letters of representation, the existing showpeople's site at Efford is not occupied by the applicants. Circular 04/2007 aims to address the current under provision of sites and despite the abolition of RSSs this is a weighty consideration in this case. In this context, the site was previously considered by the Council as a potential gypsy/traveller site but was rejected because the land is allocated as factory expansion land and within an established industrial area. It was considered that there is poor access to services such as schools, health facilities etc. Adjacent factories are also potentially unsuitable neighbouring uses (noise disturbance etc). However, there is a significant difference between the needs of travelling showpeople and that of gypsies/travellers: showpeople require sites that are suitable for both accommodation and business where vehicles and fairground equipment can be stored, repaired and occasionally tested. In this respect the site has clear advantages in that it is served by a wide industrial estate access road and there is space for a large vehicle to turn within the site whilst allowing space for the storage of equipment and the occupiers' caravans. Given the mixed use nature of this type of occupancy it is considered that an industrial estate setting would not be at odds with the proposals, particularly as the site has the buffer of Parkstone Lane on its western side.

With regard to objections raised by PPS, it is considered also that the location of the site adjacent to Parkstone Lane, and the adjoining belt of trees, would be less susceptible to being affected by noise from nearby industrial activity than a site boxed in on all sides by industrial uses. The site would be affected by noise from the rail line, but in this sense the situation would be little different to the houses in David Close and Stoggy Lane.

With regard to noise affecting neighbours, the main difficulty with the site is that it is open and any noise would be unconstrained by buildings. In this respect the maintenance, repair and testing of fairground equipment (including sound systems) could be a particular problem and such activities would need to be carefully restricted. As a precautionary measure it is recommended that testing of fairground equipment (including sound systems) should not be allowed.

Another noise generator would be the loading and unloading of equipment and associated vehicle movements potentially late at night and such movements and operations would also need to be carefully controlled. The use of lighting would also need to be controlled. With regard to the use of electricity generators, these are considered to be potential sources of noise that exceed what could be justified in a residential area and as such a condition is recommended that prevents their use unless a need for them can be demonstrated and that their use will not be harmful to residents.

With regard to concerns that occupiers of the site might complain about the noise from existing industrial activity, and that this could jeopardise business operations in the area, the agent has stated that they are not aware of any high or adverse noise levels emanating from other users of Bell Close and that travelling show people are in any event used to living and working in the same area and would be considered to be one of the least sensitive groups of residents in terms of noise impact. The agent does not believe that adjoining users would have any cause of complaint from the proposed site occupiers. On balance it is considered that the nature of travelling showpeople occupancy is one which lends itself to discreet use of such sites and that any excessive noise generated by other industrial estate users is likely to lead to complaints from existing residents in nearby streets as much as from the occupiers of the site.

The Transport Officer does not wish to raise any objections to planning permission being granted and recommends an informative note be added to any decision notice regarding lowering of the kerb.

In terms of access to facilities, the site is within approximately 510 metres of the bus stops in Glen Road that run to the city and approximately 506 metres from the Tesco store in Westfield. Its location close to the fringe of the city is less than desirable with regard to access to schools and health services, but is probably closer to such facilities than the large residential estate located at Compass Drive, to the east along Newnham Road.

With regard to screening, the site would benefit from further screening on the eastern side of the site, adjacent to existing employment land and potentially along the Bell Close frontage. The purpose of screening would be to help shield occupiers of the site from noise from nearby premises and to reduce the visual impact of the development in the street scene. In this respect the agent has stated that on the north boundary to Bell Close a 2 metre high triple spiked balustrade fence is proposed, similar to that seen elsewhere in Bell Close. Along the other boundaries close boarded fencing will be used along the eastern boundary again together with soft landscaping.

With regard to existing trees on site, the proposed access road and any works associated with the use of the site must not be allowed to harm the roots of important trees. To this end a tree survey has been submitted, which is considered acceptable in terms of tree works and mitigation.

With regard to the wildlife and diversity value of the site, it is considered that the site's location on industrial estate land means that the site could at any time be developed for industrial purposes, subject to receiving planning permission, and on this basis it is unlikely that wildlife would outweigh these considerations. However, the site has been vacant for some time and there is the potential for significant nature conservation interest to have evolved on the site. In light of this, nature conservation surveys have been carried out, which are being considered to adequately demonstrate appropriate mitigation for the impact of the proposals on flora and fauna on the site.

With regard to sewage and drainage, the application states that surface water would be drained to soakaway and that foul would drain to the mains and these details can be secured by condition. With regard to rubbish and waste, it is recommended that a condition be used to secure adequate bin storage.

The proposed layout appears to be acceptable, although details of the number and type of vehicles attending and/or kept on the site should be conditioned and those shown on the plan are not necessarily acceptable. With regard to the height of the storage of vehicles and equipment, landscaping, hardstandings, refuse disposal and the actual number of lorries, vans and trailers at the site, it is recommended that details of these aspects of the development are sought by condition.

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

Finding suitable sites for travelling showpeople is essential to provide equality for all. Everyone is entitled to a decent home; decent homes are a key element of any thriving, sustainable community. This is true for the settled and showpeople communities alike. Travelling showpeople are defined in Circular 04/2007 as being: *Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily or permanently, but excludes Gypsies and Travellers as defined in ODPM Circular 1/2006.*

#### **Section 106 Obligations**

None.

#### **Conclusions**

The proposed use partly meets the requirements of policy CS05 (employment) in terms of providing a quasi-industrial use on the site, but introduces a residential element. There are concerns in terms of policies CS15 and CS34 with regard to the amenities of occupiers of the site being affected by noise from the industrial estate and other residents being affected by the proposed use of the site. However, the Council has to consider these arguments against its obligations to provide housing for all and the fact that there is an unmet demand for showpeoples' sites in the Region. In these circumstances, Circular 04/2007 leans very heavily in favour of granting a temporary planning permission. However, it is considered in this case that a) the quasi-industrial nature and occupation of the proposed use and b) the

unique position of the site against Parkstone Lane and the adjoining tree belt (whereby the site is not faced with industrial uses on either side) lends itself sufficiently strongly to granting a permanent permission. It is therefore considered, on balance, that the disadvantages of the site in terms of the loss of a conventional employment land use and impact on amenity is outweighed by the need to provide such sites for the showpeople community. Provided that the site is laid out appropriately in terms of access, parking, space for residential use and storage of fairground equipment, and is used sensitively in terms of the noise from comings and goings to the site, it is recommended that a permanent planning permission be granted subject to conditions.

### **Recommendation**

In respect of the application dated **11/02/2010** and the submitted drawings, **10011 - 3, 10011 - 4 and planning 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.

#### **NUMBER OF RESIDENTIAL AND TOURING CARAVANS**

(2) The site shall be used for the siting of a maximum of three residential caravans and three ancillary touring caravans.

#### **Reason:**

The site is located where residential use would not normally be permitted, but is considered acceptable in this case having regard to the status of the occupiers as travelling showpeople and the size and location of the site, in accordance with Strategic Objective 10 and policies CS15 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007 and Government Circular 04/2007 (Planning for Travelling Showpeople).

#### **MAXIMUM OCCUPATION BY THREE SHOWPEOPLE'S FAMILIES**

(3) The site shall be occupied at any one time by no more than three families of travelling showpeople and all families occupying the site shall be members of the Showmen's Guild of Great Britain.

#### **Reason:**

In granting this permission the Local Planning Authority has had regard to the applicant's special circumstances but for which the application would have been refused, in accordance with Strategic Objective 10 and policies CS15 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007 and Government Circular 04/2007 (Planning for Travelling Showpeople).

#### LAYOUT OF THE SITE

(4) The site shall not be used in any way associated with the use hereby permitted until details of the layout of the site, including:

- the siting and levels of, and any works to construct bases or foundations for, the residential caravans and touring caravans;
- the layout and construction of all access, turning and parking areas;
- any other hardstandings and hard surfaced areas;
- the details and siting of any associated building, plant or machinery including any necessary for the provision of gas, water and electricity;
- the layout and construction of residential amenity areas, including those to provide landscaping and play areas for children;
- the layout and construction of defined areas for the storage, repair and maintenance of fairground rides, equipment and machinery;
- the maximum height of storage of fairground rides, equipment and machinery;
- refuse storage areas and
- the detailed means of foul and surface water drainage;

have been submitted to and approved in writing by the Local Planning Authority. The permitted use of the land shall accord with the approved details.

#### Reason:

In the interests of visual and residential amenity and to avoid the parking and storing of vehicles and/or equipment on the highway, in accordance with policies CS15, CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

#### EXISTING TREE/HEDGEROWS TO BE RETAINED

(5) A tree survey shall be submitted to and approved in writing by the Local Planning Authority before the first use or occupation of the site and the tree survey shall specify the size, species and location of any individual trees proposed to be removed, topped or lopped. In this condition "retained tree or hedgerow" means an existing tree or hedgerow which is to be retained in accordance with the approved tree survey and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the first use or occupation of the site:

(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.

#### NO VEHICULAR ACCESS FROM PARKSTONE LANE

(6) There shall be no vehicular access to and from the site other than from the approved access from Bell Close shown on the submitted plans.

Reason:

In order to avoid congestion and on-street parking occurring in Parkstone Lane and associated noise and disturbance affecting nearby residents, in accordance with policies CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

#### LAND QUALITY

(7) 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 8 to 10 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 11 has been complied with in relation to that contamination.

Reason:

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

#### SITE CHARACTERISATION

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

and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

Reason:

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

#### SUBMISSION OF REMEDIATION SCHEME

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

Reason:

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

#### IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

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

weeks written notification of commencement of the remediation scheme works.

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

Reason:

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

#### REPORTING OF UNEXPECTED CONTAMINATION

(11) 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 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 9, 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 10.

Reason:

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

#### ENCLOSURE AND SCREENING

(12) Notwithstanding the submitted plan development shall not begin until there has been submitted to and approved in writing by the Local Planning Authority details of means of enclosure and screening the site. The works shall conform to the approved details and shall be completed before the site is first used or occupied.

Reason:

To ensure that the details of the development are in keeping with the standards of the vicinity and in order to protect occupiers of the site from noise and disturbance, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

**NUMBER AND TYPE OF VEHICLES ATTENDING/STORED AT THE SITE**

(13) The site shall not be used in any way associated with the use hereby permitted until details of the total number and type of vehicles attending or stored at the site are submitted to and approved in writing by the Local Planning Authority. The permitted use of the land shall accord with the approved details.

**Reason:**

In the interests of visual and residential amenity and to avoid the parking and storing of vehicles and/or equipment on the highway, in accordance with policies CS15, CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

**NO TESTING OF RIDES, EQUIPMENT, MACHINERY OR SOUND SYSTEMS**

(14) There shall not at any time be any testing of rides, equipment and machinery, including sound systems.

**Reason:**

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

**NO USE OF ELECTRICITY GENERATING EQUIPMENT**

(15) There shall not at any time be any use or operation of electricity generating equipment.

**Reason:**

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

**HOURS OF MAINTENANCE AND LOADING/UNLOADING**

(16) There shall be no works of repair or maintenance of rides, equipment and machinery and no loading and unloading of any rides, equipment and machinery outside the following times: 0800 to 1800 hours Monday to Friday inclusive and 0900 to 1300 hours on Saturdays; nor at any time on Sundays, Bank or Public Holidays.

**Reason:**

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

**HOURS OF SITE ACCESS**

(17) There shall be no transport of rides, equipment and machinery to or from the site outside the following times: 0800 to 2100 hours Monday to Friday inclusive and 0900 to 1800 hours on Saturdays and 1000 to 1300 hours on Sundays, Bank or Public Holidays, except solely for the parking up of lorries and fairground equipment on a designated part of the approved on-site

access road to be identified and agreed in writing with the Local Planning Authority before the use is commenced. In this condition the transport of rides to and from the site shall not include any loading or unloading of rides, equipment and machinery.

Reason:

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

#### LANDSCAPING

(18) No development shall take place until full details of 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 the number, size, species and layout of all planting. Any plants that die or are seriously diseased or damaged within five years shall be replaced in the following planting season with similar plants.

Reason:

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

#### DETAILS OF FLOODLIGHTING

(19) Details of any floodlighting and any other external lighting shall be submitted to and approved in writing by the Local Planning Authority before the permitted use of the land is implemented. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the details of the development are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### REINSTATEMENT OF FOOTWAY

(20) The development shall not be brought into use until the existing footway crossing (now redundant) has been removed and the footway reinstated.

Reason:

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

#### TREE WORKS

(21) All tree works shall be carried out in accordance with the relevant recommendations of BS 3998:1989 (Recommendations for Tree Work) and shall be carried out prior to commencement of the construction phase and

subject to a detailed specification to be agreed with the Council's Tree Officer prior to commencement of works.

Reason:

To ensure the continuity of amenity value afforded by the tree(s) in question in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### TREE PROTECTION DURING CONSTRUCTION

(22) 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) and shall be carried out in accordance with the Planning Integration Report (PIR), Tree Protection Plan (TPP) and Arboricultural Site Method Statement (AMS1), Arboricultural Method Statement (AMS2) and Fencing Arboricultural Method Statement (AMS3) by A.M.Lane dated 07/08/10 before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall an excavation be made, without the written consent of the local planning authority.

Reason:

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

#### EXISTING TREE/HEDGEROWS TO BE RETAINED

(23) 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 first occupation of the site for residential purposes.

(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.

#### DETAILS OF REPLACEMENT TREES

(24) Details of the size, species and location of the replacement tree(s) shall be agreed in writing with the LPA before commencing the work permitted, and the agreed replacement tree(s) shall be planted within 3 months from the date the permitted work is carried out or, if this period does not fall within a planting season, by 31 January next.

Reason:

In the interests of visual amenity and to conserve the contribution of trees to the character of the area in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### NATURE CONSERVATION

(25) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Interim Ecological Impact Assessment (dated August 2010) for the site.

Reason:

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

#### REVISED FENCE POSITION TO PROTECT ORCHIDS

(26) Notwithstanding the submitted plans and unless otherwise previously agreed in writing with the Local Planning Authority, the position of the proposed boundary fence fronting onto Bell Close shall be set back a minimum of 1.5 metres from the position shown on the submitted plans in accordance with details to be agreed in writing by the Local Planning Authority.

Reason:

In order to protect wild orchids growing on land at the front of the site, in accordance with policy CS19 of the Core Strategy of Plymouth's Local Development Framework 2007.

INFORMATIVE - KERB LOWERING

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

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

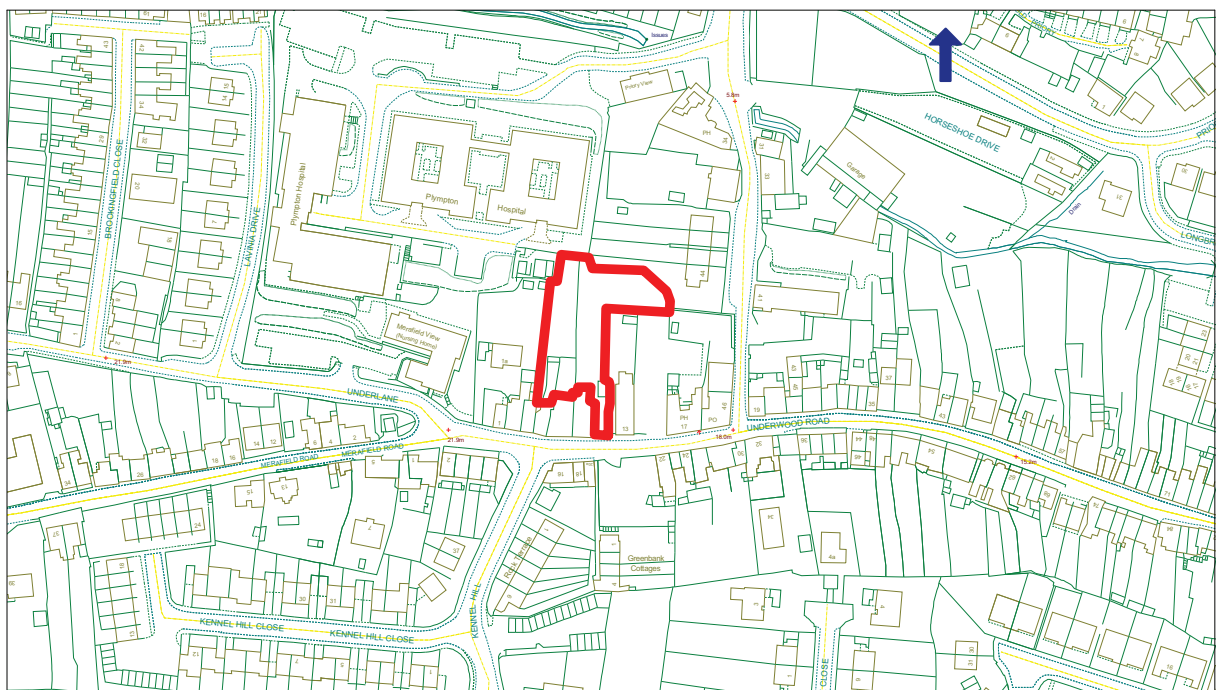
Having regard to the main planning considerations, which in this case are considered to be: the impact on employment land provision, the amenities of the occupiers of the site, highway safety, the impact on the character and appearance of the area, and the impact on neighbouring properties, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Government Policy Statements and Government Circulars, as follows:

PPG24 - Planning and Noise  
PPS3 - Housing  
PPS23 - Planning & Pollution Control  
RPG10  
CS28 - Local Transport Consideration  
CS34 - Planning Application Consideration  
CS22 - Pollution  
CS18 - Plymouth's Green Space  
CS05 - Development of Existing Sites  
CS04 - Future Employment Provision  
CS15 - Housing Provision  
CS16 - Housing Sites  
SO6 - Delivering the Economic Strategy Targets  
SO10 - Delivering Adequate Housing Supply Targets



**ITEM: 11**

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



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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.**

**The application was reported to Members at the committee meeting on 29 July when it was deferred for further information and clarification of matters relating to the height of the proposed buildings; density requirements; the character of the area in terms of plot sizes and uses and the site address. The agent has confirmed that the site address is land to the rear of 7-11 Underwood Road. Other matters relating to the height of the buildings etc have been incorporated into this report.**

### **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, 2-storey, 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 7.3 to 7.7 metres from ground floor level to ridge height (the site slopes from south to north and as a result the ground floor of the buildings could be up to approximately 400mm above actual ground level). The ridge heights above datum level are shown to be: 24.39 to 24.79 metres (Unit 1), 23.20 to 23.60 metres (Unit 2) and 22.30 to 22.70 metres (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 and 8.0 to 8.2 metres wide. The ridge heights above datum level are between 23.85 to 26.60 metres. 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**

Seven 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.
7. The site actually comprises the gardens of Nos. 5 and 11 Underwood Road.

8. The occupier of 1A Underwood road wrote to reiterate concerns about the development.

### **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 is necessary to assess whether the current proposals overcome the previous reasons for refusal without raising any other problems. With regard to the neighbour letter, which states that the site actually comprises the gardens of Nos. 5 and 11 Underwood Road, it is considered that, geographically speaking, the site can accurately be described as land to the rear of 7-11 Underwood notwithstanding the ownership past or present.

### **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 and therefore would not 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**

Since the previous application was determined, the Coalition Government has announced an amendment to PPS3 (housing), which changes the emphasis on garden land development by classifying garden land as 'greenfield' sites and not 'brownfield' sites, as they were previously. 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. The Coalition Government has also announced the deletion of the national indicative minimum density of 30 dwellings per hectare, so there is now no density target acting as a driver for the development. The Government's advice to Inspectors is that these changes to PPS3 should be taken into account as material considerations and that it will be for the decision maker to determine what constitutes a private residential garden.

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. One of the key arguments in this case is whether the development would be at odds with the relatively spacious layout and depth of plots on surrounding properties. In this respect the surrounding area exhibits a mix of uses and plot sizes. For example, to the north and west of the site lies the Plympton Hospital and Merafield View Nursing Home, which are both non-residential in terms of their character. However, Nos. 38 to 44 Market Road, which are to the east of the hospital, and immediately north of the application site, have long rear garden plots and these are adjacent to, and form part of, the character of the long garden plots that the application site appears to have once consisted of. The land to the west of the site has had its own backland development, which is now 1a Underwood Road. However, this house is set further up the plot and still preserves a reasonably long and spacious plot of its own that is significantly more in keeping with the area than the small plots now proposed. This pattern of larger, more spacious plots is a key component of the balance between smaller plots and plots of this type and preserving them maintains the unique character of the Underwood Road area of Plympton and prevents it from becoming overdeveloped. Therefore, despite the mix of plot sizes and uses, it is considered that the proposals are harmful to the character and appearance of the area contrary to policies CS02 and CS34 of the Core Strategy.

#### **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:

- PPS3 - Housing
- CS28 - Local Transport Consideration
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS18 - Plymouth's Green Space
- CS02 - Design
- CS15 - Housing Provision
- SPD1 - Development Guidelines

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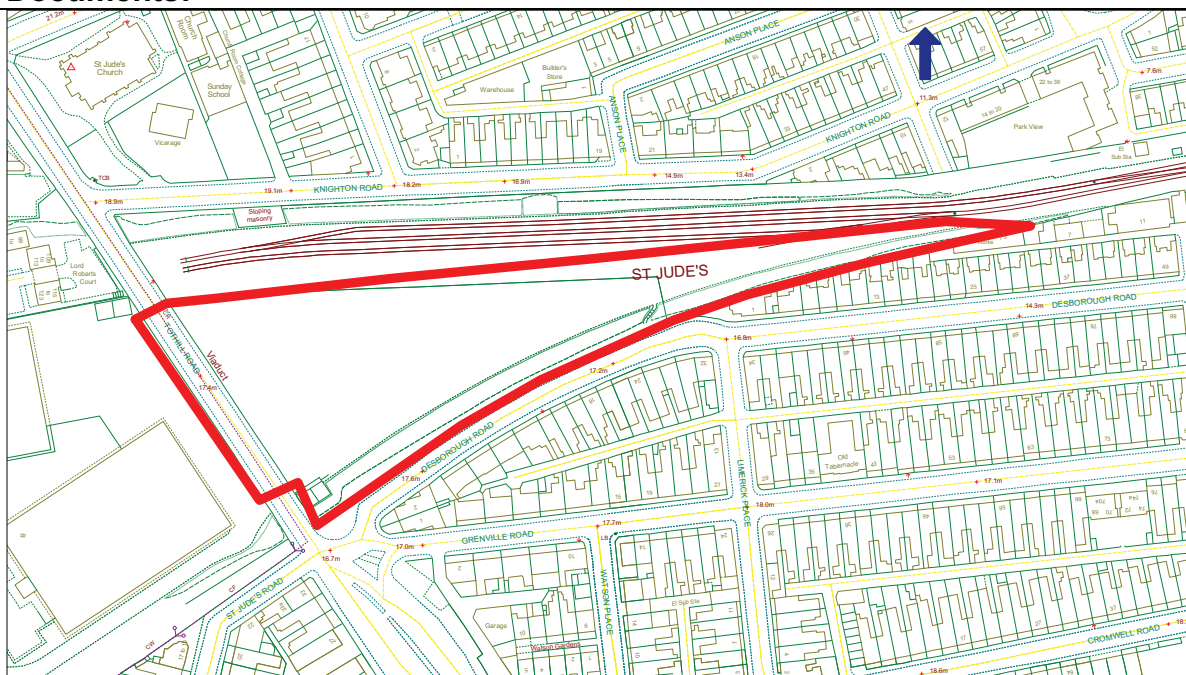
**ITEM: 12****Application Number:** 10/00851/OUT**Applicant:** Mr H Shibl

**Description of Application:** Erection of 5 storey building containing 21 student cluster flats (250 bedrooms) and 14 one bedroom self contained flats all for occupation by students in full time education with ancillary wardens office and separate building containing retail (use class A1) unit with 2 bedroom flat above and associated car parking, public open space and cycle path

**Type of Application:** Outline Application**Site Address:** FORMER TOTHILL SIDINGS LAND SOUTH OF KNIGHTON ROAD PLYMOUTH**Ward:** Sutton & Mount Gould**Valid Date of Application:** 08/06/2010**8/13 Week Date:** **07/09/2010****Decision Category:** Major Application**Case Officer :** Robert Heard

**Recommendation:** Grant conditionally subject to S106 Obligation, delegated authority to refuse if not signed by 31 August 2010

**Click for Application Documents:** [www.plymouth.gov.uk](http://www.plymouth.gov.uk)



## OFFICERS REPORT

### Site Description

The site comprises of a triangular shaped parcel of land approximately 1.3 hectares in size, located in a 'cutting' between Desborough Road and Knighton Road in St Judes. It is a former railway sidings but has been disused and vacant for many years, although railway tracks are still located on land close to the northern boundary of the site (the abandoned line runs out towards Laira Bridge and beyond towards Plymstock Quarry). The site is largely covered by concrete hard surfacing and there exists a securely fenced water services compound in the south western corner that contains a concrete block structure likely to be a pumping station.

The site is generally level with the exception of a 5-7 metre cut slope which forms the south eastern boundary between the main site area and Desborough Road at the higher level. The site has a unique setting, being 'sunk' and at a lower level than all of the land and development that surrounds it. The site is bounded to the north by railway sidings with a high embankment leading up to Knighton Road, to the west by Tothill Road Viaduct with Friary Retail Park beyond and to the south by an embankment leading up to Desborough Road. The site narrows significantly to the east where the disused railway line continues.

Surrounding development to the north, east and south is mainly residential, with bulky goods retail development immediately to the west leading into the City Centre along Exeter Street, which is only a 700 metre walk from the site. The surrounding residential development is period in character and mainly in the form of Edwardian and Victorian terraces, many of which have been sub divided into smaller flatted units.

### Proposal Description

This application is made in outline but with reserved matters approval sought for the access, appearance, layout and scale with only landscaping details reserved for future consideration.

The application proposes to erect a 5 storey building on the northern part of the site containing 21 student cluster flats (a total of 250 bedrooms) with 14 one bed self contained flats on the top floor (all for occupation by students in full time education) and ancillary wardens office. A separate building is also proposed in the south west corner of the site alongside Desborough Road, containing a retail (A1) unit of 60 square meters floorspace with 2 bed flat above (not restricted to student use). Details of associated car parking, open space and cycle path are also included.

The proposed layout locates the majority of development close to the northern boundary of the site, whilst retaining a 21 metre gap between the proposed buildings and site boundary for a future transport link that is safeguarded in the Adopted Sutton Harbour Area Action Plan. Development on this part of

the site is in the form of a large 5 storey apartment block that is divided into 3 equally sized linked sections. This building contains the 21 student cluster flats proposed (containing a total of 250 bedrooms) and 14 self contained one bed student flats.

Further development (much smaller in scale) is situated close to the southern boundary of the site and presents a street frontage to Desborough Road. This is in the form of single building that is modern in design, which due to the differing land levels at the site presents a flat roofed 2 storey facade to the road, but when viewed from within the site appears a lot taller, being built into the bank on the southern boundary. The proposed A1 (retail) unit is located within this building, with a 2 bed apartment proposed above.

Access to the site is from the signalised junction on Exeter Street, through Friary retail park via an existing service road that runs alongside the existing Wicks building and underneath the railway arch into the site. A total number of 58 car parking spaces are provided at the site, mainly within the lower levels of the proposed apartment block on the northern side of the site.

### **Relevant Planning History**

09/01409/OUT - Outline application to develop land by erection of 151 flats and 140 sqm of class A1 (retail) space, provide 157 car parking spaces (vehicular access via Friary Retail Park) and provide open amenity land (details of access, appearance, layout and scale submitted). REFUSED

08/00432/FUL – 123 Flats at Tothill Sidings, St Judes, Plymouth. WITHDRAWN

### **Consultation Responses**

#### **Environment Agency**

Comments awaited and will be presented in an addendum report.

#### **Highway Authority**

Comments received. Support subject to conditions.

#### **Public Protection Service**

No objection subject to conditions.

#### **Highways Agency**

No objections.

### **Representations**

18 letters of representation received, all in objection to the application on the following grounds:

- There is not enough parking, increasing parking problems and traffic fumes in St Judes.

- The introduction of students to the area will raise noise issues, particularly late at night.
- Unreasonable impact upon neighbouring residents residential amenities.
- The development is an unsightly blot on the landscape and vista that is characterised by traditional Victorian terraced houses.
- Negative impact upon dwellings in Desborough Road and Knighton Road.
- The area is already saturated with student properties.
- The development will cause an increase in crime levels in the area.
- The design is poor.
- The height, scale and massing is wrong and results in over development.

### **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 raises a number of key planning issues; the principle of residential (student) development at the site; design, massing and layout considerations; highways, access and parking and residential amenity impacts. Other issues such as renewable energy provision and biodiversity mitigation are also relevant.

### Principle of Development

The site is brownfield land that is no longer required for its previous use as a railway sidings and it is therefore a site that has potential for redevelopment. The site is not constrained by any restrictive planning policy (other than the aforementioned safeguarded transport link) and is surrounded in the main by residential development. With regards to policy, the principle of redeveloping the site is therefore acceptable. With regards specifically to student accommodation, the site is close to the University and the City Centre and is well served by public transport, making it an ideal location for student accommodation. Concerning issues of density, the East End Sustainable Neighbourhood assessment indicates a shortage of higher density flats inland within the area.

### Design, Massing and Layout

The layout of the site is described above in the 'Proposal Description' section of this report. The application proposes to locate the majority of the proposed development along the northern part of the site but as the site narrows to the east the building line becomes closer to the southern boundary of the site. The layout of the proposed development is considered to be a positive

response to the constraints of the site, given its unusual shape and topography (being sunk and at a significantly lower level than the existing surrounding development).

The proposed retail unit with apartment above is positioned at the south west corner of the site, adjacent to the existing service compound that unfortunately cannot be relocated. This building is an important element of the scheme and provides a street presence on Desborough Road. It delivers a much-needed local amenity (as it is likely to be occupied by a convenience store or corner shop) for a part of the neighbourhood that currently has poor access to the existing Embankment Road local centre. It is regrettable that the Desborough Road retail unit cannot be located closer to the corner of Desborough Road and Tothill Road, but as stated, the existing service compound cannot be relocated.

The application proposes that the central core of the site be landscaped, in the form of open grassland broken up by more formal landscaped areas with tree planting. The notion of providing a publicly accessible green space within the development is positive, particularly in a neighbourhood where there is an identified lack of this amenity.

The application also provides a pedestrian and cycle access to and from Desborough Road and this is welcomed, as is the provision of strong structural tree planting along this street. The cycle path provides a link to the cycle path approved as part of the Brentor Road housing development located a short distance to the east of the site, and goes some way to improving cycle links in the city. It is also positive that the potential for a future transport link through Friary Retail Park to Exeter Street (as illustrated in the Sutton Harbour Area Action Plan) has been safeguarded, and this area (at the northern end of the site) is not proposed to be developed as part of this application.

Concerning issues of scale and massing, the height of the proposal can be supported. The height of the development has been reduced (as requested by your officers) to that proposed within the previously refused application, to link with, and not exceed that of, the adjacent Victorian terraces to the north and south, and to safeguard key views towards the Grade II listed St. Jude's Church. It is considered that the scheme's massing has been articulated successfully to respond to the particular prominence of the site from Tothill Bridge and surrounding streets above.

With regards to issues of building design and appearance, the bold, symmetrically-stepped, ziggurat-type form makes for a very memorable architecture that can be appreciated from the elevated streets above. The roof has been effectively treated as a fifth elevation, and the use of green sedum, in addition to its various environmental benefits, will provide visual amenity for those viewing it from above. The remainder of the materials palette is of high quality and includes Plymouth limestone, cedar cladding and playful coloured glass spandrel panels.

In conclusion, it is considered that the proposed development provides a high quality and innovative contemporary development that in terms of scale and massing is sensitive to the existing surrounding development whilst providing a modern urban design solution to the development of the site. The general arrangement of buildings on the site is considered to be the correct approach and is a pragmatic response to the constraints of the site. The development is therefore considered to make a positive contribution to local visual amenity and is compliant with Policy CS02 (Design) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

#### Residential Amenity

As already explained in this report, the site is unique in comparison to its context in that it is 'sunk' and at a significantly lower level than the areas that surround it. This ensures that the development proposed, which is up to 5 storeys in height, is not dominating to the existing development that is near to the site. When viewed from the surrounding roads it will appear 2 storeys at most and utilises a shallow pitch roof to ensure its impact is minimal.

The application proposes to locate the proposed development in one main built form that is positioned adjacent to the northern boundary of the site, with a much smaller building also proposed in the south west corner of the site. The properties that could be affected by this development proposal are therefore those that are located closest to the northern boundary of the site, namely the dwellings on Knighton Road, with some impact also possible upon the properties to the south of the site on Desborough Road.

Due to the safeguarded area on the northern boundary of the site for a future transport link, there will be a minimum of 35 meters distance between the proposed apartment block and the existing properties on Knighton Road. This is a sufficient distance to ensure that there will be no negative impact to the amenities of existing property occupiers on Knighton Road from the proposed development.

The small retail building with flat over is proposed to be located in the south west corner of the site and thus will have a more intimate relationship with the existing development on Desborough Road that it will be opposite. The separation distance between the existing dwellings and the new unit proposed will be 15 metres. Whilst this is far less than the separation distance between the existing development on Knighton Road and proposed development in the northern part of the site, it is typical of the existing separation distances between properties on either side of a road in the locality. It should also be noted that this building is considerably smaller than the main apartment building and therefore its impact will be minimal.

The main apartment building, whilst mostly located on the northern (Knighton Road) side of the site, will have a relationship with the properties on Desborough Road, particularly as the site narrows considerably from west to east. At the eastern end of the site, the separation distance between the new proposed development and existing terrace on Desborough Road will be 20 metres at the closest point. This is considered to be an acceptable separation



distance and due to the shape of the site most of the dwellings on Desborough Road that are opposite the site are over 30 metres from the proposed development.

It is considered that the positioning of the proposed apartment block ensures that there is no direct conflict between the proposed and existing development, and that problems of overlooking and loss of sunlight are not created. The relationships created are therefore considered acceptable and the application compliant with Policy CS15 and CS34 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

#### Highways, Access and Parking Issues

The applicant has submitted a Transport Assessment in support of the proposal which outlines the impacts of the development on the local highway network. Although the number of units is 264 the applicant is proposing to provide a total of 58 parking spaces to serve the development. By reducing the amount of car parking on the site the number of vehicle trips to and from the site will be limited. The Transport Assessment concludes, and it is accepted, that the development impacts on the surrounding network and its junctions are negligible.

On site parking will be provided on an allocation basis and the applicant is proposing strict parking controls and on-site management. The applicant is proposing a 'no-car agreement' with residents and this can be included within a residential travel plan for the site, which can be controlled and monitored by the City Council. A condition for a Travel Plan is therefore attached. The no-car agreement and the reduced parking levels, albeit they are in accordance with the City Council Policy on parking provision for development in this area, will help control and reduce the car borne trips associated with the development.

The site lies within an area which is controlled by a resident parking permit scheme. The development will be excluded from obtaining permits or purchasing visitor tickets for use within the scheme. However, the current scheme is in operation for 1 hour a day and parts of the local network are not included within the scheme. To ensure that parking cannot over-spill from the development the applicant has agreed to fund a public consultation to establish any need to enhance or expand the permit scheme. Furthermore any alterations to the scheme will be funded by the developer upon conclusion of the consultation process. A section 106 agreement will be sought to this effect and details of the costs involved will be submitted in due course. The development will, as such, ensure that it makes a contribution towards meeting the parking demand of the site whilst at the same time ensuring that there would be no overspill into the surrounding area. This approach accords with Policy CS28 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

Vehicular access to the site is proposed from the Junction of Exeter Street and through Friary Retail Park. The route into the site currently serves as the service route for the existing retail units and Network Rail access into the

railway siding, adjacent to the site. This function will remain. The developer is proposing to upgrade the road to an agreed standard to serve the residential development by way of constructing a new footway with some local widening at the rear corner of the existing retail unit. The road will terminate at a new turning head within the site. Due to the nature of the development, i.e. student accommodation, the access road will not be sought for adoption as highway by the Highway Authority.

In accordance with the Sutton Harbour AAP the developer has safeguarded some land for a potential future transport link from the site towards Exeter Street. Although Policy SH05 of the plan refers specifically to the adjoining retail park it is acknowledged that this site plays an integral part in securing the aspirations of the proposal. In order to bring forward some of those aspirations the developer is proposing a footpath/cyclepath through the site. The drawing shows a 2.4m wide footpath/cyclepath through the site with a further 1.3m grass create strip for access purposes to the railway. A shared footpath/cyclepath should be 3m wide. This can be secured and details agreed by way of condition.

The provision of the cycle route will encourage cycle use by residents and as such the developer is providing a commendable 278 cycle stores within the development. Each unit has a cycle locker outside its door so will be in a safe and secure location and will be self promoting in their use. Cyclists can use the access road and the join the existing facilities on Exeter Street.

There is currently only an uncontrolled crossing facility across the junction bellmouth off Exeter Street. The developer will be required to enter into a Section 278 agreement with the Highway Authority to design and implement localised crossing improvements, likely to consist of tactile paving and coloured surface treatments, at the junction.

The application also includes a small retail unit with a frontage to Desborough Road. All servicing arrangements to the unit will take place through the development site and the applicant is proposing to install a goods lift to cater for the level differences. The highway in front of the shop has an area of limited parking and return which would be available for customer use.

Finally the internal layout of the site for vehicles, cyclists and pedestrians is well structured with links to Public transport, local facilities and of course a desire route to the University and City centre. The site is considered to be accessible and is unlikely to generate any levels of traffic that would cause impacts to the local highway network. The arrival and departure of students at the start and end of term will be managed by the site management and co-ordinated within the travel plan.

#### Habitats and Biodiversity

The applicant has submitted a Phase 1 Survey and Bat and Reptile surveys, together with an Enhancement and Mitigation Plan, demonstrating a net biodiversity gain, in accordance with Policy CS19 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 a Renewable Energy Statement and proposes photovoltaic panels to meet the 15% saving. These generate electricity from light and with their energy source being sunlight they do not require fuel to operate and produce no air pollution or hazardous waste. The panels require no grid connection and are used for the heating of water. They are indicated on the plans and are positioned on the section of south facing roof on the top of the proposed apartment block. The use of photovoltaic panels is more than adequate to meet the 15% energy saving and the application is therefore compliant with Policy CS20.

### Letters of Representation

The letters of representation received are summarised above in the representations section of this report and issues raised are discussed in the main Analysis section of the report. One issue raised but not discussed above is the claim that student development will raise noise issues. However, it is considered that the site is well suited to student accommodation, it is close to the University and the City Centre and is well served by public transport, making it an ideal location. Any noise issues should not impact upon the surrounding residential development. The site is much lower than the areas (and residential streets) that surround it and a warden will be on site to ensure the site is managed and incidents of excessive noise (should these occur) are quickly and appropriately dealt with. The Councils public protection team have not objected to the application.

### **Section 106 Obligations**

The application generates the requirement for financial mitigation under the Plymouth Development Tariff. The total amount payable is £111, 926.00, which is broken down as follows:

#### Local Infrastructure:

1. Contribution of £1, 021 towards Schools.
2. Contribution of £11, 166 towards Libraries.
3. Contribution of £32, 541 towards Green Space/Natural Environment
4. Contribution of £163 towards Childrens Playspace.
5. Contribution of £59, 029 towards Playing Pitches.

#### Strategic Infrastructure:

1. Contribution of £508 towards Green Space.
2. Contribution of £12 towards European Marine Site.
3. Contribution of £324 towards Sports Facilities.

4. Contribution of £38 towards Public Realm.
5. Contribution of £1795 towards Transport.
6. Administration fee of £5329.

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 £111, 926 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.

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

No negative impact to any equality group is anticipated. Pedestrian and cycle permeability is being improved as a route through the site is being created and the financial contributions generated by the Plymouth Development Tariff will benefit the whole community.

#### **Conclusions**

This application proposes to erect a 5 storey building on the northern part of the site containing 21 student cluster flats (a total of 250 bedrooms) with 14 one bed self contained flats on the top floor (all for occupation by students in full time education) and ancillary wardens office. A separate building is also proposed in the south west corner of the site alongside Desborough Road, containing a retail (A1) unit of 60 square meters floorspace with 2 bed flat above (not restricted to student use).

The site is not covered by any restrictive planning policy and its redevelopment is therefore considered acceptable in principle. The scale, design and appearance of the proposed development is acceptable, with the application proposing a high quality modern and innovative design solution to what is an unusual and irregular site. The proposed development would not impact significantly upon nearby properties residential amenities and would not harm the surrounding highway network, providing adequate levels of off street parking for a development of this type. The application is therefore recommended for approval, subject to conditions and the successful completion of a S106 agreement by the 31 August 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 **08/06/2010** and the submitted drawings, **00901.PL.09, 00901.PL.01, 00901.PL.03, 00901.PL.02, 00901.PL.06, 00901.PL.08, 00901.PL.04, 00901.PL.07, REDW-2890-111** and **accompanying Design and Access Statement, Renewable Energy Statement, Bat Survey Report, Reptile Survey Report, Enhancement and Mitigation Plan, Phase 1 Desk Study, Archaeological Assessment, Flood Risk Assessment and Transport Statement** , it is recommended to: **Grant conditionally subject to S106 Obligation, delegated authority to refuse if not signed by 31 August 2010**

## Conditions

### DEVELOPMENT TO COMMENCE WITHIN 2 YEARS

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

#### Reason:

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

### CODE OF PRACTICE DURING CONSTRUCTION

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

#### Reason:

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

### SITE CHARACTERISATION

(3) 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

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

Reason:

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

#### IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

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

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

Reason:

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

REPORTING OF UNEXPECTED CONTAMINATION

(6) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 3, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 4, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 5.

Reason:

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

ON SITE RENEWABLE ENERGY PRODUCTION

(7) The development shall be constructed in accordance with the details contained within the applicants Renewable Energy Statement (and the approved plans that show Photovoltaic Panels on the southern roof slope of the main apartment building), 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.

#### EXTERNAL MATERIALS

(8) 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.

#### DETAILS OF BOUNDARY TREATMENT

(9) 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 DRAINAGE WORKS

(10) 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.

#### STREET DETAILS

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

#### Reason:

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



#### COMPLETION OF ROADS AND FOOTWAYS

(12) All roads and footways forming part of the development hereby permitted shall be completed in accordance with the details approved under condition 11 above before the first occupation of the penultimate dwelling.

##### Reason:

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

#### ACCESS (13)

(13) 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

(14) The building shall not be occupied until a means of access for pedestrians from Exter Street has been constructed in accordance with plans to be submitted and approved in writing by the Local Planning Authority to provide a level access to and from the site.

##### Reason:

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

#### PROVISION OF PARKING AREA

(15) 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.

#### CAR PARKING RESTRICTION

(16) 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 STORAGE

(17) 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

(18) 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.

#### GRAMPIAN

(19) No use hereby permitted shall not commence until the proposed access and improvements to the existing highway shown on the approved plans have been completed.

Reason:

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

#### STAFF TRAVEL PLAN

(20) The development hereby permitted shall not be occupied until a Residential Travel Plan (RTP) has been submitted to and approved in writing by the Local Planning Authority. The said RTP shall seek to encourage residents 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 RTP; details of the 'no car agreement' for the site 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 RTP.

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.

**INFORMATIVE: CODE OF PRACTICE DURING CONSTRUCTION**

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

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

**INFORMATIVE: PPZ**

(2) The applicant should be made aware that the development will be excluded from obtaining parking permits or visitor tickets for use within the nearby permit scheme in operation and furthermore will not be included in any future amended scheme subject to the consultation exercise detailed within the Section 106 Agreement.

**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:

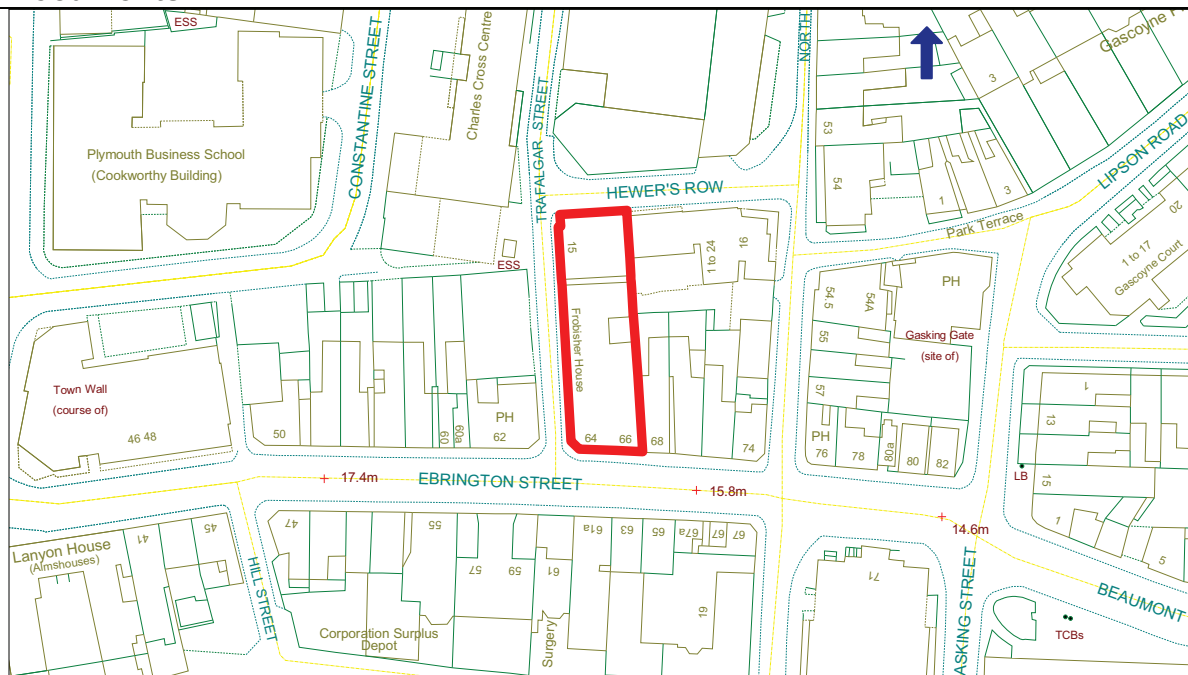
- CS28 - Local Transport Consideration
- CS32 - Designing out Crime

CS33 - Community Benefits/Planning Obligation  
CS34 - Planning Application Consideration  
CS22 - Pollution  
CS19 - Wildlife  
CS20 - Resource Use  
CS01 - Sustainable Linked Communities  
CS02 - Design  
CS15 - Housing Provision

**ITEM: 13**

<b>Application Number:</b>	10/00847/FUL
<b>Applicant:</b>	Saltire Property Developments Ltd
<b>Description of Application:</b>	Demolition of existing buildings and redevelopment of site by construction of retail unit (Class A1) and student accommodation (17 cluster flats comprising 103 bedspaces) with associated cycle & refuse storage
<b>Type of Application:</b>	Full Application
<b>Site Address:</b>	FROBISHER HOUSE AND FLEET HOUSE, 64-66 EBRINGTON STREET AND 15 HEWERS ROW PLYMOUTH
<b>Ward:</b>	St Peter & The Waterfront
<b>Valid Date of Application:</b>	02/06/2010
<b>8/13 Week Date:</b>	<b>01/09/2010</b>
<b>Decision Category:</b>	Major Application
<b>Case Officer :</b>	Mark Evans
<b>Recommendation:</b>	Grant conditionally subject to S106 Obligation, delegated authority to refuse if not signed by 27 August 2010

**Click for Application Documents:** [www.plymouth.gov.uk](http://www.plymouth.gov.uk)



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## OFFICERS REPORT

### Site Description

The application site comprises 0.0578 hectares, and fronts onto Ebrington Street, with additional frontages onto Trafalgar Street and Hewers Row. Two retail units (Chemist and Sports Shop) fronting onto Ebrington Street with two storeys of office accommodation above currently occupy the front of the site, with an office use occupying the rear building fronting onto Hewers Row. There is no vehicular parking on the site.

### Proposal Description

The application proposes the demolition of the existing buildings and the construction of a new building comprising 103 student units divided into 17 cluster flats, and a ground floor retail unit. The proposed building ranges from four storeys to eight storeys in height in order to relate to the massing of the surrounding development, and the building design steps back from the building line at higher level to reduce the actual and perceived massing.

The materials used within the modern building design will be a combination of render panels, curtain-walling glazing, powder coated aluminium windows, stainless steel and natural stone.

The natural stone will form a plinth from which the building rises and will wrap around the retail unit.

As the height of the building increases, there is a distinct change of materials at fourth and fifth floor levels, utilising a more transparent and lightweight palette of glazing and infill panels.

Several units have Juliette balconies.

No vehicular parking is shown on the site. Pedestrian access to the residential units will be off Trafalgar Street.

To improve highway safety, a new pedestrian pavement will be provided at the rear of the development onto Hewers Row (none exists at present) which is considered to be a planning gain.

### Relevant Planning History

A material planning consideration is the recently completed redevelopment of the Charles Cross Centre on a site immediately to the north west of the site. The height and massing of that building is comparable to that proposed within this application at the junction of this building with Trafalgar Street and Hewers Row.

06/00853/FUL - Demolish buildings and redevelop site by erection of 42 residential apartments and 1 shop unit - APPROVED

### **Consultation Responses**

Highway Authority

No objections subject to conditions.

Public Protection

Objection due to lack of sufficient information to demonstrate that the risk of contaminated land or that the risk of pollution to controlled waters is acceptable. Conditions recommended.

### **Representations**

2 letters of representation received.

Objections can be summarised as:

1. The area is already saturated with student accommodation.
2. Concern about car parking. Proposal will result in additional demands for parking on small streets that are already heavily used. Question is raised where will visitors, contractors, deliveries etc. park ?
3. Concern about building height which is considered to tower above Ebrington Street, out of character with the historic character of the Conservation Area and the adjoining new development of flats at 20 North Street.

### **Analysis**

Members will recall that the principle of a comparable development in terms of siting, design and massing was previously approved at Planning Committee under planning reference 06/0853/FUL subject to the satisfactory completion of a S106 Obligation.

The key issues are:

1. The impact of the development on the appearance and character of the Ebrington Street Conservation Area;
2. The impact of the development upon neighbouring properties;
3. The impact of the development upon the highway network;

The application should be assessed primarily against adopted Local Development Framework Core Strategy. This report therefore has due regard to the following policies: CS01 (Sustainable Linked Communities); CS02 (Design); CS03 (Historic Environment); CS08 (Retail Development Considerations); CS20 (Sustainable Resource Use); CS22 (Pollution); CS28 (Local Transport Considerations); CS32 (Designing Out Crime); and CS33 (Community Benefits/Planning Obligations); CS34 (Planning Application Considerations).

Consideration should also be given to PPS1 - Delivering Sustainable Development, PPS3 – Housing, Town Centres, PPG13 – Transport, PPS5 – Historic Environment, PPS22 – Renewable Energy, PPS23 – Pollution Control, PPG24 – Noise, adopted Design Supplementary Planning Document (2009), adopted Development Guidelines Supplementary Planning Document (2009), adopted Planning Obligations Supplementary Planning Document

(2010) and the Ebrington Street Conservation Area Appraisal & Management Plan.

The impact of the development on the appearance and character of the Ebrington Street Conservation Area

The existence of a grant of planning consent for a development of identical siting, scale and massing is a material planning consideration.

The Ebrington Street Conservation Area Appraisal & Management Plan – January 2008 records the existing buildings as being amongst the most significant “inappropriate and insensitive modern developments” on the street, specifically recording 64-66 Ebrington Street as “another singularly unsympathetic and intrusive modern build which contributes nothing to the Conservation Area”.

It is the objective of the Ebrington Street Conservation Area Appraisal & Management Plan to encourage the appropriate redevelopment of this site (amongst others), not only to remove the blight that currently exists, but also to contribute positively to the ‘preservation and enhancement’ of the Conservation Area by encouraging high quality redevelopment.

Planning Policy Statement 1 (PPS1) sets out the overarching planning policies on the delivery of sustainable development through the planning system and Planning Policy Statement 5 (PPS 5) deals with Planning for the Historic Environment. These PPS’s replace *Planning Policy Guidance (PPG) Note 1, General Policies and Principles* and *Planning Policy Guidance 15 (PPG)*. PPS1 establishes the Government’s firm commitment to creating sustainable communities. It emphasises that good planning is critical to realising this commitment through delivering this objective. Guidance on quality of design is clear: *Good design ensures attractive, usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning’ (para 33)*

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



The scale, design and massing of the proposed development is considered to be in keeping with development in the locality and will preserve and enhance the appearance and character of the site and Ebrington Street Conservation Area in line with the Ebrington Street Conservation Area Appraisal & Management Plan – January 2008 .

The development therefore accords with adopted policies CS01, CS02, CS03, CS32 and CS34, the Council's adopted Design Supplementary Planning Document (2009), adopted Development Guidelines Supplementary Planning Document (2009) and Government guidance contained in PPS1 and PPS5.

#### The impact of the development upon neighbouring properties

It is acknowledged that the impact of the development in terms of its siting and relationship to the neighbouring properties is comparable to that previously granted planning consent under 06/00853/FUL.

In terms of siting, design, scale and massing, the current development proposal does not materially alter the impact of the development on neighbouring properties and the development will not result in a significant increase in overlooking or loss of privacy.

The proposed change of residential use to student accommodation is not considered to have a significant adverse impact upon the residential amenity of neighbouring properties and taking into account the close proximity of the site to the City Centre and University is considered to be an entirely appropriate use for the development. The development is therefore acceptable and accords with adopted Core Strategy policies CS02 and CS34 and Government guidance contained in PPS1.

#### The impact of the development upon the highway network

The Highway Authority does not object to the proposed development.

Although this proposal changes the nature of accommodation and increases the number of rooms it does not alter the footprint of the development. As such there are no objections to the proposal for a car free student accommodation unit at the site.

The proposed building will include, as before, a small retail element which will be serviced as per the existing units at the site. Although no off-street servicing provision is proposed the current established practice can continue.

The applicant is proposing to install a cycle store for 63 cycles. This is above the minimum standard and as such is deemed acceptable. The store is within the building so is secure and covered by default.

The property lies within a resident parking permit scheme which is currently over-subscribed. As such the new development will be excluded from

obtaining permits or visitor tickets so the car-free aspect of the development can be justified.

As per the previous application (06/00853/FUL) the applicant is required to construct a footpath along Hewers Row at the rear of the site which will link in with the new footway on the adjoining recently constructed property. This has been shown on the plans and an appropriate condition is recommended to secure the footpath is constructed on site.

With regards the proposed lack of disabled car parking facilities within the site, it is noted that the site is accessed from a steeply sloping access road which will make unaided wheelchair access difficult. Although the building will be constructed so as to be accessible in compliance with "Part M" of the Building Regulations, it is noted within the Design and Access Statement that the University is looking to provide disabled and accessible bed-spaces closer to the campus and thus the proposed arrangements are considered acceptable. It is noted that adequate local on-street disabled parking facilities exist in the locality.

The development accords with adopted Core Strategy Policies CS01, CS02, CS28 and CS34, together with Government advice contained in PPS1 and PPG13.

#### Sustainable Resource Use

Adopted policy CS20 requires that the development incorporates on-site renewable energy production equipment to off-set at least 15% of predicted carbon emissions for the period 2010-2016.

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

#### Community Benefits

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

Under the parameters of the Plymouth Development Tariff the development is required to make a contribution of £86,658 (Eighty six thousand, six hundred and fifty eight pounds). This amount has been agreed with the applicant.

Other Matters

It is considered that the concern of the Public Protection Service regarding the lack of sufficient information to demonstrate that the risk of contaminated land or that the risk of pollution to controlled waters is acceptable is a matter that should be dealt with by the imposition of an appropriate condition requesting submission of the details for the approval of the Local Planning Authority prior to any development taking place. On this basis the development will accord with adopted Core Strategy Policies CS22, CS34 and Government guidance contained in PPS23 (Planning and Pollution Control). A "Land Quality" condition is recommended accordingly.

Human Rights Act

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

**Section 106 Obligations**

1. Financial contribution of £86,658 (Eighty six thousand, six hundred and fifty eight pounds) towards the Plymouth Development Tariff payable upon commencement of development.

This sum will be divided in the following way:

Local Infrastructure

Health - £13,193

Libraries - £6,424

Greenspace - £19,029

Playing Pitches - £34,081

Strategic Infrastructure

Transport- £5,606

S106 Management fee

£8,325.

The application has been assessed against the Governments Community Infrastructure Levy (CIL) and it is considered that the financial obligation required by the Plymouth Development Tariff of £86,658 meets 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.

The above obligation has been agreed with the applicant.

### **Equalities & Diversities issues**

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

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

The benefits to all groups will be positive as it will provide accessible student accommodation close to the city centre.

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

### **Conclusions**

The siting, design, materials and finish of the development are considered to be acceptable and would preserve and enhance the appearance and character of the site and wider Ebrington Street Conservation Area. The redevelopment of this prominent site would not have a significant adverse impact upon neighbouring properties and will contribute to the regeneration of the area as a whole. It is therefore recommended that the development be conditionally approved subject to the satisfactory completion of the above S106 Obligation by the 27 August 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 **02/06/2010** and the submitted drawings, **1525 - 001, 1525 - 002, 1525 - 010 Rev I, 1525 - 011 Rev E, 1525 - 012 Rev E, 1525 - 013 Rev E, 1525 - 030 Rev H, 1525 - 031 Rev B, 1525 - 032, Design and Access Statement**, it is recommended to: **Grant conditionally subject to S106 Obligation, delegated authority to refuse if not signed by 27 August 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 and 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.

#### ACCESS

(3) 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.

#### ARCHAEOLOGICAL INVESTIGATION

(4) Unless otherwise agreed previously in writing with the Local Planning Authority, no part of the development allowed by this consent shall be started until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and agreed with the Local Planning Authority.

Reason:

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

#### DESIGN DETAILS

(5) Notwithstanding the details submitted, unless otherwise agreed previously with the Local Planning Authority, no work shall commence until the following details have been submitted to and agreed in writing by the LPA:

- (i) Details of the design, method of construction, materials and finish of the surface treatment for the Ebrington Street façade (and associated Trafalgar Street return).
- (ii) Details of the design, materials, method of construction and finish of the Ebrington and Trafalgar Street retail unit shop frontage;
- (iii) Details of the design, method of construction and finish of the glazing system/curtain walling system and spandrel panel to be used;
- (iv) Details of the design, materials and finish of the feature "masts"..
- (v) Details of the design, materials and finish of any balcony railings.
- (vi) Details of the depth of reveals to all window openings.

Such agreed details shall be strictly adhered to during the course of development and thereafter so maintained.

Reason:

To enable the LPA to consider the details of the design, materials, method of construction and finish of: The feature "masts"; Ebrington and Trafalgar Street retail unit shop frontage; Glazing system/curtain walling system/spandrel panels to be used; The Trafalgar Street entrance terrace glazed boundary panels and details of a public art feature for the development in the interests of the appearance and character of the development and locality, in accordance with Policy CS01, CS02, CS03, CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### EXTERNAL MATERIALS

(6)No development shall take place until samples of the materials, finish and colour scheme to be used in the construction of the external surfaces of the development hereby permitted including that of the proposed roofing, 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 CS01, CS02, CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### SURFACE MATERIALS

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

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS01, CS02, CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### STREET DETAILS

(8)Notwithstanding the details submitted, development shall not begin until details of the design, layout, levels, gradients, materials and method of construction and drainage of all footways forming part of the development have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, all new and replacement curbing shall be constructed using granite curbstones. The building shall not be occupied until the public footway 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 Policy CS28 of

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

#### CYCLE PROVISION

(9) No unit shall be occupied until the cycle storage area hereby approved has been laid out within the site in accordance with the approved plans.

#### Reason:

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

#### CYCLE STORAGE

(10) The secure area for storing cycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority. For the avoidance of doubt, the cycle store shall be secured by a lockable door(s) prior to any occupation of the student units commencing.

#### 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.

#### PEDESTRIAN/CYCLE ACCESS

(11) No unit shall be occupied until a means of access for pedestrians and/cyclists has been constructed in accordance with the approved plans.

#### Reason:

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

#### REINSTATEMENT OF FOOTWAY - TRAFALGAR STREET

(12) The development shall not be brought into use until the existing footway crossing on Trafalgar Street (now redundant) has been removed and the footway reinstated.

#### Reason:

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

#### GRAMPIAN (13)

(13) No occupation shall be permitted until such time that a footway has been constructed on Hewers Row in accordance with details to be submitted and approved in writing with the Local Planning Authority..

Reason:

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

#### SUSTAINABILITY

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

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

Reason:

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

#### LAND QUALITY

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

##### 1. Site Characterisation

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

- (i) a desk study characterising the site and identifying potential risks from contamination;
- (ii) a survey of the extent, scale and nature of contamination;



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

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

## 2. Submission of Remediation Scheme

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

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

## 3. Implementation of Approved Remediation Scheme

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

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

## 4. Reporting of Unexpected Contamination

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

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

Reason:

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

**EAST SIDE WINDOW DESIGN**

(16) Notwithstanding the submitted drawings, development shall not commence until details of the siting, design, glazing finish and method of opening of the side windows on the east elevation have been submitted to and agreed in writing with the Local Planning Authority. Unless otherwise previously agreed in writing, the windows to communal rooms 5, 8, 11, 14 and 16 shall be first constructed and subsequently maintained using obscure glazing and permanently fixed shut.

The agreed details shall be strictly adhered to during the course of development and thereafter so maintained and retained unless otherwise agreed previously in writing with the Local Planning Authority.

Reason

To enable the LPA to consider the details of the design of the side elevation windows in the interests of the protection of the residential amenity and privacy of the neighbouring property and to achieve a reasonable standard of amenity to the proposed accommodation units in accordance with policy CS02 of Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Central Government guidance contained within PPS1.

**NOISE PROTECTION**

(17) Unless otherwise agreed previously in writing with the Local Planning Authority, all residential units shall be constructed so as to meet the "Good Criteria" for noise during Daytime and Nighttime, as outlined under BS8233:1999.

Reason:

To protect the residents from unwarranted noise, in the interests of the residential amenity of occupiers of the new development and in accordance with adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Central Government advice.

**INFORMATIVE - CODE OF CONSTRUCTION**

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

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

#### INFORMATIVE - EXCLUSION FROM RESIDENT PERMIT PARKING SCHEME

(2) The applicant should be aware that the development lies within a resident parking permit scheme which is currently oversubscribed. As such the development will be excluded from obtaining permits, visitor tickets and business permits for use within the scheme.

#### INFORMATIVE - OVERSAILING OF PUBLIC HIGHWAY

(3) It appears evident from the drawings that parts of the building will oversail the highway. As such the applicant must apply for a section 177 licence from the Highway Authority for overhanging the highway.

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

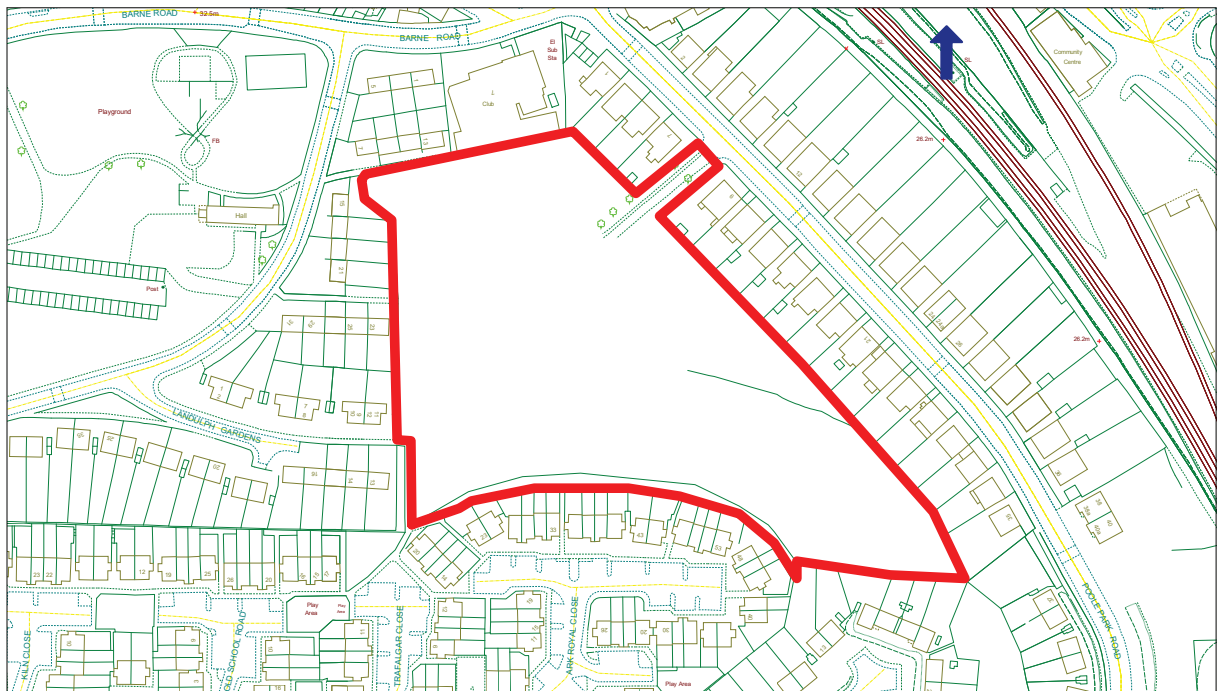
Having regard to the main planning considerations, which in this case are considered to be: The impact of the development on the appearance and character of the Ebrington Street Conservation Area; The impact of the development upon neighbouring properties; The impact of the development upon the highway network, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (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:

- PPG13 - Transport
- PPG24 - Planning and Noise
- PPS3 - Housing
- PPS1 - Delivering Sustainable Development
- PPS22 - Renewable Energy
- PPS23 - Planning & Pollution Control
- CS28 - Local Transport Consideration
- CS32 - Designing out Crime

CS33 - Community Benefits/Planning Obligation  
CS34 - Planning Application Consideration  
CS22 - Pollution  
CS08 - Retail Development Considerations  
CS20 - Resource Use  
CS03 - Historic Environment  
CS01 - Sustainable Linked Communities  
CS02 - Design  
SPD2 - Planning Obligations and Affordable Housing  
SPD1 - Development Guidelines  
PPS5 - Planning for the Historic Environment

**ITEM: 14**

<b>Application Number:</b>	10/00681/FUL
<b>Applicant:</b>	BDW Trading Ltd
<b>Description of Application:</b>	Erection of 61 dwellings with associated access road and parking areas
<b>Type of Application:</b>	Full Application
<b>Site Address:</b>	FORMER SITE OF BARNE BARTON PRIMARY SCHOOL, POOLE PARK ROAD PLYMOUTH
<b>Ward:</b>	St Budeaux
<b>Valid Date of Application:</b>	01/06/2010
<b>8/13 Week Date:</b>	<b>31/08/2010</b>
<b>Decision Category:</b>	Major Application
<b>Case Officer :</b>	Carly Francis
<b>Recommendation:</b>	Grant conditionally subject to S106 Obligation, delegated authority to refuse if not signed by 27 August 2010
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



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## OFFICERS REPORT

### Site Description

This is the former Barne Barton Primary School site, located off Poole Park Road in Barne Barton. Access to the site is up a short gradient into the level area of the site where the school buildings stood with their playing facilities. The site has now been cleared of all school buildings. The east of the site is made up of trees and scrubland and this part of the site is allocated as Greenscape land of neighbourhood importance for sport/ formal recreation and as a separation buffer. The ground rises to the south. The gross site area is 1.817 ha.

### Proposal Description

61 new homes, comprising of 40 three-bed houses, 20 two-bed houses and one two-bed flat over a garage, with access via Poole Park Road.

All of this housing would be open market housing.

A new access road is proposed and 105 parking spaces would be provided through a combination of garages, on street parking and private spaces.

### Relevant Planning History

04/01078 (OUT) Outline application to redevelop site involving demolition of existing buildings and erection of new primary and nursery school, with details of means of access- PERMITTED.

### Consultation Responses

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

**Environment Agency-** no objections, however recommend that a condition requiring details of the scheme for surface water management be attached to any grant of planning permission.

**Highway Authority-** no objections, however recommend that conditions regarding the street details, road alignment, drainage, access for contractors and details of the new junction be attached to any grant of planning permission.

**Housing Department-** no objections. Housing understand the need for market housing in Barne Barton and are willing to forgo the provision of an affordable housing element on this occasion if some money secured through the S106 could be used to improve much needed community facilities in Barne Barton. One particular initiative that the Housing Department are keen to support is the conversion of Bull Point Barracks for community uses. Unfortunately given that this project holds too much uncertainty it is not possible to tie tariff money specifically to this, however as the maximum

amount has been allocated to Local Infrastructure it is accepted that the funds can be tapped into for this project or other initiatives in the area.

**Police Architectural Liaison Officer-** no objection.

**South West Water-** no objection.

### **Representations**

5 letters of representation:-

2 letters of support

- good news for the area which has for so long been ignored
- pleased with the redevelopment providing boundary treatment is constructed to protect their privacy.

2 letters of objection

- Too many houses for the plot.
- Will create traffic chaos on Poole Park Road and bring more cars than car parking spaces increasing parking on Poole Park Road.
- Noise pollution.
- Would cause overlooking/ loss of privacy.
- Height of buildings will diminish sunlight received.
- Risk of accident at entrance to site.

1 letter- not against development but concerned about traffic and access into property. Would like to see one access in and one access out.

### **Analysis**

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

The main considerations for this proposal are the impact to the function and characteristics of this greenscape area (trees and natural habitat), the impact on neighbouring properties and the highway, and the design and amenity of the residential units proposed. The policies relevant to this planning application are CS01, CS02, CS03, CS15, CS16, CS18, CS19, CS20, CS21, CS22, CS28, CS32, CS33 and CS34 of the adopted Core Strategy, the Planning Obligations and Affordable Housing SPD, the Barne Barton Neighbourhood Regeneration Strategy (2003) and Barne Barton Sustainable Neighbourhoods Assessment (2006). National Guidance that is of relevance includes PPG13, PPS1, PPS3, PPS 22 and PPS23.

This application did form the subject of pre-application discussions however not all issues were dealt with before a formal planning application was made and therefore further negotiation and amended plans have been received throughout the process.

#### Community Consultation

A Statement of Community Involvement was submitted with this application.

A public exhibition was held on Wednesday 31st March 2010 at the St Budeaux Community Centre to which local residents and elected representatives were invited to view the proposals for the residential development. Invitations were sent out to 289 surrounding properties. The information displayed included: the proposed site layout with the number and type of homes; information about suggested landscaping and highway design; scheme elevations and perspectives and information about the next steps.

Notification of the consultation event was also provided to the Plymouth Herald newspaper, which ran an article in its 30th March edition, informing the public of the exhibition. A subsequent article was published following the exhibition on 1st April.

The event was attended by 53 people. Comment forms were supplied to all attendees, which could either be filled in at the venue or posted back by using the supplied post-paid envelopes. These were then collated and the feedback analysed. A visitor's book for registering interest and a desire to receive further information; and freepost envelopes for the feedback forms were also provided. During the consultation, access to a telephone enquiry line was offered to those who wished to find out more about the proposals or register their comments via telephone. This telephone enquiry line was manned between the hours of 8am to 6pm, with a message facility out of hours.

18 feedback forms were received following the public exhibition. The comments contained within them are noted below.

- Nine respondents were concerned that the development would overlook existing homes;
- Five respondents were happy with the proposals;
- Four respondents had concerns about access to the site;
- Four respondents commented on increased noise; and,
- One respondent was concerned at the pressure the proposed homes would bring on local services and amenities.

Two telephone calls were received to the telephone enquiry line following the public exhibition. Comments were received on the proximity of proposed homes to existing properties in Kithill Crescent; the lack of a second access road onto the site; and the impact of the development in terms of traffic levels on Poole Park Road.

The applicant responded to feedback received in respect of the proposals. In response to concerns relating to overlooking, windows which could have overlooked existing properties have now been removed. The whole site will be



bounded by a 1.8 metre high close boarded fence, built within the site boundary there would therefore be no overlooking to adjoining neighbours.

With regards to the queries about site access a second vehicular access point does not form part of the proposals: the size of the site does not require a second access point and the topography of the site would make it particularly challenging to achieve a continuous link throughout. Indeed, the consensus of those who attended the public exhibition was that a formal through route would further encourage existing anti-social behavior on and around the site. A Transport Statement has been submitted in support of the application which concludes that the junction with Poole Park Road, which was used as access to the former Barne Barton school, is fully compliant with current policy and will be capable of handling projected traffic flows.

#### Location/ Ground Conditions

This site does have constraints as part of the site is designated as a Greenscape Area (No. 38). Plymouth City Council's assessment reveals that the southern part of the site is important as a sport and formal recreation area and as a separation buffer at neighbourhood level. Policy CS18 states that the Council will protect and support a diverse and multi-functional network of green space, one of the ways of doing this is by not allowing development on or adjacent to these Greenscape Areas where it would result in an unacceptable conflict with the functions or characteristics of that area. The areas of the site that have importance for trees/ hedgerow and biodiversity value will be maintained, and there will still be usable green open space on the site, it is not therefore considered that the integrity of this overall Greenscape area would be undermined if this proposal were allowed. The part of the site where the school was located is not allocated as greenscape and has become a dumping ground in places. For the areas of the site that have high greenscape value, nature conservation mitigation measures have been incorporated into the proposal. It is therefore considered that the proposal accords with Policies CS18 and CS19.

With regards to the ground conditions there are no land contamination issues. A land contamination assessment was submitted with the application and in response to queries raised by the council's Public Protection Department further information received. The Local Planning Authority is now satisfied with the site investigation undertaken, providing that conditions requiring further sampling, a detailed quantitative risk assessment and a further ground gas risk assessment be attached to any grant of planning permission.

The Environment Agency (EA) has not raised any objections to this proposal. A Flood Risk Assessment was submitted with this application. The Environment Agency considers that this assessment demonstrates that an appropriate sustainable drainage system can be delivered. A condition shall be attached to agree details of the scheme for surface water management as advised by the EA.

### Layout

The layout has been informed by consultant's reports and the constraint reports. This is a challenging site due to its topography. Both ecological and arboricultural constraints add to this site which carries a high greenscape value. With this in mind the layout and housing provision makes best use of the development site, while enhancing and protecting existing species to create a development that sits comfortably into the surrounding area.

PPS3 encourages the best use of land between 30 and 50 dwellings per hectare net. The gross site area is 1.817 ha, with a net developable area of approximately 1.29ha. This application seeks approval for 61 units which relates to approximately 47 units to the hectare.

Amended plans have been received during the process to ensure that existing trees and the hedgerow of importance are protected. Particular attention was given to the existing Devon Hedge to the east and south of the site and it was important that the agreed layout did not affect this hedgerow.

### Archaeology

An Archaeological Desk Based Assessment was submitted with this application and no cultural heritage features are recorded by baseline sources within the site. The baseline survey suggests that there is a low potential for the existence of currently unrecorded archaeological remains within the site and no evidence of medieval or later features. The construction of the primary school in the early 1950's will have significantly impacted upon any currently unrecorded archaeological remains within the northern part of the site and there are no identified impacts from development.

It is therefore deemed that the development would not conflict with the aims of Policy CS03 and that no further archaeological survey works or mitigation works are required.

### Biodiversity

A number of studies have been undertaken to accompany this application due to the sites nature conservation value. These documents include; a Strategic Landscape Scheme, Habitat Survey, Reptile Survey, Bat Tree Inspection Report and Biodiversity Mitigation and Enhancement Strategy.

The reptile presence/absence survey was requested following the Phase 1 Habitat Survey submitted which stated that the site has suitability for bats and reptiles. The suitability for bats lies within the oaks within the two hedgerows within the site. If there are any works planned to any of these trees, an inspection survey for bats will be necessary prior to the commencement of works. If a bat roost is found, a European Protected Species license will be necessary from Natural England.

The Mitigation and Enhancement strategy details mitigation measures both during and after construction and ensures that biodiversity net gain will be achieved. It is therefore now considered that the proposal complies with Policy CS19.

### Amenity of the Dwellings Proposed

All of the residential units would have sufficient amenities and all habitable rooms would have adequate natural daylighting.

The floor areas of the units on site vary and although some units fall slightly short of the guidelines given in the Development Guidelines SPD others exceed this guideline and on the whole it is considered that a good range of adequately sized properties is proposed.

Each dwelling would have its own private amenity space, again these areas vary in size and in addition there are communal amenity areas on the site, therefore the amenity space proposed is considered to be acceptable and would accord with policies CS15 and CS34.

### Design and Materials

The development proposes a mix of mainly 2/3 bed two storey and three storey properties.

The unit designs to be presented are in a traditional style with pitched roofs, some with dormer windows, and casement windows respecting the styles evident in the area. There is little evidence of ornate materials being used in the area and the predominance is render with artificial slate roofing, and a small amount of tile hanging. The materials in this development include walls that will be a mixture of brick and render with white windows with projecting concrete sub cills. Roofs will be pitched and clad in artificial slate, with terracotta ridges and black rainwater goods.

The agent was asked to give particular attention to the design of plots 51- 53 as it was considered that the units at the end of the main approach should be a feature on entry to the site. The design was therefore revised and the dwellings are now designed to have more character, with features that make a statement.

Overall the design and materials proposed are deemed to be sympathetic to the surrounding area and would accord with the requirements of Policy CS02. Samples of external materials shall be requested and agreed by way of condition.

### Impact on Neighbouring Amenity

There would be no overlooking caused by dwellings to the south of the site due to the gradient of the land and the thick belt of trees along the boundary of the site. The privacy of the existing houses to the east of the site would be protected by suitable boundary treatment, in the form of a 1.8m high rendered wall where appropriate with suitable planting. (Details of which shall be secured by condition). The nearest dwellings would be over 23m away (window to window) and therefore it is not considered that there would be an unreasonable degree of overlooking to the east. There would also be minimal impact to dwellings to the north. Bungalows along Poole Park Road to the north-east are set at a lower level and window to window would be over 21m

away. This distance will also ensure that that the proposed dwellings will not appear too imposing from rear curtilage areas. The club house to the north-west has no windows overlooking the application site and would therefore be unaffected. The dwellings on Barne Road to the rear of plots 11-13 would be approximately 15m away and suitable boundary treatment is proposed to ensure that there would not be a significant impact on their privacy.

It is therefore considered that the proposal would accord with policies CS15, CS34 and the Development Guidelines SDP.

#### Tenure and Housing Type

No affordable housing is proposed as part of this scheme. This conflicts with Policy CS15 of the Core Strategy which states that where there are 15 dwellings or more at least 30% of the total number of dwellings should be affordable homes. This policy is in place to meet the City's Strategic Housing allocation but also to ensure that an appropriate mix of housing is provided. Therefore a proposal such as this would not normally be deemed acceptable.

In this part of the City, however, there is currently strong imbalance in housing types. The Barne Barton Sustainable Neighborhoods Assessment identifies that there are disproportionately high levels of social rented accommodation and little private housing. A very high proportion of the population lives in social housing, 17.8% rent from the Council (compared to a national average of 13.2%) and 35.1% rent from Housing Association or Registered Social Landlord (compared to 6% nationally). The proportion of owner occupied properties is only 36.9% which is around half the national average of 68.9%. For this reason it is considered that a scheme for 100% market housing is acceptable in this instance. The development would help to address this imbalance by providing more market housing. The tariff associated with this development is also an important consideration. Recently an application for 100% affordable housing in Barne Barton was approved and while this goes some way towards meeting the strategic allocation of affordable homes, affordable housing only requires highway contributions. This development will attract a higher tariff which can be used to improve local community facilities. Therefore given the specific characteristics of Barne Barton and need for private housing the absence of affordable housing is deemed acceptable in this case.

#### Trees and Landscaping

The layout of the site has been based largely around maintaining the trees and hedgerow of importance on the site. Therefore while 19 individual trees and 4 groups of trees are proposed to be removed from the centre and the entrance of the site, the trees of most value have been retained and replanting is proposed to compensate for those lost. 86 new trees will be planted. Details of this planting shall be secured by way of condition. While it is regrettable that the Poplars at the entrance to the site have to be removed it is accepted that the required access road cannot be constructed without their removal and the agent is proposing replacement planting to soften the approach to the site

The main concern, as was raised during pre application discussions, is the successful retention of the two mature hedgerows on the site which contain mature Oaks and Hawthorn of high amenity and nature conservation value. The Local Planning Authority was not satisfied that the layout plan initially submitted was acceptable as some dwellings were within close proximity to the hedgerow. The agent therefore submitted an amended plan with a layout that ensures that the dwellings are situated a sufficient distance from these hedgerows.

The site layout preserves the major ecological features of the site as identified in the habitat survey. Both hard and soft landscaping have been carefully considered and parking areas will be identified with different colour paving. Primary rear screen walls to flanking gardens will be provided. All houses will be provided with rear gardens, and the area of Public Open Space proposed will be available for use by all residents.

It is therefore considered that the development would accord with Policy CS18.

#### Crime

As identified in the Barne Barton Sustainable Neighbourhood Assessment, Barne Barton is an area of concern in terms of Crime, ranking the 4<sup>th</sup> worst neighbourhood in Plymouth. The applicant has worked closely with the Planning Department and the Police Liaison Officer to ensure that the development is carefully designed in order to incorporate crime prevention measures.

Such features include windows to overlook parking areas and the avoidance of creating areas that could become 'hot spots' for anti- social behaviour.

One point of much discussion relates to the potential for a pedestrian access through the site. The possibility of having a pedestrian access from the south west corner of the site was debated. While it was appreciated that utilising this access point would have been advantageous in improving pedestrian permeability, having this access raised serious objections from the Police Liaison Officer. Evidence dictates that having this pedestrian link would have made the site more susceptible to crime. Therefore given the already significant crime problem in the area, it was agreed that the pedestrian access should be omitted. It is therefore deemed that the proposal would accord with Policy CS32.

#### Accessibility and Highway Issues

Access to the site is proposed from Poole Park Road, utilising the former schools access.

It is noted that the site is constrained with steep gradients and as such the proposed road layout follows the sites contours where possible. The new road widths within the site are restricted to enforce a parking policy on the development of only parking in designated areas on the site, avoiding the sporadic motor car parking plague. The adoptable road areas will be clearly

defined and will be separate from the private paved areas. Within the site adopted turning areas are provided, and the roads will be fully adopted under a future Section 38 Agreement with the Highway Authority.

105 parking spaces are proposed which will be made up of 30 garage spaces, 24 public/on street parking spaces, and 51 Private spaces, thus giving a total provision of 1.7 spaces per dwelling. The proposed provision conforms to the current parking standards within the Development Guidelines SPD.

Fire Service access will be available to all properties and the principles of Secure by Design will be present in the scheme.

Details of visibility between the junction and Poole Park Road will be required. It is noted from the drawings that the developer is proposing a 4 metre radius kerb. Ideally this should be 6 metres and as such a slight re-alignment of the kerbs, local to the access, may be required to achieve a suitable radius. This will have the added benefit of increasing the width of footway at the junction above the 1.57 metres as shown. Poole Park Road is wide enough at this point to easily accommodate a scheme of narrowing to provide a new kerb alignment. These details will be agreed by way of condition.

The Transport Service comment that it is disappointing that a pedestrian link cannot be made to the South West corner of the development site, however it is accepted that the developer has investigated all options and due to difficulties in gradients and security the provision of a footpath is not justifiable. As this cannot be achieved the developer has now agreed to pay a contribution of £15,000 towards pedestrian improvements to the junctions of Barne Road and Wolseley Road, which is considered to be the secondary desire line from the site to the St Budeaux shopping centre. Pedestrian improvements in this area are considered to be a highway gain for the community and will off-set against the lack of direct permeability from the site. The funding will be secured through a S106 Agreement and Plymouth Transport and Highways will design and implement the required works.

Adequate amendments have now been made to the road layout and it is now considered that the proposal would accord with Policy CS28.

#### Sustainability

Policy CS20 requires the development to off-set a minimum of 15% of the carbon emissions for which the development is responsible by on-site renewable energy production methods. The proposal will meet the aims of Policy CS20 the main way of achieving this will be through the use of solar panels. The remaining details shall be secured by way of condition.

The surface water will be discharged via one rainwater butt per property to the rear, and then into soakaways. A SUDS feature is also proposed on the site in the form of an attenuation feature to the north of the new access road.

### Letters of Representation

The concerns raised in the letters of representation received have been dealt within this report. For example concerns regarding overlooking and loss of light have been dealt with in the section of the report entitled 'Impact on Neighbouring Amenity'. In response to the concern relating to inadequate parking, the parking provision is deemed acceptable and is in accordance with guidance given in the Development Guidelines SPD. The housing density proposed is appropriate for this site, in relation to the housing density in the area. In terms of noise, it is not considered that an unreasonable level of noise will be created; higher noise levels would be expected from the previous land use as a school. A code of construction will be agreed by way of condition to ensure that the construction causes as little disruption as possible. In response to the request for there to be a separate access into and out of the site, the size of the site does not require a second access point and the topography of the site would make it particularly challenging to achieve a continuous link throughout

### **Equalities & Diversities issues**

#### Life Time Homes

The key 16 design criteria features to create lifetime homes have been taken into account in order to create a flexible blue print for accessible and adaptable housing on the development. This will increase the choice, independence, and longevity of the tenure. In this case, to comply with policy CS15, this scheme should (as a minimum) include 20% or 12 dwellings to Joseph Rowntree Lifetime Homes standards. The applicant has confirmed that 20% of the scheme will be Life Time Homes compliant; and this therefore accords with the standards given in policy CS15.

Level access will be provided to all properties and new gradients on site will be gentle.

### **Section 106 Obligations**

The application is accompanied by a viability assessment. The Local Planning Authority have scrutinised this viability assessment (produced for the applicant by GVA Grimley Property Advisors) and agree that generally, the assumptions made in this report are a fair reflection of the current market. The applicant has agreed to pay the full tariff (at a 50% discount according to the Market Recovery Scheme). This is a sum of £344,664.50. This sum will be divided in the following way.

#### **Local Infrastructure**

Schools- £78,321

Libraries- £13,236

Greenspace- £37,858

Childrens play space- £27,094

Playing pitches- £68,674

**Strategic Infrastructure**

European Marine Site- £2,000

Transport- £117,481.50

**Management Fee**

£14,522

It was hoped that the money received could be ring fenced for a specific project to meet community needs in Barne Barton. Unfortunately it was not possible to find a project that met the Community Infrastructure Levy (CIL) criteria and had enough certainty to avoid the money having to be returned. The money has therefore been divided to allow the local area to benefit from the maximum level of tariff money that can be allocated. The remainder of the money has been divided between the European Marine Site which we have a legal obligation to contribute towards and Strategic Transport which is a corporate priority.

In addition to the tariff a negotiated element has been agreed with the developer. This includes a sum of £53,064 to the Council's Parks Department for adoption and maintenance of the open spaces on the site and £15,000 to the City Council to enable the Highway department to carry out pedestrian crossing improvements at the junction of Barne Road / Wolseley road.

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 and negotiated element of £412,728.50 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 conclude, the principle of developing this site with market housing is considered to be acceptable. It would help to address the strong imbalance in housing types in Barne Barton and the local area would benefit from the tariff money gained, in particular the improvement of a main pedestrian route in Barne Barton. The design and amenity of the dwellings proposed is acceptable and it is not considered that the development would be detrimental to the amenity of surrounding residential properties. There would not be a harmful impact on the highway, trees or natural habitat as a result of this development. The application is therefore recommended for approval, subject to conditions and the successful completion of a S106 agreement by the 27<sup>th</sup> August 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 **01/06/2010** and the submitted drawings, **CD968.SK-SP18a Site Plan, CD968.LOC.100, CD968.PLY-P01 Elevations, CD968.PLY-P02 Floor Plans, CD968.RIC-P01b Elevations, CD968.RIC-P02b Floor Plans, CD968.TAV-P01b Elevations, CD968.TAV-P02b Grd &**



**1st Floor Plans, CD968.TAV-P03b 2nd Floor Plan, CD968.WAS-P01b Elevations, CD968.WAS-P02b Floor Plans, CD968.ASH1-P01b Elevations, CD968.ASH1-P02b Ground Floor Plan, CD968.ASH1-P03b First Floor Plan, CD968.ESS-P01b Elevations, CD968.ESS-P02b Grd Floor Plan, CD968.ESS-P03a 1st Floor Plan, CD968.LYN-P01 Elevations, CD968.LYN-P02 Floor Plans, CD968.MAI-P01b Elevations, CD968.MAI-P02b Floor Plans, CD968.PAL-P01a Elevations, CD968.PAL-P02b Floor Plans, TP-1, CD968 CON 01, CD968 DRP 01, 22/09, CD968.SE.PO1 B, CD968.SE.P03 B and accompanying Design and Access Statement, Transport Assessment, Archaeological Desk-Based Assessment, Reptile Survey & Bat Tree Inspection Report, Flood Risk Assessment, Extended Phase 1 Habitat Survey, Statement of Community Involvement, Arboricultural Implications Assessment & Tree Protection Plan and Ecological Mitigation and Enhancement Strategy, it is recommended to: **Grant conditionally subject to S106 Obligation, delegated authority to refuse if not signed by 27 August 2010****

### **Conditions**

#### DEVELOPMENT TO COMMENCE WITHIN 2 YEARS

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

#### Reason:

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

#### LAND QUALITY

(2) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved (other than that required to be carried out as part of an approved scheme of remediation) shall not commence until conditions 3 to 6 have been complied with. If unexpected contamination is found after the development hereby approved has commenced, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 10 has been complied with in relation to that contamination.

#### Reason:

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

#### SITE CHARACTERISATION

(3) An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with

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

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

Reason:

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

#### SUBMISSION OF REMEDIATION SCHEME

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

Reason:

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

#### IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

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

Reason:

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

#### REPORTING OF UNEXPECTED CONTAMINATION

(6) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 3, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 4, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 5.

Reason:

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

#### CODE OF PRACTICE

(7) 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.

#### SURFACE WATER MANAGEMENT

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

- details of the drainage during the construction phase;
- details of the final drainage scheme;
- provision for exceedance pathways and overland flow routes;
- a timetable of construction;
- a construction quality control procedure;
- a plan for the future maintenance and management of the system and overland flow routes.

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

#### Reason:

To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development and avoid conflict with Policy CS21 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### TREE PROTECTION DURING CONSTRUCTION

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

#### Reason:

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

#### LANDSCAPE DESIGN PROPOSALS

(10) No development shall take place until full details of both hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and

these works shall be carried out as approved. These details shall include means of enclosure and boundary treatment; hard surfacing materials; refuse or other storage units, signs, lighting; proposed and existing functional services above and below ground e.g. drainage, power, communications cables, pipelines, indicating lines, manholes, supports etc.

Reason:

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

#### SOFT LANDSCAPE WORKS

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

Reason:

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

#### LANDSCAPE WORKS IMPLEMENTATION

(12) 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.

#### STREET DETAILS

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

Reason:

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

#### ROAD ALIGNMENT AND DRAINAGE

(14) 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

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

Reason:

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

#### ACCESS (CONTRACTORS)

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

Reason:

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

#### DETAILS OF NEW JUNCTION

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

Reason:

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

#### CAR PARKING PROVISION

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

Reason:

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

EXTERNAL MATERIALS

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

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS02 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SUSTAINABLE RESOURCE USE

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

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

Reason:

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

ECOLOGICAL MITIGATION AND ENHANCEMENT STRATEGY

(21) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Ecological Mitigation and Enhancement Strategy (dated July 2010) for the site.

Reason:

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

LIFETIME HOMES

(22) 20% of the new dwellings shall be first constructed and subsequently maintained so as to meet Lifetime Homes Standards.

Reason:

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

RESTRICTIONS ON PERMITTED DEVELOPMENT

(23) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order or the 1995 Order with or without modification), no development falling within Classes A, B, C, D, E and F of Part 1 of the Schedule to that Order shall at any time be carried out unless, upon application, planning permission is granted for the development concerned.

Reason:

In order to protect neighbouring amenity and comply with policies CS34 of the Core Strategy.

INFORMATIVE: CODE OF PRACTICE DURING CONSTRUCTION

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

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

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

Having regard to the main planning considerations, which in this case are considered to be: the design and amenity of the dwellings proposed, their impact on neighbouring properties, the impact on wildlife and trees/vegetation, the impact on the highway and to the character of the area, the



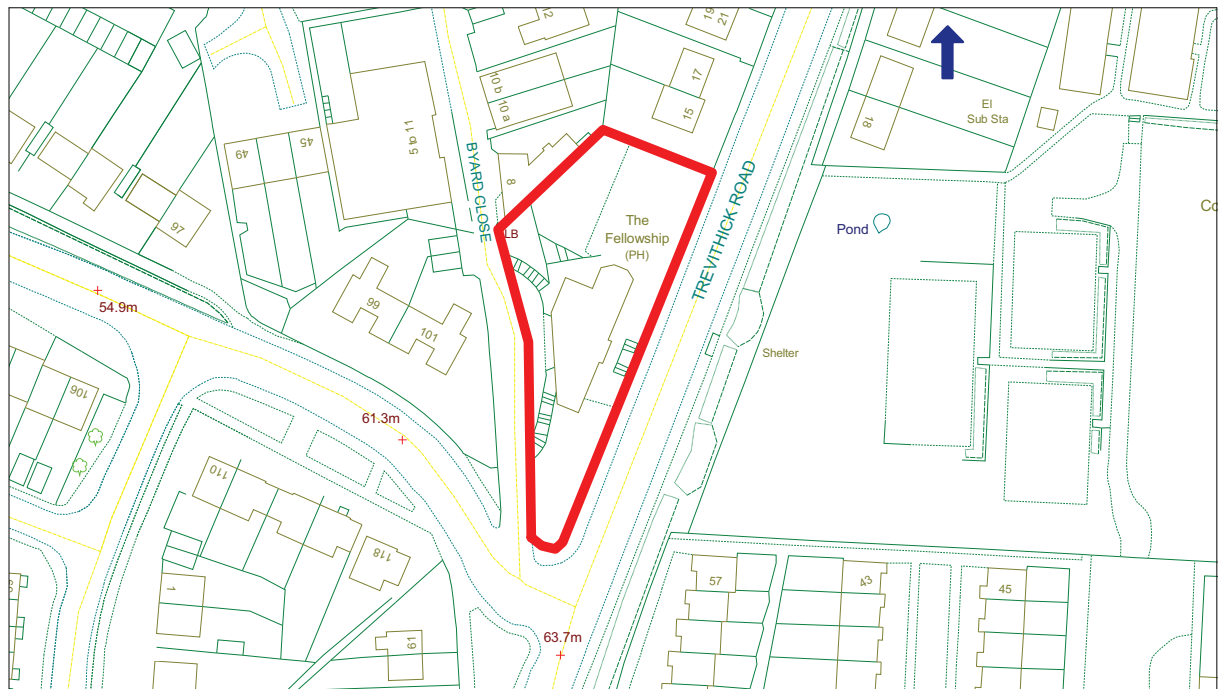
proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 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:

PPG13 - Transport  
PPS3 - Housing  
PPS1 - Delivering Sustainable Development  
PPS22 - Renewable Energy  
PPS23 - Planning & Pollution Control  
CS28 - Local Transport Consideration  
CS32 - Designing out Crime  
CS33 - Community Benefits/Planning Obligation  
CS34 - Planning Application Consideration  
CS22 - Pollution  
CS18 - Plymouth's Green Space  
CS19 - Wildlife  
CS20 - Resource Use  
CS21 - Flood Risk  
CS03 - Historic Environment  
CS01 - Sustainable Linked Communities  
CS02 - Design  
CS15 - Housing Provision  
CS16 - Housing Sites  
SPD1 - Development Guidelines

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**ITEM: 15**

<b>Application Number:</b>	10/00853/FUL
<b>Applicant:</b>	Colourcolt Ltd
<b>Description of Application:</b>	Redevelop site by erection of 10 dwellings (demolition of existing public house)
<b>Type of Application:</b>	Full Application
<b>Site Address:</b>	THE FELLOWSHIP INN, THE FELLOWSHIP INN, TREVITHICK ROAD TREVITHICK ROAD PLYMOUTH
<b>Ward:</b>	St Budeaux
<b>Valid Date of Application:</b>	18/06/2010
<b>8/13 Week Date:</b>	<b>17/09/2010</b>
<b>Decision Category:</b>	Major Application
<b>Case Officer :</b>	Carly Francis
<b>Recommendation:</b>	Grant conditionally subject to S106 Obligation, delegated authority to refuse if not signed by 10 September 2010
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



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## OFFICERS REPORT

### Site Description

This is the 'Fellowship Inn' public house located in Kings Tamerton in what is primarily a residential area. The existing public house is a detached two-storey building, there is a basement storage area and above the bar area at first floor level is residential accommodation. The site includes a pub garden and a car parking area for approximately 15 vehicles. The site appears elevated as land levels steeply drop to the south onto Byard Close where there are some retail outlets. The south of the site meets a road junction; the site is surrounded by terraced and semi-detached housing, with Tamarside Community College to the east.

### Proposal Description

Redevelop site by erection of 10 dwellings (demolition of existing public house).

### Relevant Planning History

08/02107 (FULL) Redevelop site by erection of 9 dwellings (demolition of existing public house) GRANTED CONDITIONALLY.

### Consultation Responses

**Highway Authority-** no objections providing conditions regarding the parking area, a code of practice during construction and a kerb lowering informative be attached to any grant of planning permission.

**Public Protection Service-** no objections however recommend that conditions regarding a code of practice and the reporting of any unexpected contamination be attached to any grant of planning permission.

**Police Architectural Liaison Officer-** the Devon and Cornwall Constabulary were fully consulted at the pre application stage and support this application in its current design and layout.

### Representations

15 letters of representation, objecting due to:

- the loss of the public house/ community meeting place
- loss of jobs
- poor access to Byard Close (especially for emergency vehicles)
- would take away existing parking spaces and further congest the 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.

This proposal is for 10 affordable, 3-bedroomed residential units. The main considerations for this proposal are the impact to the character of the area, on neighbouring properties, to trees and on the highway. This proposal turns on policies CS02, CS15, CS16, CS18, CS19, CS21, CS28, CS32, CS33 and CS34 from the adopted Core Strategy and the adopted 'Development Guidelines' SPD and 'Planning Obligations and Affordable Housing' SPD and the Kings Tamerton Sustainable Neighbourhoods Assessment. National Guidance that is of relevance includes PPG13, PPS1, PPS3, PPS 22 and PPS23.

This application is very similar to a previous application that was for 9 affordable units, this application was granted planning permission in 2009. The layout is the same but the shared outside amenity space has reduced slightly in size and an additional unit added. There are also slight differences to the design of the dwellings as detailed below. Given this recent permission the principle of re-developing the site for residential has already been agreed.

#### **Impact to Neighbouring Dwellings**

The residential units proposed would be three-storeys high as in the former application, however previously balconies were proposed on the Byard Close elevations. These balconies have been removed in this application and therefore any concerns regarding overlooking also removed. There are bungalows located directly opposite the site on Byard Close however these bungalows would be approximately 20 metres away from the proposed residential units and due to changing ground levels, there would be no direct overlooking of any neighbouring windows. The amenity areas of No. 99 and 101 Byard Close would experience some overlooking however they are already overlooked to some degree.

The windows at the rear of No.8 Byard Close currently overlook the pub car park, and would only be approximately 11 metres away from the proposed development, however tree planting is proposed in the area behind No.8 along with a 1.5m high boundary wall and therefore adequate screening would be provided to ensure that the property does not suffer any loss of amenity.

There are no windows proposed on the gable end of Plot 1 and the windows on the gable end of Plot 10 would be over 21 metres from the nearest dwelling. Therefore no overlooking would be caused.

It is not considered that there would be a significant impact on neighbouring amenity and the proposal is deemed to accord with policies CS15 and CS34.

#### **Design and Amenity of Dwellings Proposed**

All of the residential units would have sufficient amenities and all habitable rooms would have adequate natural daylighting.

The floor areas of the units proposed would be 90.7 square metres. These are considered to be adequately sized three bedroom properties, exceeding the minimum standard of 82 square metres given in the Development Guidelines SPD.

Each dwelling would have its own private amenity space and although these areas would fall short of the 50 square metres standard given in the Development Guidelines SPD, the development also includes communal amenity areas to the south and east of the site. There is also adequate space for each dwelling to have its own refuse storage area. The proposal therefore accords with policy CS15.

A Contemporary style design is proposed and the materials would include colour render for the walls in contrasting colours and interlocking concrete roofing tiles. The appearance of the buildings proposed is considered to be acceptable and given that the existing public house is currently in a poor state of repair, the development would be beneficial in improving the appearance of the area and would accord with policy CS02.

### **Landscaping**

Landscaping is an important feature of this proposal both to improve the visual amenity of the site and the area and to assist in the requirements for Secure-By-Design. A Tree Survey was submitted to accompany this application.

At the south end of the site there is a group of six Horse Chestnuts, a Sycamore and a Hawthorn. One of the Horse Chestnuts is dead and is to be removed. All the other Horse Chestnuts are to be retained and during construction an exclusion zone is to be formed around them to prevent any alteration in levels or any depositing of construction materials within this area. The vegetation at the north western end of the site, consisting principally of low level scrub of ivy, blackberry and blackthorn, is to be removed. The planting has generally been designed utilising evergreen plants so that the site does not look denuded during winter. Where deciduous plants are used, they are generally of a type which will give colour and interest such as with highly coloured stems. The planting in front of properties seven to ten is designed with prickly plants which should assist their survival. These plants will be surrounded by a 900mm high timber picket fence. It is also proposed that there is planting to the northern gable again surrounded by a 900mm high picket fence, the purpose of these plants being to prevent close access to the gable wall for the discouragement of graffiti. The planting will also assist in providing private amenity areas for the residents to use.

The only significant group of trees, in terms of amenity, is the group of Horse Chestnut which will be retained in the proposed amenity area. The planting proposed is supported and therefore the proposal is deemed to accord with Policy CS18.

### **Sustainability**

Sustainability measures have been sought in order to comply with the criteria in Policy CS20. The housing would reduce the carbon footprint to some extent; it would have improved insulation and air ventilation with heat recovery and therefore show a saving of 26% of energy use compared to a standard building regulation house. It would still however fail to off-set at least 15% of the carbon emissions for which the development is responsible by on-site renewable energy production would make the proposal. The applicant has submitted information to demonstrate that it would not be viable to design this into the scheme. Given this and the fact that the site already has permission for 9 residential dwellings (which did not trigger the need to comply with Policy CS20), it would not be reasonable to refuse the application on this basis.

### **Highway Issues**

The Transport Service raise no objections. The drawings show 14 parking spaces for the 10 dwellings. As such a parking ratio of 1.4 space per dwelling is proposed. The level of parking, as shown on the drawings, is acceptable and accords with current standards. 6 of the proposed spaces will be accessed directly from Trevithick Road and a vehicle crossing would be required. Separate permission to facilitate a crossing will be required from the Highway Authority. The remaining parking spaces will be as per the existing servicing / parking area accessed off Byard Close. The applicant should note the location of the triple BT chamber which will need discussions with the utility provider in order for it to be lowered and strengthened for vehicle loading. The cost of such work must be borne by the developer. The applicant must ensure that no private surface water or loose material is permitted to flow or be deposited onto the adjoining highway from any of the proposed parking areas. Trevithick Road has good public transport services and footway provision to the local school and shop, off Byard Close. As such the site is deemed to be accessible by all modes and car use should be reduced accordingly in favour of more sustainable modes of travel. The proposals are deemed to accord with Policy CS28.

### **Letters of Representation**

The main point raised in the letters of representation received relate to the loss of the community facility. While this is a material planning consideration and a need to improve pubs within the Kings Tamerton area is identified in the Sustainable Neighbourhoods Assessment, this study identifies that there is a greater need for affordable housing in this area as the majority of housing is owner occupied. The loss of the public house has also already been agreed in principle through the granting of the previous permission (08/02107). No letters of representation were received in response to this previous application. This scheme for 9 dwellings can still be implemented and therefore it would not be prudent to refuse the application on this basis.

Other concerns raised relate to the poor access and parking provision. The access and parking arrangements are again the same as what has been permitted under the previous permission. The parking spaces on Byard Close are not currently public highway, these spaces are privately owned and

therefore there would be no loss of public parking provision as a result of this development.

It is noted that there would be some loss of employment as a result of this proposal; however this is not a significant employment site and its redevelopment would help to meet the City's need for affordable housing.

### **Section 106 Obligations**

The application is accompanied by a viability assessment. The Local Planning Authority have scrutinised this viability assessment and agree that generally, the assumptions made in this report are a fair reflection of the current market. The applicant has agreed to pay slightly more than the full tariff (which is usually a 50% discount according to the Market Recovery Scheme). The developer has agreed to pay 61%; this is a sum of £27,000.

(Please note this contribution has not been broken down into the Local and Strategic Infrastructure areas as it was calculated and agreed under the old tariff system).

### **Equalities & Diversities issues**

60% of these homes will be built to lifetime homes standard. The remaining 40% of dwellings have been designed with lifetime homes standards in mind but are unable to meet the parking requirements due to the constraints of the site. 60% still exceeds the Council's aim of 20% and therefore the proposal would comply with Policy CS15.

The properties have been provided with a room at ground level which can be used as a bedroom and a large ground floor WC which could be made into a wet room. A location for a platform lift is also incorporated into the design, this lift connecting the kitchen-dining room to the lounge to bedroom one. The houses will be provided with these facilities so that they also comply with the requirements of Building for Life.

The parking spaces for dwellings 1-6 have been designed to meet disabled standards. Dwellings 7-10 have remote parking at a lower level but do have level access to Trevithick Road.

### **Conclusions**

The proposed residential properties are considered to be adequate in terms of design, impact on neighbouring properties and on the trees and highway. The application is therefore recommended for approval, subject to conditions and the successful completion of a S106 agreement by the 10<sup>th</sup> September 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 **18/06/2010** and the submitted drawings, **898-10, 898-02, 898-06, 898-20B, 898-21B, 898-22, 989-01** and **accompanying Design and Access Statement, Tree Survey and Contamination Assessment**, it is recommended to: **Grant conditionally**



**subject to S106 Obligation, delegated authority to refuse if not signed by 10 September 2010.**

**Conditions**

**DEVELOPMENT TO COMMENCE WITHIN 2 YEARS**

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

**Reason:**

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

**CODE OF PRACTICE DURING CONSTRUCTION**

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

**Reason:**

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

**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.

**REPORTING OF UNEXPECTED CONTAMINATION**

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

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

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

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

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

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS22 and CS34 of the Plymouth Local development Framework Core Strategy (2006-2021) 2007.

#### TREE PROTECTION DURING CONSTRUCTION

(5)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.

#### EXTERNAL MATERIALS

(6) 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 CS02 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### RESTRICTIONS ON PERMITTED DEVELOPMENT

(7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order or the 1995 Order with or without modification), no development falling within Classes A, B, C, D, E and F of Part 1 of the Schedule to that Order shall at any time be carried out unless, upon application, planning permission is granted for the development concerned.

Reason:

In order to protect neighbouring amenity and comply with policies CS34 of the Core Strategy.

#### LIFETIME HOMES

(8) 60% of the new dwellings shall be first constructed and subsequently maintained so as to meet Lifetime Homes Standards.

Reason:

To ensure that the development delivers 60% of the residential units to Lifetime Homes Standards in accordance with development proposal and the adopted Core Strategy Policy CS15 and relevant Central Government advice.

#### 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;

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

**INFORMATIVE: UTILITY PROVIDER**

(2) The applicant should also note that separate permission will be required from the utility provider as the proposed vehicle crossing is at the location of the triple BT chamber and cover.

**INFORMATIVE: KERB LOWERING**

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

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

Having regard to the main planning considerations, which in this case are considered to be: design, impact on neighbouring properties and on the trees and highway, 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:

PPG13 - Transport  
PPS3 - Housing  
PPS3 - Housing  
PPS1 - Delivering Sustainable Development  
PPS23 - Planning & Pollution Control  
CS28 - Local Transport Consideration  
CS32 - Designing out Crime  
CS33 - Community Benefits/Planning Obligation  
CS34 - Planning Application Consideration  
CS22 - Pollution  
CS18 - Plymouth's Green Space  
CS20 - Resource Use

CS01 - Sustainable Linked Communities

CS02 - Design

CS15 - Housing Provision

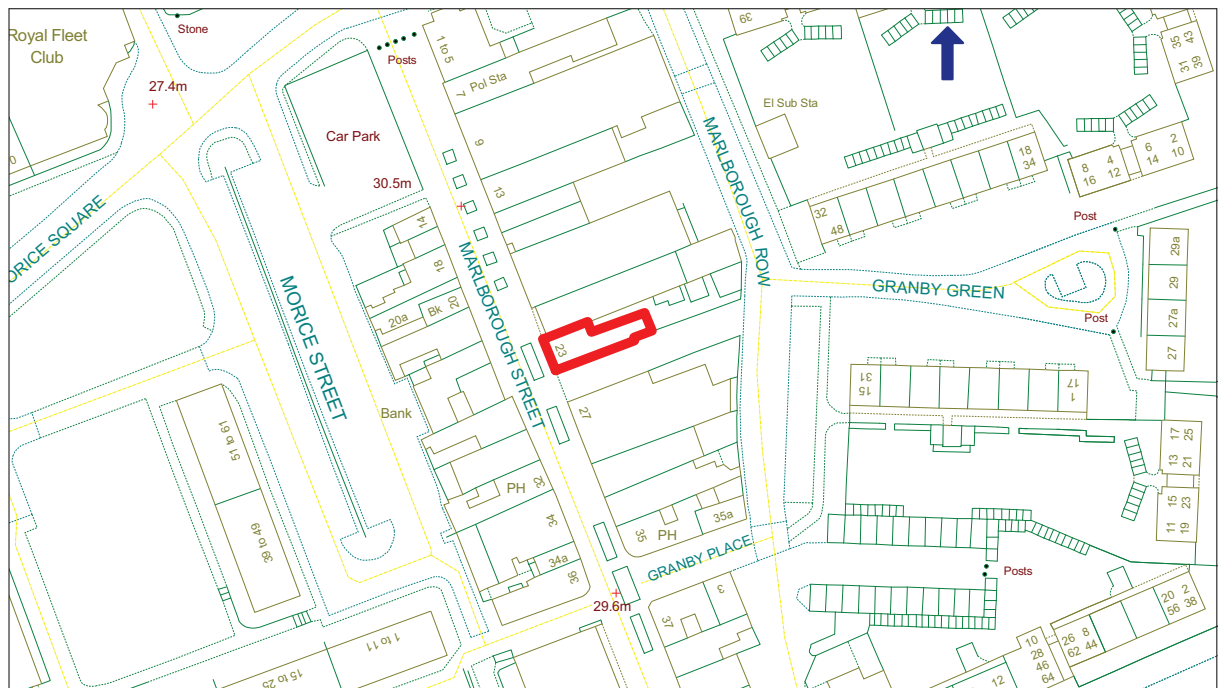
CS16 - Housing Sites

SPD1 - Development Guidelines

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**ITEM: 16**

<b>Application Number:</b>	10/01022/FUL
<b>Applicant:</b>	Mr M Obrien
<b>Description of Application:</b>	Change of use from shop (use class A1) to amusement arcade (sui generis use)
<b>Type of Application:</b>	Full Application
<b>Site Address:</b>	23 MARLBOROUGH STREET PLYMOUTH
<b>Ward:</b>	Devonport
<b>Valid Date of Application:</b>	16/07/2010
<b>8/13 Week Date:</b>	<b>10/09/2010</b>
<b>Decision Category:</b>	Member Referral
<b>Case Officer :</b>	Jeremy Guise
<b>Recommendation:</b>	Grant Conditionally
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



## OFFICERS REPORT

### **Referral to Planning Committee by Cllr Nicky Wildy (Lab. Devonport)**

Despite DP13 it is close to a primary school so it is a LPA issue. This can now be a material planning consideration. See below for discussion re Marlborough Street and consequences of delays in development by Redrow. Not asking for a 'moral' judgement but this is close to new residential mixed use development. Can it be justified in terms of aspirations for the area? Delays in delivery of new local centre mean that here is an identified gap where new is not ready but do we wish to have a new use, e.g. gambling arcade in this street. Marlborough street has a particular set of circumstances. Blighted with empty shops and underinvestment but now more residential in character. This warrants debate and there is precedent for committee considering planning applications which are in a particular set of circumstances.

### **Site Description**

No. 23 Marlborough Street is a four storey building on the western side of the street comprising of commercial premises on the ground floor with residential accommodation over. Formerly a charity shop, that use has ceased and the premises is now vacant.

### **Proposal Description**

Planning permission is sought for change of use from a shop (use Class A1) to an amusement arcade (sui generis use).

The ground floor comprises of two rooms. The main room across the whole width of the premises is approx. 8.5x5.5m and would be fitted out with gaming machines which is approx. 3.5x6.5m would be used as a staff and private storage area. The amusement shop would employ two full time and one part time member of staff and open 9am – 10pm Monday – Saturday and 9am-10pm Sunday.

### **Relevant Planning History**

None- previously the premises were used as a charity shop.

### **Consultation Responses**

#### **Public Protection Service:-**

Object on the grounds of insufficient information. The public protection service will require the completion of a noise impact assessment before evaluating whether or not this is an appropriate change of use.

#### **Highway Authority:-**

Have confirmed that they have no comment to make on this application.

### **Representations**

Neighbours around the site have been notified of the application. Three letters of representation (LOR's) has been received raising objection to the proposal on the following grounds:-



- Government planning guidelines suggest this type of use should be in secondary shopping locations. 23 Marlborough Street is in a core retail area of Marlborough Street next to a large Co-op food store, Iceland, Lloyds Chemists etc. PPG guidelines also suggest they should be away from residential property. Here there are flats directly above.
- Object to this application because we operate an ongoing arcade business and are self employed. We have 41 and 43 Marlborough Street. We already have a betting shop and two operating arcades, which, if this application is granted, would affect our trade in the long run. Plus added competition and losses to our businesses resulting in possible closure. The addition of yet another gambling establishment in an area of extreme social deprivation and low income cannot possibly be justified, and cannot have any positive impact on the local community.
- Loss of A1 retail harmful to the longer term regeneration of Marlborough Street. With the loss of retail businesses, Marlborough Street is a growing residential area due to LOTS (living over the shops) initiative.
- The operation could lead to late night rowdiness and increased anti-social behaviour.

### **Analysis**

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

The key issues in this case are:-

- The principle of change of use to an amusement arcade (Policies CS01, CS07; CS08 and CS11 of the Core Strategy)
- Impact upon the amenities of neighbouring properties (Policy CS34 Core Strategy)
- Traffic implications, if any of the proposed change of use (Policies CS28 and CS34 of the Core Strategy)

### **The principle of change of use to an amusement arcade**

Marlborough Street is no longer designated as a district centre. Policy CS07 (Plymouth Retail Hierarchy) of the Core Strategy states:-

*New centres will be created in the following locations.  
Local Centres*

*3. Devonport. To support the regeneration of the Devonport area, and help create a new sustainable linked community using the opportunity created by the release of MoD land,*

Proposal DP01 of the Devonport Area Action Plan envisages a new local shopping centre around the Chapel Street /Fore Street junction.

Policy CS07 (Plymouth Retail Hierarchy) and DP13 of the Devonport AAP advises to be flexible about change of use.

Policy CS07 states:-

*b. Marlborough Street local centre Devonport to be allowed to change alongside development of the new Devonport local centre through a reduction in its overall retail provision, whilst retaining some element of local provision for the immediate community.*

Policy DP13 of the Devonport Area Action Plan seeks to support the evolution of Marlborough Street into a mixed use street with a significant increase in residential accommodation as well as retail, office, health and community uses. Paragraph 7.26 of the supporting text makes clear the flexible policy position in relation to change of use. It states:-

*With the new retail focus being located at Fore Street, Chapel Street junction, a flexible approach needs to be taken with regard to changes of use from retail to other appropriate uses in Marlborough Street.*

Given this policy background, an amusement arcade is considered to be an appropriate use for Marlborough Street and to accord with Policy CS11 (Changes of Use in District and Local Centres)

National Planning Policy Statement 4 (Planning for sustainable economic growth) has replaced PPS6 Planning of town centres. It and PPS1 which sets out the general principles is supportive of re-use of empty commercial buildings (section 27viii, general approach).

### **Impact upon the amenities of neighbouring properties**

Empty buildings have little positive impact upon the character of the area. A new use with an active frontage is therefore, in broad terms, welcome.

There are a number of existing businesses, take away restaurants, pubs convenience shops etc., which open into the early evening in Marlborough Street and evidence elsewhere in the city – *Showboat* Market Avenue, *Jackpot* King Street of amusement arcades that co-exist with residential accommodation over. Public Protection Service's request for a specific noise assessment is not supported. This is considered to be excessively onerous requirement.

However, this application seeks long opening hours (09.00-22.00 Mon-Sat and 09.00-21.00 Sundays and public holidays). Given the Council's policy decision to change the status of Marlborough Street as a local district centre and encourage a more flexible approach towards change of use, including to residential, it is not considered appropriate to encourage new uses with late

night opening. More restrictive opening hours regime- 09.00-20.00 hours Mondays to Saturdays inclusive and 10-00 - 16.30 hours on Sundays and Bank or Public Holidays – is recommended.

Commercial competition between business which offer similar goods and services is not normally an issue of planning consideration.

**Traffic implications, if any of the proposed change of use**

There is limited impact upon parking in the area. There are parking courts at either end of Marlborough Street and the business is, like the charity shop predecessor, unlikely to attract significant patronage outside the local area.

**Equalities & Diversities issues**

Access to the arcade and within the aisles within the shop is provided for people with disabilities.

There are no senior schools within the area, whose pupils could be attracted by the premises.

**Section 106 Obligations**

None required

**Conclusions**

There are a number of vacant commercial units in Marlborough Street. So, whilst an amusement arcade may not be everyone's first choice of use for the area it at least provides occupancy and an active frontage and meets policy CS11 of the Core Strategy.

**Recommendation**

In respect of the application dated **16/07/2010** and the submitted drawings, **OS site plan extract ; Unlabeled existing and proposed ground floor plan 1:100 scale; Unlabeled existing and proposed front elevation 1:100 scale,** 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.

**OPENING HOURS**

(2) The use hereby permitted shall not be open to customers outside the following times: 09.00-20.00 hours Mondays to Saturdays inclusive and 10-00 - 16.30 hours on Sundays and Bank or Public Holidays.

Reason:

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

**(3) GROUND FLOOR DISPLAY**

Prior to the amusement arcade being brought into use, details shall be submitted to and approved in writing by the Local Planning Authority to show how the ground floor windows facing Marlborough Street will be maintained so as to provide a point of interest within the streetscene. Development shall be carried out in accordance with the approved details and thereafter remain in that format.

Reason:

In order that an active use on the ground floor presents a clear presence to the street in accordance with Policy CS02 of the Core Strategy.

**INFORMATIVE ADVERT CONSENT**

(1) No consent is implied by the grant of Planning Permission for the advertisement illustrated on the submitted plans: separate consent is required for this element.

**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 change of use to an amusement arcade, impact upon the amenities of neighbouring properties, traffic implications, if any of the proposed change of use, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (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:

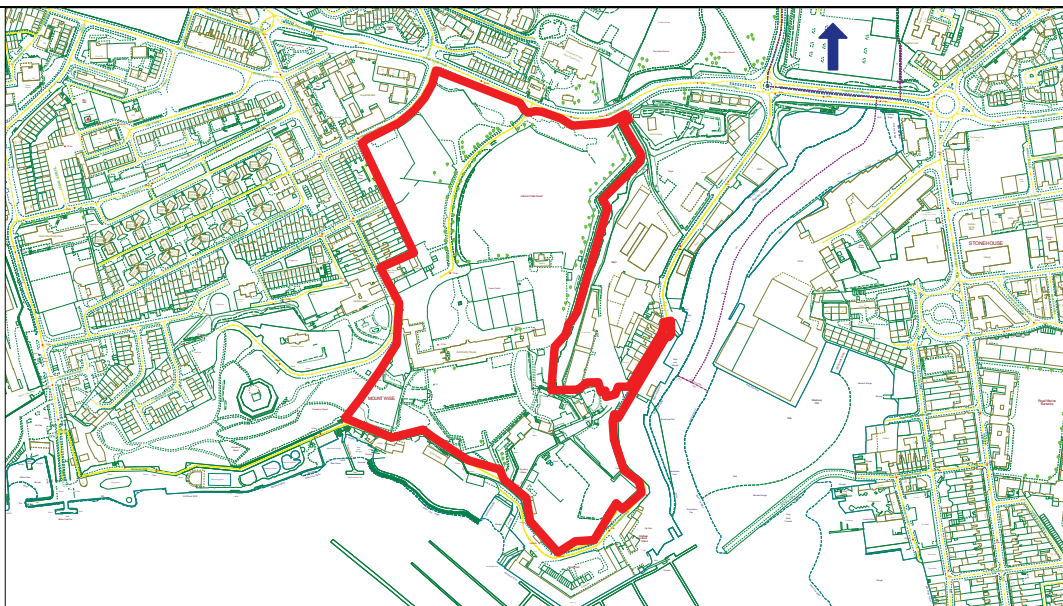
- PPS1 - Delivering Sustainable Development
- PPS6 - Planning for Town Centres
- CS28 - Local Transport Consideration
- CS32 - Designing out Crime
- CS34 - Planning Application Consideration
- CS07 - Plymouth Retail Hierarchy
- CS08 - Retail Development Considerations
- CS11 - Change of Use in District/Local Centres
- CS01 - Sustainable Linked Communities
- CS02 - Design
- PPS4 - Economic Growth



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**ITEM: 17**

<b>Application Number:</b>	10/00670/OUT
<b>Applicant:</b>	Mount Wise (Guernsey) Ltd
<b>Description of Application:</b>	Renewal of outline permission ref: 06/01646/OUT for; Mixed use re-development of 450 dwellings, 9,150sqm of commercial floor space including extension and conversion of both Grade II listed Admiralty House to a hotel and Mount Wise to offices, café, gym, convenience store and associated roads, parking and landscaping to include retention of cricket pitch. Outline application with details of layout, scale and access.
<b>Type of Application:</b>	Outline Application
<b>Site Address:</b>	FORMER MOD MOUNT WISE PLYMOUTH
<b>Ward:</b>	Devonport
<b>Valid Date of Application:</b>	28/04/2010
<b>8/13 Week Date:</b>	<b>28/07/2010</b>
<b>Decision Category:</b>	Major Application
<b>Case Officer :</b>	Jeremy Guise
<b>Recommendation:</b>	Grant conditionally subject to S106 Obligation, delegated authority to refuse if not signed by 15 October 2010
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



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## OFFICERS REPORT

**This application seeks renewal of a previously approved outline planning permission for:-**

***Mixed use redevelopment of 450 dwellings (139 houses, 231 flats; 20 sheltered units and 60 care units), 9,150 square metres of commercial floor space including extension and conversion of both the Grade II Listed Admiralty House to a hotel and Mount Wise to offices, café, gym, convenience store and associated roads, parking and landscaping to include retention of the cricket pitch. Outline application with details of layout, scale and access***

**This application was granted conditional permission with signed section 106 legal agreement 3rd August 2007. The report that accompanied that application follows at the end of this (and its duplicate ref. 10/01271/OUT).**

### **Site Description**

This is a 10.4 ha site located south west of Devonport Hill containing Admiralty House and Mount Wise House. Two historic buildings set in attractive landscaped grounds.

### **Proposal Description**

This application seeks renewal of outline permission ref: 06/01646/OUT for: Mixed use re-development of 450 dwellings, 9,150sqm of commercial floor space including extension and conversion of both Grade II listed Admiralty House to a hotel and Mount Wise to offices, café, gym, convenience store and associated roads, parking and landscaping to include retention of cricket pitch. Outline application with details of layout, scale and access.

It covers the whole of Mount Wise barracks site area which was divided into four parts (labelled A, B, C &D) in the original outline permission corresponding to:

Area 'A' – Admiral's Orchard (southern part accessed off Richmond Walk)

Area 'B' – Admiralty House and the tennis court area to the north

Area 'C' – Area to the east of Pembroke Street

Area 'B' – Area adjacent to Devonport Hill, including the cricket pitch

Areas 'B' and 'C' (except extra care home) have been the subject of two 'alternate' scheme reserved matters approval.

In a letter dated 26<sup>th</sup> April 2010 submitted with the application the reasons for the renewal are explained:-

*'Since 2006 there have been a number of consents granted, none of which have been implemented. This has been due to the difficult market conditions in the property sector over the last couple of years and the lack of development finance from the funding markets'*

And

*'As you are aware there have been two Reserved Matters applications submitted under this Outline Consent, the first application (08/00442/REM) addressing the whole site with the second (09/00525/REM) focussing on*



*Areas B & C. Implementation of the second application is anticipated in the next few months, subject to discharging the pre-commencement planning conditions.*

*To retain the value of the remaining site beyond the area covered under the revised Reserved Matters, an extension is requested to the Time Limit for submission under the Outline Consent. This will allow for the discharge of the conditions under the revised Reserved Matters and for the potential submission of a revised Reserved Matters application for the areas not covered by the recent revision.'*

A duplicate application has been made for this development under ref 10/10/01271/OUT and a parallel set of duplicate listed building consent application has been submitted under ref 10/00671/LBC and ref . 10/01272/LBC. These are considered elsewhere in this report.

### **Relevant Planning History**

- Ref:- 06/01646/OUT – Mixed use redevelopment of 450 dwellings (139 houses, 231 flats; 20 sheltered units and 60 care units), 9,150 square metres of commercial floor space including extension and conversion of both the Grade II Listed Admiralty House to a hotel and Mount Wise to offices, café, gym, convenience store and associated roads, parking and landscaping to include retention of the cricket pitch. Outline application with details of layout, scale and access GRANTED conditional outline planning permission subject to a 106 Legal Agreement 3<sup>rd</sup> August 2007.
- 08/00442/REM - Submission of reserved matters pursuant to outline permission ref. 06/01646/OUT, appearance and landscaping in relation to 450 dwellings, commercial floor space, café and convenience store together with associated car parking and landscaping. GRANTED Conditional Permission 26<sup>th</sup> November 2008.
- 09/00525/REM -Resubmission of reserved matters pursuant to outline submission (ref 06/01646/OUT and reserved matters 08/00442/REM). Appearance and landscaping in relation to Area B (part of) and Area C of the approved development: 210 dwellings, commercial floor space and associated car parking and landscaping. GRANTED with additional conditions 17<sup>th</sup> November 2009.
- 09/00613/FUL The demolition of modern additions and change of use, extension and alterations to Admiralty House to form a boutique (21 bed) hotel, restaurant and 19 apartments. GRANTED Conditional Permission. GRANTED Conditional Permission 8th December 2009.
- 09/00614/LBC The demolition of modern additions and extensions and alterations to Admiralty House. GRANTED Conditional Permission 8th December 2009.
- 09/00777/FUL - 20 four bed houses with associated landscaping and 148 parking spaces (8 suitable for use by disabled people). GRANTED conditional planning permission subject to a 106 Legal Agreement 20<sup>th</sup> April 2010.

## Consultation Responses

**Public Protection Service** has no objection to the above application, however, should permission be granted it recommends that the conditions are attached to the application relating to land quality. Note that since the previous application was determined a new PPS23 has come out with a stricter regime in relation to land quality.

**Devonport Regeneration Community Partnership (DRCP)** – support the application.

**Highway Authority** As this application is for the renewal of an unimplemented permission (where all issues remain as per the previous consent). The Highway Authority wishes to reiterate the comments and conditions attached to the highway consultation response made in respect of the previous application (10/00670/OUT).

**Highways Agency** – the Agency notes that this is a renewal of a previous planning consent (Ref 06/01646). It accepted the previous application subject to a TR110 detailing planning conditions for the proposal. Thus it is content to also accept this proposal subject to the same planning conditions.

**Housing Strategy & Renewal (H S& R Service)** Under the terms of the previous planning permission 06/01646 and 06 (S06 variation for REM application 09/00525), Housing Strategy has supported the allocation of a significant amount of grant support from the Homes and Communities Agency (HCA) to help deliver the 86 units of Affordable Housing associated with this development. The HS&R Service is disappointed to note that at this stage the applicant has been unable to expedite development matters to ensure that the previously approved development and affordable housing delivery has commenced. It The H S& R Service is hoped that urgent action can be taken to ensure that the previous planning permission is implemented and the HCA grant allocation thereby secured.

H S& R Service states that the HCA grant allocation is strictly time limited and in the light of budget constraints and failure to commence the development may jeopardize the HCA grant allocation. Further assessment of this matter will be announced by Central Govt, as part of the emergency budget report 22/06/10.

Never the less the HS&R Service feels that the Authority must deal with this application for a 'renewal' of planning application to extend the time period for development implementation, on its planning merits. It considers that no assumptions should be made about the continuation of Affordable Housing grant support. It wishes that all S106 provisions must ensure the same detail of S106 Affordable Housing delivery as previously negotiated with nil grant S106 clause safeguards.

In the face of concerns expressed by PCC Housing Strategy and representatives of the HCA the applicant has chosen to submit this application for planning renewal. The housing strategy position regarding the

renewal application is that in order to ensure that sufficient nil grant safeguards are in place the recently agreed S106 variation needs to revert to the originally agreed s106 terms. The variation agreement was intended to facilitate the HCA grant support under the terms of the previous consents. In the event that the applicant chooses to implement a delayed planning permission (and thereby lose the HCA grant allocation) it will be essential that we revert back to the original S106 terms (which detailed a with grant and a nil grant Affordable Housing delivery cascade).

Affordable housing:

HS&R Service considers that this application is to be considered in relation to policy CS15 in relation to both Affordable Housing provision and Lifetime Homes provision. Affordable housing need in the City is very high, hence delivery of Affordable Housing development is one of the top Corporate Improvement Targets for Plymouth City Council (CIP5, LAA - NI 155) measured by GOSW. This scheme could make a valuable contribution to the both the Affordable and Open Market housing needs of the City.

HS&R Service considers that the Affordable Housing proposals should remain exactly the same as the Affordable housing package agreed under the development proposal 06/01646 - in number 86, tenure, housing mix specified as detailed in clause 4.7.1 of the original S106 dated 3rd August 2007 with Affordable Housing locations agreed per the correspondence in September 2009. The only difference is likely to be the non availability of HCA grant support with a delayed planning permission and start date - and the S106 clauses need to be re-revised in order to take account of and specify the with HCA grant and nil HCA grant Affordable Housing delivery requirements.

Lifetime homes:

Policy CS15 - requires that 20% of all new dwellings for Plymouth shall be constructed to Lifetime Homes Standards.

HS&R Service state that Lifetime homes allows for the 'future proofing' of all new dwellings and should be considered/desirable in all cases. No threshold has been stated in the policy - however for practical reasons the policy threshold will be insisted upon at the threshold of 5 dwellings. N.B. 2011 is the target set by government for all 'public housing' to be Lifetimes homes standards and 2013 the 'aspiration' for all new housing to be Lifetime Homes standards.

In this case, to comply with policy CS15, HS&R Service consider that this scheme should (as a minimum) include 20% or 90 dwellings to Joseph Rowntree Lifetime Homes standards. Housing Strategy and Regeneration was therefore asked for this to be drawn to the attention of the applicant and request the submission of further details regarding Lifetime Homes provision. Unless evidence of exceptional reasons for non compliance are provided in this case, the Housing Strategy team will maintain an objection to non compliance with the Lifetime Homes CS15 (4) policy requirement.

The HS&R Service states that the applicant needs to demonstrate compliance with all 16 elements of the JR Lifetime homes definition on the basis of the submitted plans/ layout. If compliance is demonstrated then a Lifetime homes condition should be applied to ensure delivery and the applicant made aware that the Council undertakes a programme of Lifetime Homes monitoring on completion.

### **Representations**

Neighbours around the site have been notified of the application and site notices posted. This has resulted in 5 letters of representation (LORs), including one from the Devonport Planning Forum, all raising various degrees of concern or objection to the proposal. The grounds of objection can be summarised as follows;-

- Object to the building of flats at Richmond Walk. The road is already congested and too narrow. The road could be widened at the expense of Mayflower Marina. The owners secured removal of a listed shed on spurious grounds that it was necessary to secure a lifeboat station to improve safety at the marina that never built. A compulsory purchase should be used to make the road wider.
- Strongly object to the proposal on the following grounds;
- There has been and still is a major change in the financial economy of the country and of Plymouth City Council (PCC)
- There has been considerable housing development in Plymouth including some 32 or more apartments at or adjacent to Ocean Court, and the need for more housing either in the region of Richmond Walk or in Plymouth as a whole has not been demonstrate .
- The Developer is untrustworthy and unconcerned with the wishes of the PCC in that he has not fulfilled the undertaking given by his representative at the PCC Planning Committee 26<sup>th</sup> June 2008 not to back down from the development. He has left the site in a disgusting state with six or more large piles of ugly rubble, he has not maintained the grassed area boarding Richmond Walk, he has done nothing towards improving road access along Richmond Walk be demolished Vivid House in the full knowledge of the PCC proposal to include it in a conservation area
- In the light of the above material changes the application should be reconsidered.
  
- If notwithstanding the above PCC is minded to grant outline planning permission such approval must include:
  - 1) a requirement to phase the development so that no work on the development of the area boarding Richmond Walk proceeds until the Road and its access have been improved , regarded and resurfaced to top quality carriageway and fro pedestrian use consistent with heavy construction traffic, existing increased traffic and other planned developments (Millbay, Devonport, school off Kin's Road and Edgumbe Street etc). In this respect my presentation to Planning Committee on 26<sup>th</sup> June 2008 still stands mutatiis

- 2) a requirement that the development of the area boarding Richmond Walk should be shielded from Ocean Court by a tall evergreen hedge.
- No objection in principle, but serious concerns regarding the access both during construction and after completion of the development. During construction there is likely to be disruption from noise, dust, traffic restrictions along Richmond Walk, traffic congestion along Richmond Walk and a further deterioration of the already poor condition of the highway along Richmond Walk.

### **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:-

- Whether there has been any material change in circumstance since the previous approval August 2007.

It has been established through case law that applicants seeking a renewal of planning permission for a proposal, that has been allowed to expire without a start being made on implementation, can reasonably expect that a renewal of permission to be granted unless there has been a material change in circumstances during the intervening period. Material change being defined as either a physical change in the site and its locality or a change in policy.

### **Physical Changes in the area**

Mount Wise barracks occupies a fairly large site within an area that is undergoing regeneration and change and, of course, there have been some changes in the surrounding area during the intervening period. However, those changes have been less than was anticipated in the Devonport Area Action Plan as the same economic forces that have slowed implementation of this site have also affected other large development plans in the area, and public investment plans.

Development of the 'Vision' site (Redrow/Homes & Communities Agency [HCA]) has slowed, with the commercial development along the Chapel Street frontage postponed to an undefined future date. It is only recently that confidence in the continued residential development at the site has returned following the successful Kickstart 2 bid for additional housing funding from the HCA. Midas/Devon & Cornwall Housing Association's (DCHA) 'Evolve' development at Ker Street has continued throughout, but at a slower rate, and plans to extend redevelopment to the area north of Granby Green have been

shelved until at least 2012. Progress on the redevelopment of Millbay, in the neighbouring Millbay and Stonehouse AAP area, has also slowed.

In the public sphere, cuts in Council funding have delayed, for the foreseeable future, the development of a new primary school (to replace Mount Wise and Marlborough Street primaries) and cuts in Government funding have had similar impact upon the new secondary school proposed for the wider area. Lifelong Learning have been asked to provide specific comment and assurance that school capacity in the area remains sufficient to cope with the demand generated by the application proposal (this will be reported in an addendum report or verbally at Committee). But, it is noted that this site had a valid planning permission for an additional 450 new dwellings at the time when those decisions were taken, and that this proposal is not additional demand that was not previously identified.

A significant highway consequence of the slowing of residential development on the Mount Wise 'Vision' and Millbay sites has been that the anticipated increase in traffic using the Devonport Hill roundabout and A386 has yet to materialise. It was envisaged that highway contributions from these sites would be pooled and used to upgrade/ improve this junction. The relatively uniform pattern of the slowdown has meant that neither the additional demand or the section 106 legal agreement that triggers collection of the pooled contributions have occurred – although they remain relevant considerations.

Smaller changes have also occurred. An historic permission was reactivated at Ocean Court to provide additional residential units – adding to the road usage along Richmond Walk – although the Highway Authority were aware of this potential, and factored it into their calculations, at the time of the previous permission. The dental training school and GP surgery at Brickfields (Proposal DP12 of the Devonport AAP) has been constructed reinforcing the need to provide safe pedestrian crossing over Devonport Hill/Cumberland Street. The Cumberland Gardens improvement scheme has helped address this by providing a second surface level crossing, a zebra, to replace the underpass, but the need remains particularly to the east, further down Devonport Hill.

None of the physical changes that have occurred in the surrounding area since approval of the previous permission amount to a significant material change in circumstance sufficient to justify withholding a renewal of permission.

### **Changes in Policy**

There have been a number of important changes to the national and local policy framework since the previous outline planning permission was granted mainly in relation to calculation and delivery of community benefits and planning obligations, land quality and sustainable resource use.

### Community Benefits

This is one area of policy where there has been much activity, and announcements of change, both at national and local level over the past three

years since the previous outline decision, although what they amount to on the ground is often less radical.

At national level the previous government passed primary legislation to allow the introduction of the Community Infrastructure Levy (CIL). The government also reduced the number of tests that LPAs apply when seeking S106 from 5 to 3, but increased the weight given to them from Circular advice (Circular 05/2005). From 6<sup>th</sup> April a new section 106 legal agreement has to demonstrate:-

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Meanwhile, locally, Plymouth City Council adopted its' Planning Obligations and Affordable Housing Supplementary Planning Document (SPD) 1 December 2008. This provided further detail on the implementation of its' substantive Core Strategy Policy CS33 (Community Benefits / planning Obligations). The SPD attempted to standardise most contribution elements into a calculable tariff, to be collected and spent on a citywide basis. The document recognised that tariff provision would not cover all community benefit issues arising from a development proposal and included provision of a negotiated element – acknowledging that this would apply to large developments.

Unfortunately, the launch of the SPD coincided with the beginning of the recession and concerns about the viability of development proposals across the city. A Council initiative to identify individual development sites that could be brought forward with a market stimulus led to a Market Recovery measures that, following a review of the SPD in 2009, was rolled out as a Market Recovery Scheme. This provides for some exemptions and reductions in tariff, subject to viability and qualifying conditions.

Following consultation the SPD First Review of the SPD was approved by Cabinet on 2<sup>nd</sup> August 2010. The document has now been amended taking into account the representations received, the latest national policy guidance and legislation, and in response to the experience of using the document in the planning application process. The main amendments are:

- Inclusion of a distinction between 'Plymouth Development Tariff' contributions to strategic and local infrastructure, in response to new legislation that came into effect on 6 April 2010 (the Community Infrastructure Levy Regulations 2010).
- Clarification of the nature of the Tariff, to better demonstrate its consistency with the policy provisions of Circular 05/2005 and the Department of Communities and Local Government's New Policy Document for Planning Obligations, March 2010.
- Clarification of the role of the 'negotiated element' of Planning Obligations.
- Clarification of the nature of commuted maintenance payments that can be negotiated through Planning Obligations.

- Clarification and amendment of exemptions to the Plymouth Development Tariff to achieve improved consistency with the legal framework for the new Community Infrastructure Levy.
- Amendment to the approach taken in the SPD to student housing and Houses in Multiple Occupation.
- Clarification of the process of negotiating contributions to help mitigate the impact of commercial development on the marine environment.
- Amendments to the Market Recovery Scheme to reflect current market circumstances.
- Refreshing of the associated Evidence Base document.

The applicant is believed to be ready to start building on site this Autumn and simply wants to 'roll forwards' the original Section 106 provisions with the renewal. The Council could legitimately seek to negotiate a new section 106 agreement in the light of its SPD and the CIL changes. But this would take time, during which the development's funding arrangements are likely to unravel, particularly the £6m grant secured from the HCA to deliver the affordable housing in the first two phases. This in turn is likely to impact on viability and the value to the city of the overall 'package' of benefits it is able to secure.

Given that the original section 106 agreement represented a negotiated package with significant sums identified for off site infrastructure in areas where local deficiencies were identified (education and highway); on site improvements (leisure – cricket club and play space); non tangibles (public access, community use and even some derogation, on viability grounds, from Policy CS15 requirement with regard to percentage of affordable housing – it is likely that any new section 106 agreement would also be a negotiated package that takes into account viability.

It is not at all clear that any new package, negotiated using the SPD framework, qualified by the market recovery provisions, could improve upon what is on offer. Indeed, in the event that the grant for delivery of the affordable housing is lost, the likelihood is that the package is less attractive – possibly to a point where the City questions the overall value of granting a renewal based on such provisions.

In the circumstances, acceptance of previously negotiated package of community benefits is considered to be in best interests of the city and meets the three test set out in the new CIL Regulations.

#### Land Quality

Government advice on land quality and contamination has been revised and tightened by Planning Policy Statement 23 (PPS23 – planning & pollution). Additional conditions relating to investigation of land quality and mitigation in the event that pollution is discovered are now recommended.

#### Sustainable Resource use

The previous outline permission (ref. 06/01646/OUT) was submitted prior to the adoption of the Core Strategy in April 2007 although by the time the S106



was signed and it was actually determined, in August 2007, the Core Strategy was in place. Consequently the then policy requirement of CS20 (Sustainable Resource Use), to incorporate onsite renewable energy production equipment to off-set at least 10% of predicted carbon emissions for the period up to 2010, was not applied. The subsequent reserved matters approvals (ref 08/00442/REM and 09/00525/REM ) relating to most of area 'B', to the north of Admiralty House – except the extra care units and area 'C' – to the east of Pembroke Street has been designed without this provision. The design of the extra care unit and residential development in areas A, Admiral's Orchard, accessed off Richmond Walk, and area 'D', adjacent to Devonport Hill, which are mainly residential blocks of flats, have yet to be submitted as reserved matters for approval.

Since 2010, the Core strategy CS20 policy requirement for on-site renewable energy production equipment to off set carbon emissions has been raised to 15% for the period 2010 -2016. This reflects heightened Government and Council concern about climate change and its consequences. There is, on the face of it, a case for applying the 15% renewable standard across the whole of the development. In reality this could cause the applicant a great deal of difficulty as incorporation of 15% on site renewable energy equipment is likely to involve a major redesign of the approved reserved matters approval and jeopardise funding including the £6m HCA grant to deliver the affordable housing that it is envisaged delivering in the first phase.

As a compromise, it is proposed that the CS20 policy requirement for provision onsite renewable energy production equipment to off-set predicted carbon emissions be sought only for the those parts of the site that have not been subject to detailed design (i.e. not included in the revised reserved matters permission has been granted for them) and, to reflect ongoing viability in delivery, the lower requirement of at least 10% be applied. Additional conditions to require this are recommended.

### **Miscellaneous**

The objections and concerns raised in the representations do not introduce any new issues that were not considered in relation to the original outline planning permission ref 06/01646/OUT (see copy of report). This situation has not been changed by any of the material changes discussed above.

### **Equalities & Diversities issues**

Policy CS15(4) (Overall Housing Provision) requires that 20% of new dwellings will be built to 'Lifetime' Homes standard making them capable of adaptation for occupation by people with disabilities was not applied to the previous outline planning permission.

Like the sustainable resource use issue, it is considered problematic in relation to the design to seek Lifetime Homes in those areas which have previously been subject to reserved matters approval. (Although the applicant should note that this view does not encourage renegotiation of any Lifetime home, or similar provisions, it has negotiated with grant providers RSL's etc.). Given the identified need for Lifetime' homes to be provided in the city

conditions to require those parts of the site not previously the subject of reserved matters to provide 20% Lifetime Homes are recommended .

### **Section 106 Obligations**

As per

- Play areas and open space
  - Play space – Two areas leased to the Council for 999 years at £1.05 pa & two eminence sums £18,930 + £24,070 respectively
  - Public access obligation in areas D and C dawn until dusk (note that the rest of the site is permanently accessible)
- Cricket Club/ community building- 21 year lease + community use of pavilion building.
- Highway
  - Highway works contributions £120,500
  - On site highway works, implementation
  - Sustainable Transport contribution – bus passes £91,000
  - Residential and commercial travel plan
- Affordable Housing
  - 19.5% (76 units) on 60:40 split with no grant
  - 22% (86 units) with expected level of Housing Corporation Grant £1.8m)
- Education Contribution -£288,540.52
- Phasing
- Administration Costs – Circa £28,000, based on 5%

Delegated authority to refuse if the agreement is not signed by 15<sup>th</sup> October 2010.

### **Conclusions**

Planning applications always have to be assessed and considered against policy in relation to the actual situation on the ground. Circumstances change, development occurs and policy regimes change, what may be acceptable at one time may not be at another – hence the time limits on the implementation of planning permissions.

In this particular case, it nevertheless remains in the overall best interests of the city to see a start made on developing this prime site. Members are therefore recommended to renew planning permission for this development, but with a slightly more onerous conditional regime, particularly in relation to areas A and D (for which reserved matters applications have not been received). This reflects policy changes that have occurred during the intervening period, notably those made in response to the threat of climate change and an aging, less agile, population.

### **Recommendation**

In respect of the application dated **28/04/2010** and the submitted drawings, **114(12)080RevA; 114(12)081RevA; 114(12)082RevA; 114(12)085RevA; 114(12)086RevA;114(12)090RevA;**

**114(12)092RevA; 114(12)093RevA & 114(12)096RevA**, it is recommended to: **Grant conditionally subject to S106 Obligation, delegated authority to refuse if not signed by 15 October 2010.**

### **Conditions**

#### APPROVAL OF RESERVED MATTERS

(1) Approval of the details of design, landscaping and external appearance (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

#### Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required.

#### TIME LIMIT FOR SUBMISSION

(2) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

#### Reason:

To comply with Section 92 of the Town and Country Planning Act 1990.

#### TIME LIMIT FOR COMMENCEMENT

(3) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

#### Reason:

To comply with Section 92 of the Town and Country Planning Act 1990 and Section 51 of the Planning and Compulsory Purchase Act 2004.

#### PHASING OF DEVELOPMENT

(4) No works shall commence on site until a phasing scheme has been submitted to and approved in writing by the Local Planning Authority. Henceforth the site shall not be developed except in accordance with the approved phasing scheme, unless first otherwise agreed in writing by the Local Planning Authority.

#### Reason:

To control the implementation of the development across the site ensuring that the reserved matters are not fragmented and that the lower value uses are implemented.

#### SURFACE WATER DISPOSAL

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

Reason:

To enable consideration to be given to any effects of changes in the drainage regime on landscape features.

#### LANDSCAPE DESIGN PROPOSALS

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

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policy CS18 of the Core Strategy

#### LANDSCAPE WORKS IMPLEMENTATION

(7) 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 Policy CS34 of the Core Strategy.

#### DETAILS OF FLOODLIGHTING

(8) Details of any floodlighting shall be submitted to and approved in writing by the Local Planning Authority before installation. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the details of the development are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity.

#### LANDSCAPE MANAGEMENT PLAN

(9) A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the

occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policy CS34 of the Core Strategy.

#### DETAILS OF TREE PLANTING

(10) The plans and particulars of the landscaping works submitted in accordance with condition 1 above shall include details of the size, species and positions or density of all trees to be planted, and the proposed time of planting.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policy CS18 of the Core Strategy

#### TREE REPLACEMENT

(11) 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 Policy CS34 of the Core Strategy are subsequently properly maintained, if necessary by replacement.

#### EXISTING TREE/HEDGEROWS TO BE RETAINED

(12) 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 implementation of the landscaping scheme

(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 BS3998:1989(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 Policy CS18 are protected during construction work and thereafter are properly maintained, if necessary by replacement.

#### TREE PROTECTION DURING CONSTRUCTION

(13) 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 Policy CS18 of the Core Strategy.

#### DETAILS OF REPLACEMENT TREES

(14) Details of the size, species and location of the replacement trees shall be agreed in writing with the LPA before commencing the work permitted, and the agreed replacement trees shall be planted within 3 months from the date the permitted work is carried out or, if this period does not fall within a planting season, by 31 January next.

Reason:

In the interests of visual amenity and to conserve the contribution of trees to the character of the area.

#### DETAILS OF ENCLOSURE AND SCREENING

(15) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of all means of enclosure and screening to be used. The works shall conform to the approved details and shall be completed before the development is first occupied.

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 Core Strategy

#### PROVISION OF CHILDRENS PLAY AREA

(16) Before the occupation of the 49th dwelling forming part of the development in area A hereby permitted, the developer shall provide and equip the southernmost children's play area on the site, the location, extent and details of which shall be shown on the plans and particulars relating to the landscaping of the site required by conditions 1 and 6 above. Before the occupation of the penultimate dwelling forming part of the development in areas B,C and D and hereby permitted, the developer shall provide and equip the northernmost children's play area on the site, the location, extent and details of which shall be shown on the plans and particulars relating to the landscaping of the site required by conditions 1 and 6 above.

Reason:

To ensure the proper provision of children's play facilities in accordance with Policy CS01 of the Core Strategy.

#### RETENTION OF PLAYING FIELDS

(17) Before the occupation of the 49th dwelling forming part of the development in area A hereby permitted, the developer shall provide and equip the southernmost children's play area on the site, the location, extent and details of which shall be shown on the plans and particulars relating to the landscaping of the site required by conditions 1 and 6 above. Before the occupation of the penultimate dwelling forming part of the development in areas B,C and D and hereby permitted, the developer shall provide and equip the northernmost children's play area on the site, the location, extent and details of which shall be shown on the plans and particulars relating to the landscaping of the site required by conditions 1 and 6 above.

Reason:

To ensure the proper provision of children's play facilities in accordance with Policy CS01 of the Core Strategy.

#### CYCLE PROVISION

(18) Parking space for a total of 226 bicycles shall be provided across the site, in secure, convenient locations for all dwellings. No dwelling shall be occupied until associated cycle parking spaces have been provided in accordance with the reserved matters details submitted, or alternative arrangement agreed in writing by the Local Planning Authority.

Reason:

In order to promote cycling as an alternative use to private cars and ensure that cycle storage provision is made available for residents when the dwellings are first occupied.

#### CYCLE PROVISION – COMMERCIAL

(19) The commercial 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 30 bicycles to be parked.

Reason:

In order to promote cycling as an alternative to the use of private cars.

#### CYCLE STORAGE

(20) The secure area for storing cycles shown on the respective approved reserved matters plan(s) 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.

#### LOADING AND UNLOADING PROVISION

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

Reason:

To enable such vehicles to be loaded and unloaded off the public highway so as to avoid:-

- (i) damage to amenity;
- (ii) prejudice to public safety and convenience; and
- (iii) interference with the free flow of traffic on the highway.

#### TRAVEL PLAN

(22) Comprehensive Travel Plans will be developed for all elements of the development hereby permitted. The acceptability of these Travel Plans will need to be agreed in writing by the Local Planning Authority and Local Highway Authority, in consultation with the Secretary of State for Transport, in advance of occupation of the development. The Travel Plans will need to be prepared in line with prevailing policy and best practice and shall include as a minimum:

- the identification of targets for trip reduction and modal shift
- the methods to be employed to meet these targets
- the mechanisms for monitoring and review
- the mechanisms for reporting
- the penalties to be applied in the event that targets are not met
- the mechanisms for mitigation
- implementation of the travel plan to an agreed timescale or timetable and its operation thereafter.
- mechanisms to secure variations to the travel plan following monitoring and reviews



The Travel Plans for the residential element of the development shall also incorporate a scheme, to the satisfaction of the Local Planning Authority and the Secretary of State for Transport, by which residents shall have access to Bus Pass Vouchers, upon occupation of their dwelling. The strategy for the distribution of Bus Pass Vouchers, by which free bus passes may be claimed from the Council or nominated bus operating company (up to the value of the Bus Pass Contribution to be paid under the accompanying S106 Planning Obligation) shall be agreed in writing with the Local Planning Authority in consultation with the Secretary of State for Transport before occupation of any dwelling. The scheme shall be targeted such that provision of bus passes is prioritised towards commuters working north of the A38 or outside of Plymouth.

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.

#### NO DEMOLITION BEFORE CONTRACT

(23) Demolition shall not take place before a contract for carrying out the works of redevelopment on the site has been made and planning permission has been granted for the redevelopment for which the contract provides.

Reason:

In accordance with policy CS03 of the Core Strategy and paragraph 4.29 of PPG15: Planning and the Historic Environment, to ensure that demolition does not take place far in advance of redevelopment leaving an unsightly gap which would harm the character and appearance of this Conservation Area.

#### RECORDING OF FEATURES

(24) No development shall commence until the applicant, or their agent or successor in title, has secured the implementation of a programme of recording of features that will be destroyed or damaged in the course of the works to which this consent relates, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason:

In accordance with policy CS03 of the Core Strategy and paragraph 3.23 of PPG15: Planning and the Historic Environment, to ensure that a record of such features is made and kept available for inspection.

#### HIDDEN FEATURES

(25) If, during the course of the works, presently hidden features are revealed the owner shall immediately stop work and inform the Local Planning Authority, and shall not continue with the works until agreement has been reached as to the retention or recording of those features.

Reason:

In accordance with policy CS03 of the Core Strategy and paragraph 3.24 of PPG15: Planning and the Historic Environment, to ensure that a record of such features is made and kept available for inspection, and that any revealed features of importance may be retained if necessary.

#### PROTECTIVE FENCING

(26) No development shall take place until fencing has been erected, in a manner to be agreed with the Local Planning Authority, around archeologically sensitive parts of the site and no works shall take place within the area inside that fencing without the consent of the Local Planning Authority.

Reason:

In order to protect the any remains which is considered to be of archaeological interest, from damage or disturbance in the course of permitted operations on the site.

#### ACCESS FOR OBSERVATION/RECORDING

(27) The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority and shall allow him to observe the excavations and record items of interest and finds.

Reason:

In accordance with policy CS03 of the Core Strategy.

#### EXTERNAL MATERIALS

(28) 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. These details may be submitted and approved in phases in accordance with a relevant reserved matters application.

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Core Strategy.

#### SURFACING MATERIALS

(29) 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.

These details may be submitted and approved in phases in accordance with a relevant reserved matters application.

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Core Strategy

#### SOUND INSULATION

(30) Noise emitted from the commercial building should not be more than 5 dB above background when measured at the facade of the nearest residential building, following the methodology set out in BS4142

Reason:

To protect the residential and general amenity of the area from any harmfully polluting noise and avoid conflict with Policy CS22 of the Core Strategy.

#### USE OF MACHINERY TIME RESTRICTION

(31) No machinery shall be operated on the premises before 07.30 hours on weekdays and 08.00 hours on Saturdays nor after 18.30 hours on weekdays and 14.00 hours on Saturdays, nor at any time on Sundays or Bank/Public Holidays..

Reason:

To protect the residential and general amenity of the area from harmfully polluting effects and to avoid conflict with Policy CS22 of the Core Strategy.

#### CODE OF PRACTICE DURING CONSTRUCTION

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

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

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

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with CS01 of the Core Strategy.

#### RESTRICTIONS ON PERMITTED DEVELOPMENT

(33) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development falling within Classes A, B, C and E of Part 1 of Schedule 2 to that order shall be carried out unless, upon application, planning permission is granted for the development concerned.

Reason:

In order to protect the environment of the high density residential estate.

#### ACCESS FOR DISABLED PEOPLE

(34) No development shall take place until a detailed scheme indicating the provision to be made for disabled people to gain access to the buildings and public footpaths have been submitted to and approved in writing by the Local Planning Authority. Such access provision shall be completed in accordance with the approved scheme before the development hereby permitted is first brought into use. These details may be submitted and approved in stages in accordance with the reserved matters applications.

Reason:

To meet the access needs of disabled people in accordance with Policy CS34 of the Core Strategy.

#### PARKING PROVISION FOR DISABLED PEOPLE

(35) The car parking area shall make provision for the parking of cars used by disabled persons in accordance with Table 7.1, Schedule 1 of Policy CS28 of the Core Strategy. The required spaces shall be laid out before the development hereby permitted is first brought into use and thereafter retained for their intended purpose. These details may be submitted and approved in stages in accordance with the reserved matters applications.

Reason:

To meet the access needs of disabled people in accordance with Policy CS28 of the Core Strategy.

#### STREET DETAILS

(36) Development shall not begin, in any of the four areas, 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 property 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 policy CS34 of the Core Strategy.

#### PEDESTRIAN/CYCLE ACCESS

(37) Buildings within any development area shall not be occupied until a means of access for the area have been constructed in accordance with the approved plans. In respect of area A, no more than 49 dwellings shall be constructed until the off site works in Richmond Walk have been undertaken.

Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity.

#### DETAILS OF NEW JUNCTION

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

Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity.

#### MINIMUM WIDTH FOOTWAY DETAILS

(39) Development shall not commence until drawings showing the provisions of footways to acceptable minimum widths within the development have been submitted to, and approved by, the local planning authority.

Reason:

To ensure safe pedestrian circulation space within the development

#### BUS PASS MANAGEMENT PLAN

(40) Development shall not commence until a management plan for the administering of the funding for bus passes (and the associated travel plan condition) has been provided and agreed. This will involve discussions with Plymouth City Council (Public Transport) and the bus operator.

Reason:

To ensure that public transport forms an integral part of the development.

#### LIGHTING SCHEME

(41) Before any phase of the development hereby approved commences details of an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be implemented before the development is first occupied and henceforth permanently made available for occupiers and visitor to the site. This scheme may be submitted in accordance with the phasing in the reserved matters application(s).

Reason:

to ensure that adequate external lighting is provided for future occupiers and visitors to the development in accordance with policy CS32 of the Core Strategy and ensure that the lighting does not interfere with maritime navigation or strategic views

#### IMPLEMENTATION PUBLIC INFORMATION TERMINAL

(42) No part of the development hereby permitted shall be occupied until such time as Public Transport Information Terminal to the satisfaction of the Local Planning Authority has been erected on the development site and is fully operational.

Reason:

In the interest of the safe and efficient operation of the truck road network.

#### IMPLEMENTATION OF UPGRADES TO BUS STOPS

(43) No part of the development hereby permitted shall be occupied until such time as upgrades have been made to 2 number bus stops on routes directly serving the development hereby permitted. These upgrades shall include the provision of 'real time' information and bus boarders.

Reason:

In the interest of the transportation sustainability of the development, and the safe and efficient operation of the trunk road network

#### IMPLEMENTATION OF PEDESTRIAN CROSSING

(44) No part of the development hereby permitted shall be occupied until such time as a pedestrian crossing to the satisfaction of the Local Highway Authority, has been provided on Devonport Hill within the vicinity of the development.

Reason:

In the interest of road safety, transportation sustainability and the safe and efficient operation of the truck road network.

#### LAND QUALITY

(45) 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 46 to 49 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 49 has been complied with in relation to that contamination.

Reason:

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

#### SITE CHARACTERISATION

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

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

Reason:

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

#### SUBMISSION OF REMEDIATION SCHEME

(47) 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.

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

(48) 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 UNEXPEXCTED CONTAMINATION

(49) 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 46, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 47, 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 48.

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.

#### ON SITE RENEWABLE ENERGY PRODUCTION EQUIPMENT

(50) Details of on-site renewable energy production equipment to off set at least 10% of predicted carbon emissions shall be submitted to and approved in writing in relation to further resaved matters applications (i.e. extra care home and areas 'A' and 'D').

Reason:

In order to help reduce the size of the city's ecological footprint, reduced the causes of climate change, and shift Plymouth towards a more resource efficient future in accordance with Policy CS20 of the Adopted Core strategy.



## IMPLEMENTATION ON SITE RENEWABLE ENERGY PRODUCTION EQUIPMENT

(51) The on-site renewable energy production equipment shall be operational before the buildings to which they relate are first occupied.

### Reason:

To secure implementation of the measures approved in condition 50 and ensure compliance with Policy CS20 of the Adopted Core Strategy.

## 'LIFETIME' HOMES

(52) A minimum of 20% of the dwellings in areas 'A' and 'D', the subject of further revised matters approvals, shall be built in accordance with 'Lifetime' homes standards.

### Reason

In order to ensure that adequate provision is made to allow 20% of these dwellings to be adapted for occupation by people with disabilities, and to demonstrate compliance with Policy CS15 of the adopted Core Strategy.

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

Having regard to the main planning considerations, which in this case are considered to be: Whether there has been any material change in circumstance since the previous approval August 2007. 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:

PPG13 - Transport  
PPG15 - Planning and the Historic Environment  
PPG17 - Sport and Recreation  
PPG24 - Planning and Noise  
PPG25 - Flood Risk  
PPS3 - Housing  
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  
CS22 - Pollution  
CS08 - Retail Development Considerations  
CS18 - Plymouth's Green Space  
CS19 - Wildlife

CS20 - Resource Use

CS21 - Flood Risk

CS03 - Historic Environment

CS01 - Sustainable Linked Communities

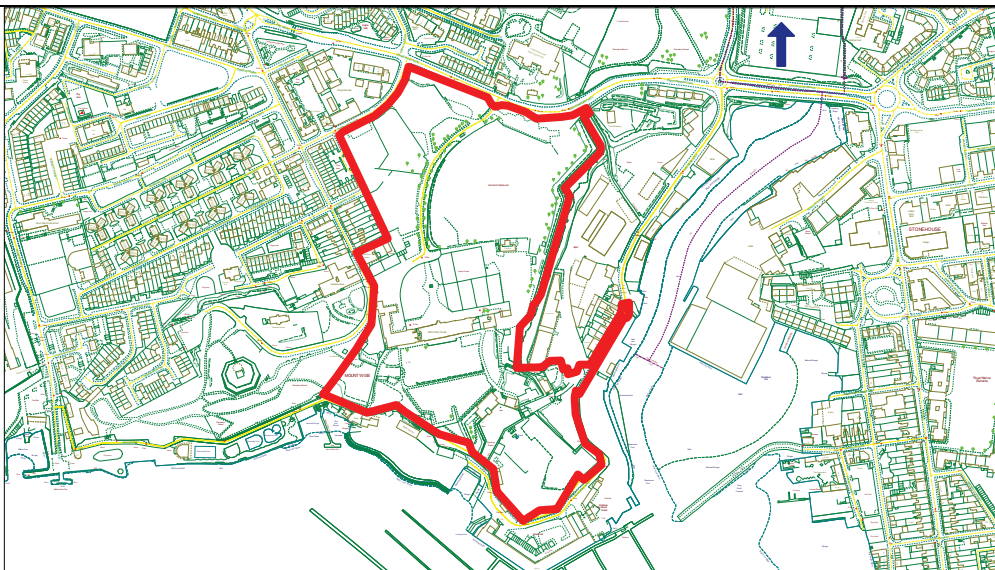
CS02 - Design

CS15 - Housing Provision

CS30 - Sport, Recreation and Children's Play Facilities

**ITEM: 18**

<b>Application Number:</b>	10/01271/OUT
<b>Applicant:</b>	Mount Wise (Guernsey Ltd)
<b>Description of Application:</b>	Renewal of outline permission ref: 06/01646/OUT for; Mixed use re-development of 450 dwellings, 9,150sqm of commercial floor space including extension and conversion of both Grade II listed Admiralty House to a hotel and Mount Wise to offices, café, gym, convenience store and associated roads, parking and landscaping to include retention of cricket pitch. Outline application with details of layout, scale and access.
<b>Type of Application:</b>	Outline Application
<b>Site Address:</b>	FORMER MOD SITE MOUNT WISE DEVONPORT PLYMOUTH
<b>Ward:</b>	Devonport
<b>Valid Date of Application:</b>	23/07/2010
<b>8/13 Week Date:</b>	<b>22/10/2010</b>
<b>Decision Category:</b>	Major Application
<b>Case Officer :</b>	Jeremy Guise
<b>Recommendation:</b>	Grant conditionally subject to S106 Obligation, delegated authority to refuse if not signed by 15 October 2010
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



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## OFFICERS REPORT

**This application is a duplicate of 10/00670/OUT reported elsewhere on this agenda. The only difference relates to receipt of slightly different letters of representation (LORs). The recommendation is the same, as are the proposed conditions (these are not reproduced a second time)**

### **Site Description**

As per 10/00670/OUT

### **Proposal Description**

As per 10/00670/OUT - Renewal of outline permission ref: 06/01646/OUT for; Mixed use re-development of 450 dwellings, 9,150sqm of commercial floor space including extension and conversion of both Grade II listed Admiralty House to a hotel and Mount Wise to offices, café, gym, convenience store and associated roads, parking and landscaping to include retention of cricket pitch. Outline application with details of layout, scale and access.

### **Relevant Planning History**

As per 10/00670/OUT

### **Consultation Responses**

#### **Representations**

Site notices have been posted and neighbour notification letters sent. This has resulted in receipt of three letters of representation (LORs). The reasons for objection can be summarised as follows;-

The approach road to Ocean Court is inadequate due to the commercial use and the constant necessity for very large vehicles making delivery and unfortunately creating unavoidable congestion. Nothing has been done constructively to resolve this problem from a residential point of view. The headache of leaving Ocean Court really begins at the end of the approach road when one endeavours to access at the roundabout. At certain times of the day when traffic is heavy that becomes increasingly difficult to use the roundabout.

Development for 450 dwellings at Mount Wise site is a considerable overdevelopment of the site when one takes into account the volume of traffic that will be leaving at peak times during the day and weekends. In addition, you seem to have lost sight of the fact that when Plymouth Albion is playing at home the spectators will also compound the problem at certain times. It is quite impossible to envisage the chaos that will occur and I would suggest that all factors are given more consideration.

Whilst the application gave some details of the work around the former Admiralty House Details regarding the southernmost part of the site are yet to be provided. This area is of interest too me as I overlook it from my flat in Ocean Court and am interested to see what the development will comprise

plus how many dwellings will be located there. I have previously raised objection because I remain unconvinced that Richmond Walk can cope with additional road users so any detail on numbers involved would be useful.

If notwithstanding the above (objections), the PCC is minded to grant outline planning permission such approval must include:-

(points 1&2 as per 10/00670/OUT, plus)

3. No such development should commence before the Council has been given a guarantee by an acceptable bank or insurance company that the development once started shall continue to completion within the programme accepted by the Council as a condition of granting the application: such programme must not permit independent sub-phasing. The building sites should not be permitted to remain building sites with the developer or any successor cherry picking parts of the site for development as circumstances may suggest convenient. The guarantee must be in a sum adequate for the Council to arrange completion in due time by themselves or others should the developer or any successor go into administration, liquidation, or bankruptcy or abandon the site.

#### **Analysis**

See 10/00670 /OUT

#### **Section 106 Obligations**

A Section 106 legal agreement as per 06/01646/OUT

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

See 10/00670 /OUT

#### **Conclusions**

This application is identical to ref. 10/00670 /OUT. Members are urged very strongly to take a decision that is consistent with the decision they reach in relation to that application.

#### **Recommendation**

In respect of the application dated **23/07/2010** and the submitted drawings, it is recommended to: **Grant conditionally subject to S106 Obligation, delegated authority to refuse if not signed by 15 October 2010.**

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**Appendix to reports for 10/00670/OUT and 10/01271/OUT**

**OFFICERS REPORT (06/01646/OUT)**

**Site Description**

Mount Wise is a 10.4 ha (11.4ha, if Richmond Walk widening area included) former MoD owned site situated on the eastern side of Devonport. It forms the southern part of the 'green arc', an expanse of undeveloped land that extends from Mount Wise through Brickfields to Devonport Park and was historically a defensive line of fire for the town.

The site contains two important historic buildings: Admiralty House and Mount Wise House, both listed grade II. Admiralty House, is a large, freestanding late eighteenth century house (attributed at James Wyatt) located in sylvan parkland grounds. It occupies the most prominent location on the headland overlooking the Sound and the River Tamar, and despite unsympathetic modern extensions particularly to its western wing, it is an imposing building that dominates the site. Mount Wise House is a large, dual fronted, town house located on the north western fringes of the site, where it adjoins urban Devonport. It forms the southern most 'book end' building on the eastern side of George Street, a terrace of substantial Georgian houses. Internally it has been much altered for military purposes, but externally it makes a contribution to the overall character of the site and the adjoining townscape.

The 200+ year military use of the site has left a mixed and varied legacy: from the archaeological remnants of the historic 'Devonport lines' (defensive positions, which include the last Bastion built in England) and St Georges barracks, to the massive subterranean bunker complex and the former officers' cricket pitch which is of minor counties standard and of ongoing importance to the city.

As a military enclave the site was separate from the city, divided from it by high railings with limited, and restricted, access points. This legacy remains. The main access is from Devonport Hill/Cumberland Street (A374) to the north, and sweeps into Admiralty House past the cricket pitch via the avenue of mature trees. The far southern part of the site, containing the bunker complex and fruit orchard, is accessed off Richmond Walk via a narrow ramp.

The immediate surrounding area is also of varied character. The tight urban grain of terraced streets: George Street, Clowance Close, Pembroke Street and recent Barrett's development at Cumberland Close adjoin to the north and west. Mount Wise Park and waterfront open space, the southernmost tip of the green arc, are located to the south west; and ziggurat style flats of Ocean Court and boatyards, on lower ground, to the south and east.

Owing to its prominence the site is visible on the skyline from Mount Edgecumbe; the Sound; the Royal William Yard and Stonehouse Creek and is a focal point for key strategic views. Indeed the military celebrated and used this prominence with a flagpole, known as 'The Admiral's Salute'.

### **Proposal Description**

In its amended form the application seeks outline planning permission for a mixed use redevelopment of 450 dwellings (139 houses, 231 flats, 20 sheltered units and 60 care homes), 9,580sqm. of commercial floor space including extension and conversion of Admiralty House, Mount Wise House (both listed grade II) to a hotel and offices respectively, a café, gym, convenience store and associated roads, car parking and landscaping. The outline application includes details of layout, scale and access

As can be surmised from the description, the site contains a number of natural and man made features that act as constraints on its development potential: significant differences in levels (especially in the eastern and southern sides); it is the focus of key strategic views; mature parkland landscape; limited access points; important listed buildings; one of the best cricket pitches in the city and archaeological remnants.

The proposal seeks to respond to these constraints by concentrating relatively high density development in four areas: the North West corner, the area immediately to the north and around Admiralty House, the far north east corner of the site and to the south off Richmond Walk around the military bunker and entrance. This leaves three areas of relatively untouched open space in between: the cricket pitch and surrounds; the area in front of Admiralty House and the centre of the lower garden, a secluded area in the far south west.

The applicants have identified four character areas within the site: area A - Lower garden off Richmond Walk; area B – Admiralty House and environs; area C -The North West Corner and Area D - North East corner/ cricket pitch. It is envisaged that, if approved, the site will be developed in phases starting with area C, followed by areas B, A and D.

#### Area A

The proposal shows 91 dwellings (19x3 bed houses and 72 flats/ maisonettes); 810sqm of commercial space and 4,650sqm of data storage space and 80 parking spaces located in the lower garden accessed from Richmond Walk.

The existing nuclear bunker is utilised to provide data storage with other uses contained in five new buildings. The main ones are an eight storey block rising from Richmond Walk to provide two storeys of car park and six storeys of flats above. This building divides into two unequal wings above the parking to provide a pedestrian / vehicle route way into the site and a vista towards Stonehouse Creek.

To the north a new marine employment building 810sqm is proposed at the entrance to the site from Richmond Walk.

To the west of this block, within the 'bowel' of the lower garden, two crescents are shown opposite one another, forming a kind of amphitheatre around communal open space that provides a seaward vista to the south west. The northern crescent building would comprise 32 flats arranged on three storeys



with parking to the rear. It would screen the unsightly concrete elevation of the nuclear bunker. The southern crescent is shown comprising of 19 three storey townhouses, with integral garages and small rear yards.

Vehicular access to this part of the site is only achievable from Richmond Walk. It is proposed to widen a section of this road, in front of Bakers Place cottages to cope with additional traffic generated improve the road junctions and provide vehicular access to the residential property via a ramp, to the east which turns through the flat blocks. Pedestrian access to this part of the site is shown from Mount Wise, via the Rose Garden (daylight hours only) and from Richmond Walk via a new ramped access.

The centre of the 'amphitheatre' feature is shown as a communal garden, open to the public to avoid creation of a gated community, and a private play space is shown in the far south eastern corner.

#### Area B

The proposal shows 70 dwellings (39 houses and 31 flats); a 46 bed hotel, a 60 unit care home and 972sqm of commercial office space located in the environs of Admiralty House.

Admiralty House is left intact by the proposal except for the removal of the twentieth century accretions and the large 1970s extension on the western side. Indicative drawings have been submitted that demonstrate how it might be converted into a 46 bed boutique hotel with minimal changes to its appearance and historic features. A few three storey town houses are shown either side of the house, in alignment with it, beyond the existing lodges. The established gardens to the south are retained. They are to be divided into two with the upper gardens and lawns, containing the Admiral's Salute, becoming the grounds of the hotel and the lower gardens, separated by a 'ha ha' (ditched boundary treatment), available to the public on a controlled basis between dawn and dusk.

To the north of Admiralty House, in the area currently occupied by the sweeping entrance approach and tennis courts, a three sided 'quadrangle' measuring approximately 80 x 70m is proposed open at the north. It is envisaged that this would have a focal feature in the centre and parking for the hotel and residencies. On either side of the 'quadrangle', deliberately aligned with the lodges two rows of two storey terraced town houses would extend northwards. In the indicative plans and drawings that accompany the application these appear in contemporary architectural style with mono pitch roofs and uniform repetitive features that provide some rhythm to their frontages. Irregular shaped, three storey, blocks visually contain these terraces at the northern end, opposite the cricket pitch and Mount Wise House, the eastern one contains 12 flats and the western one 972sqm of commercial floorspace.

In the extreme east of the site, above the cliff face, a 60 unit care home is proposed. This is shown as a wedge shaped, four storey, building containing rows of single aspect flatlets, separated by a large central atrium, tapered to reflect the shape.

#### Area C

The proposal shows 133 dwellings (81 houses and 52 flats)]; 20 category 1 elderly units; 1,668 sqm of commercial space and 290sqm of retail space and parking area located in the north western part of the site.

Most of the new family housing proposed on the site is concentrated in the north western area arranged in a series of streets and crescents round the principle of perimeter blocks with abutting rear gardens/ yards. The urban pattern is high density residential designed to match that existing immediately outside the site and provide an attractive frontage to the cricket pitch. Road and pedestrian connections also integrate with the existing, even to the extent of providing a pedestrian route way through from the cricket pitch, past the above ground archaeological remnant, to Clowance Close to the west.

Three storey blocks of flats are shown located at either end of this part of the site, adjacent to the Cumberland Road frontage in the north and an area of trees and communal parking in the south.

Mount Wise House occupies the far south western extremity of this part of the site. In its amended form the proposal shows it retained and converted into commercial offices, its' later additions removed and replaced with subservient extensions to provide a modern, DDA compliant lift/stairwell, and a '1.5' storey rear extension.

#### Area D

The proposal shows 76 dwellings all flats; 500sqm café/bistro; 270 sqm gym and 470sqm of cricket pavilion / community room together with 120 parking spaces/bike and plant store in the podium located in the north east.

The cricket pitch is retained as part of the Devonport 'green arch'.

A single, podium building, is proposed in the northern part of this area containing a café/bistro gym opening towards the cricket pitch and parking, bike and plant store on the ground floor together with three six storey blocks of flats on the upper floors. The blocks are shown rising from a podium feature which rises from the cricket pitch over the roofs of much of the ground floor. They are arranged as radiating spokes, or fingers, opening from Devonport Hill to maximise aspect, minimise direct overlooking and, for safety, provide mostly end elevations to the pitch.

The cricket pavilion and community facility is shown in a new stand alone, pavilion style building to the south of the cricket field, with associated parking and a fenced play area located under the tree canopies to the west.

A number of topic reports have been provided in support of the application covering: Design & Access Statement; Heritage Assessment & Heritage Statement; Planning Statement,; Planning Statement; Archaeology Report; Arboricultural Design / Preliminary Method Statement (including tree survey); Flood Risk Assessment; Flood Risk Emergency Plan ; Landscape Appraisal;

Transport Assessment; Initial Survey for Protected Species; Further Survey for Protected Species and Land Quality Assessment.

Since submission the applicants have amended the proposal chiefly in relation to the main building in area D; the extensions to the Admiralty and Mount Wise Houses and ramped access arrangement into area A. They have also provided a draft Section 106 Agreement, detailing the clauses covered, and suggested contribution figures. This is supported by a confidential viability assessment.

### **Relevant Planning History**

The site has been a military enclave outside the remit of civil control for over 200+ years. This has both preserved its unique landscaped character and led to some unsympathetic changes such as the 1960s extensions, developments in its grounds including, of course, the huge concrete bunker complex built outside Local Planning Authority control. Since the site has been decommissioned the new owners have successfully applied to English Heritage for a Certificate of immunity from listing in respect of the former HMS Vivid; and, legally, demolished it along with a number of other freestanding twentieth century buildings located in the grounds. Most recently the whole site has been included in the extended Devonport Conservation Area.

### **Consultation Responses**

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

The Environment Agency is satisfied with the amended proposal on flood risk grounds.

In view of the position expressed by the Council having considered Parts A & B of the exceptions test outlined in PPS25 the EA is of the opinion that the relevant parts of the test have been satisfied. The EA is content to remove its previous objection.

#### **Environmental Services**

Make comments and recommendations about the following matters: Land Quality – Before development commences seek site investigation report documenting the ground conditions of the site incorporating a 'conceptual model' of all potential pollutant linkages and an assessment of risk to identified receptors. Construction Noise – Seek Code of Construction Practice to be agreed with Council prior to commencement. Noise & Odour from commercial premises – seek control of ventilation and extract systems from commercial premises and restriction on opening hours. Refuse and litter – seek details of arrangements for both commercial and domestic buildings. Deliveries – seek control over day and time of deliveries and refuse collection. Drainage details commercial buildings – seek details (note Building Control matter). Light – Control sought over future floodlighting.

**South West Water** – Have no objections subject to foul and surface water generated by the development being kept totally separate.

**Natural England** - Based upon the information provided, Natural England has no objection to the proposed development. It is their view that, either alone or in combination with other plans or projects, it would not be likely to have a significant effect on the interest features of Plymouth Sound and estuaries special area of conservation(SAC) or any of the features of special scientific interest of the Tamar-Tavy Estuary Site of Special Scientific Interest (SSSI). However, Natural England advice that all recommendations in the protected species are carried out.

### **Highways Agency**

Have maintained their Direction that the Planning Authority shall not grant planning permission for a further period of 6 months from 8<sup>th</sup> May 2007:- 'to give the applicant time to submit a revised Transport Assessment and Travel Plan to enable the Highways Agency to assess the impact of the development on the safety and free flow of traffic on the A38 trunk road.'

### **Highway Authority**

The Transport Assessment (TA) and audit of the TA plus two addendum reports have overcome most of the transport concerns. Subsequent discussions have related to the extent of Section 106 contributions that should be made.

### **Traffic Generation**

The development is located on a site previously used by the Ministry of Defence. Whilst the TA suggested various amounts of traffic that could be attributed to this use the eventual traffic analysis did not actually take this former use off the network.

The proposed development for the application (as detailed in the TA) comprises 374 residential units, 4800m<sup>2</sup> of commercial, 4650m<sup>2</sup> of data storage, 76 care home/elderly units, 42 room hotel, pub, gym and 290m<sup>2</sup> retail. All of this development is forecast to generate around 300 2-way traffic movements in both the AM and PM peak hours. It should be noted that an amendment to the schedule was received at an advanced stage of this process, and this indicated that there would be 450 residential units. (it is noted that additional information was supplied by the applicant relating to the transport effect of this extra housing).

### **Traffic Impact**

The TA undertook junction capacity analysis of the proposed site access junction, Pembroke St/Cumberland Rd and Devonport Hill Roundabout junctions. The Pembroke/Cumberland priority junction is forecast to operate without problems. The Site Access junction is shown to be operating above its capacity in the PM peak with the development and 25% of Millbay traffic. However, the arm with most difficulty would be the site road, and thus it is not forecast to result in wider traffic problems at the junction.

The TA indicates that the Devonport Hill Roundabout (Stonehouse Bridge/Richmond Walk) is forecast to operate satisfactorily with the development, but with the assumption that a 2-lane traffic discharge is

possible. The TA recognises that the roundabout is unlikely to receive an equal distribution of traffic per lane, and thus has produced a revised assessment (without 2-lane discharge), which indicates there would be operational problems. However, the applicant's consultants state that with appropriate works the 2-lane discharge would actually be possible to achieve. A drawing of a roundabout improvement has been produced by transport consultants as part of the adjacent South Yard site. The applicant's transport consultants has undertaken revised assessment based on this drawing, which indicates the roundabout would work with their development. There are some residual concerns about the modelling approach used, but agree that there is a basis for a roundabout scheme to be constructed and for the traffic to be accommodated. The Council are currently undertaking a study which aims to produce a roundabout improvement proposal that would accommodate all planned development traffic in the area, and would require a contribution from Mount Wise. It should be noted that this design improvement would also seek to improve safety and accessibility for vulnerable road users (pedestrians and cyclists).

#### Car Parking

The TA indicates that a total of 550 parking spaces will be provided at the site, the majority of which will be for residential use (374 spaces). The proposals therefore are for each dwelling (on average) to only have 1 parking space, which is within the Council's maximum standards. The majority of the rest of the parking spaces would be taken up by the proposed commercial developments (120 spaces), which coincide with the maximum allowable for this land-use. However, the amount of commercial parking could be deemed to be on the high side considering the low amount of traffic forecast to be generated by the 4650m<sup>2</sup> data storage unit. This could be considered further via the C060 condition below.

#### Access

Access to the site is primarily proposed via an amended junction on Devonport Hill, at the location of the existing Mt Wise access point. This access would include the provision of a right turn lane in order that main line traffic could continue to flow without impediment. This is acceptable in principle but there are some specific points (e.g. footway widths) that should be dealt with by planning condition.

The most southerly part of the site (Lower Garden) is proposed to be accessed via Richmond Walk. This is a cul-de-sac road, which is narrow in places, and which also has substandard footway. The application proposes an improvement scheme to widen the road for part of its length, in order to mitigate against the impact of the development. However, it is understood this requires 3rd party land, and in any case would need to be suitably conditioned. Mount Wise have also requested that they are allowed to build 49 housing units on this lower part of the site prior to the Richmond Walk improvements being constructed. It is understood that support for this was given by the planners at a relatively early stage of the process. Although the transport view is that the figure is too high, and something in the order of 20 units would be more reasonable, given the broader picture, and regeneration benefits of the scheme as a whole, we do not have overriding objections to

this planning officer led approach. It is considered that a possible alternative to the Richmond Walk improvement could be the provision of a 20mph zone for Richmond Walk, thus encouraging lower vehicle speeds and therefore pedestrian and cycle access. Such a scheme was not specifically discussed with the developer in the course of the application process, although this measure would be necessary for the route to form a strategic walking and cycling link as proposed in the Devonport Area Action Plan.

A new vehicular access into the site is also proposed off Pembroke Rd. This is acceptable subject to a planning condition.

#### Sustainable Modes

The Lower Garden part of the site is located more than a 400m walking distance from the nearest bus stops (on Devonport Hill), 400m representing the recommended maximum distance to a bus stop. Bus access is not as good as it could be, and measures are required to encourage bus use. Contributions are sought towards bus passes for residents, bus stop infrastructure and a Public Information Terminal. A pedestrian crossing on Devonport Hill is also required.

#### Section 106 contributions

The following s106 transport contributions:-

- Contribution of £22,800 towards upgraded/new bus shelters on Devonport Hill
- Contribution of £7000 towards provision of 2 new bus boarders on Devonport Hill
- Contribution of £2200 towards administration of the Travel Plan
- Contribution of £80,000 towards access to sustainable transport (made up of £45,000 towards Devonport Hill roundabout improvement, £20,000 towards pedestrian crossing on Devonport Hill, and £15,000 towards off-site cycle infrastructure).
- Contribution of £28,500 towards Public Information Terminal and maintenance of it.
- Contribution of £91,000 towards provision of bus passes for residents.

The applicants have offered a package of contributions that is £20,000 short of what is considered to be sufficient.

#### **Queen's Harbour Master, Plymouth**

The Queens's Harbourmaster is content with the outline plans. The plans outline a significant change in the volume of buildings on a site overlooking the Narrows, one of the most constrained sections of deep-water channel between Plymouth Sound and the Hamoaze. It will be important that the detailed lighting design is such that the conspicuousness of the existing navigation aids is not significantly degraded.

#### **Crime Prevention / Architectural Liaison Officer**

Make a number of comments and observations about the application that can be summarised as follows:-

- Support controlled public access to parts of the site in line with security issues of the commercial units, hotel, care home and gardens immediately to the front of the hotel.
- Suggest that the pedestrian entrance into Clowance Close is made as large as possible.
- Points out the high levels of car crime in Plymouth and raises concerns in relation to the shared /mixed underground car parking arrangements. Access needs to be controlled to prevent unauthorised entry with inward opening automatic gates; lighting and light coloured walls and ceilings.
- Points out the City' s obligations under the Crime & Disorder Act 1988, and that Plymouth's Crime Reduction Strategy (2005-08) is designed to build on the success of previous strategies , reduce crime within the city and make it a safer, more attractive place.

### **Devonport Regeneration Community Partnership (DRCP)**

Commend the constructive way that the developers have responded to the concerns from stakeholders and the public. In overall terms the proposed balance of uses within the development, housing, employment and recreation is considered to meet DRCP objectives.

Welcomes improvements to permeability and avoidance of a 'gated community'; the extension of the 'green arch'; retention of the cricket pitch, with new community pavilion and the proposed new uses for Admiralty and Mount Wise Houses. Note favourably that the quantum of employment space, exceeds target; and do not have any objection, in principle, to the quantum of housing proposed, although would not wish to see density, access and traffic impact upon the environmental quality of the site. View these matters as appropriately judged by the Local planning Authority. Ideally would like to see more houses than flats, but appreciate the difficulties in achieve in this in areas A and D. The DRCP consultation response goes on to provide detailed comments upon the four characterisation areas, all generally supportive.

### **Plymouth Design Panel**

Have considered the site three times during the course of the evolution of the proposal: on 25<sup>th</sup> April; 13<sup>th</sup> July and 18<sup>th</sup> October. Their comments have been highly influential in shaping the design of the proposal, particularly in relation to the area around Admiralty House and the tall buildings, which were a feature of earlier designs.

The comments of 18<sup>th</sup> October relate substantially to the proposal as currently submitted (there have been some amendments to Admiralty and Mount Wise Houses and to the large mixed use block in area D).

In general the Panel were pleased with the progress of the scheme, but retained some concerns about the amount of development proposed taking into consideration the unique assets of the site, given its location, the stature of Admiralty House , and the open landscape that it holds. It considered that these issues would be more satisfactorily resolved if the quantum of

development were reduced. Comments relating to specific areas can be summarised as follows:-

Area A (Lower garden) - Welcomed the two viewpoints, but felt that the allocation of space within this area lacked a clear strategy in relation to vehicular and pedestrian movement. Overall thought the design in this area had not yet yielded its full potential and that the density sought was a factor in this.

Area B (Admiralty House and Quadrangle) – Sought further details of quality of architecture. Commented that the precise nature of the rhythm and hierarchy of the architecture of Admiralty House needs to be recognised and respected in the responses to the adjacent buildings. Raised concern about the lack of private / secure garden for the care home / sheltered housing, considering this essential.

Area C (North West & Mount Wise House) – Sought a sensitive architectural approach to the extension to Mount Wise House (subsequently revised) and raised concerns about private garden sizes backing onto Pembroke Street, as this might indicate overdevelopment.

Area D (Fingered mixed use buildings) – Welcomed the omission of the tower building, but found that the apparent remoulding of this element in the form of a plinth and three fingered block was overtly complex and represented a serious negative impact on one of the most important assets of the site, namely the generosity of the open landscape and sense of connection to the sea experienced on approach to the site along Devonport Hill. Expressed the view that this was another indication of overdevelopment and disliked the free standing entrance stair towers and considered there to be confusion over public and private territory. (Note:- subsequent amendments have deleted the freestanding entrance towers, integrating them into the towers; and have improved the definition of the public and private territory).

### **English Heritage**

Have not been invited to comment directly on this application as none of the listed buildings are grade I or II\*. They did issue a Certificate of Immunity from listing prior to the demolition of Vivid House.

### **Sport England**

Objects to the proposal raising the following concerns:-

- i) The retention of the cricket ground is welcomed however, it is a little disappointing that the 'current deal' is only for a 21 year lease. We would strongly recommend that this part of the site is given to the community / cricket club in perpetuity secured by a S106.
- ii) All new homes around the cricket ground should be far enough away as to not cause a health and safety issue, now and in the future. The final layout of the site should reflect the needs of amenity of the future residents which does not conflict with the needs of cricket and the cricket club.



- iii) Sport England are very concerned over the proposed loss of numerous tennis courts on the site and wish to see them reinstated or replaced off-site at a suitable location secured by a S106.
- iv) Up to 2016 the Council have identified the evidenced key shortages of sports facility and playing pitch provision and according to their developer contribution calculators, 500 new homes in this part of the City could generate a total contribution of £689,599 which should be secured by an s106.

**England & Wales Cricket Broad (ECB):**

Supports the continued use and modification of the cricket pitch within the scheme, which fits within their standards. Understand that Mount Wise Ltd. will be committed to a 21 year lease to as local cricket club, which will assist the club to obtain grants for various other funding organisations in the future. Support the redevelopment of the cricket pavilion which will help with the future expansion of the club and are fully supportive of the principle of outfield being used for public open space provided the square remains dedicated to the club in the leasehold arrangement

ECB see this development as a positive contribution towards cricket in Plymouth and the wider surrounding area. Historically the ground has been in private ownership, however, through the club this facility will be able to be enjoyed by players and spectators alike.

**Ministry of Defence**

Have no comments to make on this application

**Civil Aviation Authority**

No comment received

**Health and Safety Executive**

No comment received

**Representations**

Consultation letters have been sent to surrounding properties, four site notices posted and a press notice. This has resulted in receipt of ten letters of representation (LOR's), including one from the Devonport Planning Forum. All letters object to the proposal, although most only object to a particular aspect of it. The grounds of objection can be summarised as follows:-

Devonport Planning Forum - Object to the 8 storey block of flats on Richmond Walk. This is the only green area in Richmond Walk and has never been developed if flats are allowed to be built there it will be the end of conservation and nature there.

Grounds of objection:-

The proposed extension to Mount Wise House will block all direct sunlight to rear gardens of properties in George Street and considerably reduce the amount of natural daylight to rear rooms and tenement kitchens. Proposal has the potential to overlook rear gardens if windows are shown in rear elevation.

The proposals diverge from the Deposit Local Plan, Devonport Development Framework and from the Devonport Action Area Plan Issues & Options/ Preferred Options as the parkland is not preserved to preserve a green arc and the number of dwellings proposed is 6 times the number in the Preferred Options Report.

Developer ignored the Council's intention to extend the Devonport Conservation area, by demolishing buildings on site before designation, notably Vivid House.

- The proposal is so large in scope and so widely different from previous objectives that, if pursued, there must be a public inquiry.
- I object to any more than 80 dwellings. I object to high rise buildings being used for dwellings unless they are of exceptional quality suitable for affluent occupiers. If they are not they will encourage development of a sink estate, of which Devonport has enough. I object to buildings south and south east of the block-houses because they will incur a materially significant increase in traffic in Richmond Walk both during construction and subsequent occupation.
- Build a building same proportions as Mount Wise House huge building will affect the amount of sunlight Being a widow and a pensioner spend a lot of time in garden
- Concerned about potential disruption that business may experience during the construction process. Access route from Richmond Walk is not the best solution in the longer term for the area
- A better road solution required disturbance during building works Better access could be provided through the Jewson's site that is believed to be for sale
- Loosing parking outside Bakers Place totally unacceptable
- Concerned that the widening of Richmond Walk will would cause the boatyard to extend into Stonehouse Creek on piles and that piling work will cause vibration damage to old buildings.
- The plan is extremely bad for Richmond Walk being only a quick fix devaluing the quality of life of the existing residents rather than bring forward looking and working towards raising the area.

Two further letters of representation have been received following consultation into the latest amended plans. Both raise objections to the proposal that can be summarised as follows:-

'The Voice of Devonport' organisation, raises concerns about the height of some of the buildings on grounds of: light; being overlooked; and views obscured and compromised.

The second letter is more detailed and extensive. It reiterates objections previously raised, cross referencing back to them and raises the following more detailed points- of which this is a summary:-

- Inaccuracies - There are inaccuracies and inconsistencies in the drawings and labels.
- Contrary to policies. – Approval of this proposal would represent debasement of the planning process. The increase in density from 50 units in the First Deposit to 84 in the Devonport development Framework; to 80 in the local Development Framework (issues and Options) to 300 in the LDF (Preferred Options) and now 450 in the current proposal represents a nearly six fold increase with inevitable consequences of completely ignoring the character, preservation and improvement provision of the FLDP, DDF and the study. Approval would make a mockery of 6 1/2 years of consultation.
- Loss of 'Green Arch' – The 'Green Arch' would be more or less completely destroyed as parkland and open space in favour of dense urban development. This would not do anything for biodiversity or protection of habitats.
- Richmond Walk - Increased vehicular traffic in Richmond Walk should be revisited. Parked cars effectively narrow it to a single carriageway; the junction with Devonport Hill is hazardous and would require extensive improvement. Improvement is not achievable without the loss of marine businesses or compulsory purchase.

### **Analysis**

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

The key issues in this case are:-

- The principle of mixed use redevelopment of the area (policy CS01 of the Core Strategy and DP06 of the Area Action Plan [AAP] )
- The dwelling mix and residential profile (policy CS15 of the Core Strategy and DP06 of the [AAP])
- The design and appearance of the proposed new buildings (policies CS02 and CS32 of the Core Strategy and DP06 of the [AAP])
- Open space –sporting facilities, public access, trees play space and wildlife habitat (Policy CS30 of the Core Strategy and DP06 of the [AAP])
- The impact upon the historic environment including archaeology and listed buildings (Policy CS03 of the Core strategy and DP06 of the [AAP])

- Impact upon the amenities of neighbouring properties (policy CS01 of the Core strategy and DP06 of the [AAP])
- The proposed employment uses (Policy CS04 of the Core strategy and DP06 of the [AAP])
- Off site impact and mitigation measures/ contributions (policies CS33 and CS34 of the Core strategy and DP06 of the [AAP])
- Highway implications; parking and impact upon the surrounding road network and sustainable transport (policy CS27 and CS28 of the Core strategy and DP06 of the [AAP])

#### The principle of mixed use development of the area

The long military occupation of the Former MoD site Mount Wise has contributed towards the traditional isolation of Devonport. Its availability for inclusion within the fabric of the city represents an important opportunity to improve the permeability connections through the site linking Devonport with Stonehouse and the wider city beyond and achieve a high quality mixed use development.

Proposal DP06 of the Devonport Area Action Plan (Which has reached an advanced stage following the Inspector's Hearing and is timetabled for adoption December 2007) sets out comprehensively the Council's objectives for the site. It states:-

"the land at the former Ministry of Defence Mount Wise will be developed as a high quality mixed use scheme, ensuring the sensitive restoration of the site having regard to its historical significance, and the integration of the site into the wider community. The development will provide for :-

- 7,500 sqm of employment uses (to include marine office, creative and cultural sector industries)
- In the region of 300 dwellings, of a mix of house types and sizes and of which at least 90 will be affordable and 50 built to Lifetime Homes standard; at least 50 per cent should be houses.
- Non –residential institutional uses , including health or educational / training facilities, indoor and / or outdoor sporting facilities and hotel

The scheme will also deliver:

1. public access through all parts of the site (the creation of a private gated community on the site will not be acceptable)
2. an overall comprehensive and integrated scheme for the site which is acceptable in environmental terms
3. development in the context of a Conservation Plan for the site
4. a safe, convenient community and sustainable movement and transport network for all within and, where appropriate, beyond the new development with local vehicular access which enables public transport linkages through the site, and into the existing residential areas of south Devonport to be realised
5. a high quality transport interchange at a convenient and accessible location within or adjacent to the development

6. pedestrian and cycle access through the site along Mount Wise headland, providing a link in the 'green arc'.
7. the preparation of Design Codes that must be submitted prior to the submission of reserved matters applications and will form a key element in the consideration of these applications, to cover high quality public realm, open spaces and architecture
8. sensitive restoration and reuse of Admiralty House and Mount Wise House and their attractive landscaped setting
9. public realm enhancements to the George Street approach to Mount Wise Park
10. restoration of historic surfaces
11. protection for other historic assets and archaeological features on the site, and their setting and opportunities for presentation, interpretation and promotion of these features
12. protection of habitats and the incorporation of a wildlife corridor
13. the protection of important trees
14. the retention of the cricket pitch, which should be brought into community use, complementing the proposed new recreational facilities at Brickfields
15. the development of HMS Vivid site to provide attractive frontage to the cricket pitch
16. an assessment of land contamination and implementation of appropriate mitigation
17. assessment of the risk of flooding - the development should be designed to avoid unnecessary development in areas of high risk and to minimise the impact of development on flooding, or provide mitigation measures to reduce the impacts of potential flooding
18. re-connection to the waterfront
19. the protection of important views through, into and beyond the site

The proposal represents a mixed use development that contains most of the elements identified in DP06. It broadly accords with the Council's, in principle, objectives for the site.

Your officers have looked again at the capacity of the site and are now satisfied that it can accommodate 450 dwellings, despite this being 50% higher than the figure suggested in DP06. Government and local authority policy is to maximise the use of previously developed land and, it is considered that the overall package of community benefits arising from the proposal outweigh any concerns about overdevelopment. Other issues raised by DP06 are considered in the relevant sections.

#### The dwelling mix and residential profile

The dwelling mix proposes a 60/40 split in favour of flats over houses, if the care home and Category 1 elderly units are excluded from the calculation (these are all flats, and including them tips the ratio further in favour of flats). The mix also includes 19.5% affordable housing in a mix of 60% rented and 40% shared equity housing (raising to 22% on a 60:40 split if anticipated Housing Corporation grant levels are provided)

Although Devonport currently has a high number of flats (82%), and it was hoped that the proposal could include more houses and make a larger contribution towards addressing this imbalance in the wider area, it is now accepted that the physical characteristics of the site do not lend themselves easily to the provision of houses at the density sought (average 43 units per hectare + other uses and green space) and that it is much better developed at this ratio.

The site's main contribution towards improving the range, quality and choice of housing in the area will be a significant increase in the number of private sector dwellings within the area. Excluding the 60 unit care home, it is proposed that 304 dwellings (67%) are full owner occupied/ private rented and a further 34 (7%) are shared equity (with the care home units included the amount of private sector housing rises to 80%) The owner occupied tenure is currently underrepresented in Devonport– only 18% compared with 69% nationally. The proposal will extend the housing market locally and promote choice for those who can afford it.

#### The design and appearance of the proposed new buildings

The design, layout and appearance of the proposed new buildings is considered to be acceptable. Admiralty House is kept as the pre-eminent building on the headland and changes to key strategic views from Mount Edgecumbe, The Hamoaze, Stonehouse Creek and peninsula are limited; the southern arm of Devonport's strategic 'green arc' which runs through the grounds of Admiralty House and the cricket pitch before extending, outside the site on into Brickfields and on into Devonport Park beyond, is substantively retained in sporting or amenity use along with most of the mature trees, parkland setting and wildlife habitat; the three sided 'quadrangle', and development either side, proposed in area B, to the north of Admiralty House is subservient to, and appropriate in scale to, the approach to this important historic building. Similarly the pattern of traditional style perimeter blocks proposed in area C relate well to the neighbouring George Street and Pembroke Street, outside the site, provide active frontage to the cricket pitch and have the potential to integrate well into the existing urban grain of this part of Devonport.

High density townhouses with compact gardens and blocks of flats are shown in areas B and C. Overall, in these two areas, it is considered that the application proposal provides a robust framework on which to design a modern interpretation of the terrace, the crescent, and apartment block.

The development potential of site A is restricted by its access. Some the site is an undercliff car park, but most of this part of the site is an elevated 'amphitheatre' constrained on the northern side by the cold war bunker and on the southern side by Ocean Court marina and the surrounding retaining wall. Pedestrian access from the main part of the site, to the north, is limited, and vehicular access is only achievable from Richmond Walk, via a ramped access.

Concerns that the development of an eight storey block of 42 flats and a double Crescent of 49 houses and flats in the amphitheatre area represents

overdevelopment of this part of the site have been put aside and it is now accepted that development proposal represents the best use of previously developed land and would help deliver the wider benefits to the city which accrue from approving the overall development package. Technical issues concerning the access to this part of the site and flooding have been resolved.

The proposed flat block has been designed so that it does not exceed the height of the existing trees. It maintains the strategic views and the setting of Admiralty House; and the commendable maximisation of views from the proposed development within the 'amphitheatre'. Given that the height of the flat block has been amended, so that it is below the tree crown, and has the support of the Plymouth Design Panel; it is, on balance, considered to be acceptable to develop a block of this height in this location.

In area D, the North East corner adjacent to Devonport Hill, the proposed plinth like structure with partly subterranean service road/ car park running through the centre and three medium height slab blocks would create the single biggest building on the site. The post submission amendments partly address the issues raised by the Plymouth Design Panel, in respect of the flat entrances and some improved definition between public and private space. Their concerns about the form of development and relationship to the landscape, particularly Devonport Hill of such a monolithic building remain. However, it is quite difficult to design a high density residential scheme in this part of the site that relates well to the cricket pitch, historic landscape and Devonport Hill frontage. On balance, the current proposal is considered to be acceptable. The residential accommodation is above the plinth, on the first floor and presents 'end' gables to the cricket pitch. The likely hood of conflict between the cricket pitch use and residential use is minimal.

Since the application was previously reported to Committee the proposed commercial office space has been relocated to a three storey block in area B, adjacent to Mount Wise House and reduced in size. This reduces the scope for conflict between the residential and commercial uses – although the shared use with the café / bistro means that the parking area would still need to be properly managed.

#### Open space –sporting facilities, public access, trees and play space

The former garrison cricket ground is the most important sporting facility on the site. Its retention, and managed availability to the wider public, fulfils a key objective of DP06/14 and is a feature of this proposal, welcomed by ECB and your officers.

The proposed Section 106 legal agreement contains clauses that would secure the cricket ground hinterland and informal public open space and the outfield as informal open space when cricket is not being played. The agreement also commits the applicant to secure a minimum 21 year lease with a cricket club and through this provides for public use of the ground and community room within the pavilion. The minimum 21 year period is critical because this is the length of time required to support cricket club grant applications to the ECB. The proposal meets the policy aspirations to secure the continued use of the ground as an important sporting facility (DP06 -14);

provide managed public access to the site (DP06 -1) and make a contribution towards preserving the 'green arc'.

The loss of the existing tennis courts to the north east of Admiralty House is regrettable, but there are others in the area and they were never available to the wider public anyway. Retention of the cricket pitch and provision of a new community pavilion, (managed by the cricket club, but available for other community uses) is considered to be sufficient Section 106 contribution towards sporting facilities within the city. Sport England's request for a £689,000 contribution towards off site sporting facilities is not supported.

Securing public access to the site, and avoiding the creation of a gated community are the first in the 14 point list of objectives in DP06. In its most recent amendment, which deletes the gated community concept in the far south, the proposal substantively satisfies this objective. Areas B and C, in the centre and north western parts of the site, are shown permanently integrated into the surrounding street network, with new vehicular accesses proposed onto Pembroke Street and pedestrian accesses onto Clowance Close and George Street. These streets and route ways would become part of the wider cityscape, always accessible, linking Devonport to the wider city and contributing towards providing permeability through the site and addressing the historical problem of severance.

In the proposed plan, the eastern side of the site and gardens to the south of Admiralty House contain areas that are not immediately overlooked, commercial uses that are not always occupied and other institutional type uses, such as the care home and hotel, that are difficult to secure. Access to this area provides a route way through the site from Cumberland Street/Devonport Hill to Mount Wise Park and, of course, grand seascape vistas. But it is not a primary route, and is likely to be used mainly for pleasure. If unrestricted public access has to be provided for this area, the developer, with Police Architectural Liaison officer support, would seek secure fencing and lighting. This would diminish the experience of the sylvan landscape and headland and, possibly, conflict with the setting of Admiralty House. A Section 106 clause, to secure permanent public access to this space, between dawn and dusk, is considered to represent a satisfactory compromise between the objectives of providing public access to this magnificent site and ensuring that it is safe and the landscape not compromised by inappropriate security fencing and lighting.

The concentration of mature trees representing a wide diversity of species (45) is the site's most significant natural feature beyond its inherent elevated headland location. The proposal retains most of these trees, but does seek the removal of approximately 24% for arboricultural reasons and to facilitate the development. Most of the trees that it is proposed to remove are low or poor quality. Only 8% are quality specimens and only one of the very best specimens, a sycamore in the middle of a proposed formal quadrangle, would be lost. It offers protection from construction damage for the retained trees; relocation, where feasible, and replacement planting for those lost. As all the trees are covered by a group TPO (No. 22), and located within the extended Devonport Conservation Area, the underlying assumption of policy AEV4 of



the superseded local plan first alteration and Strategy Objective 11 of the Core Strategy is to require retention. However, it is acknowledged that, inevitably, some trees will have to be lost to fulfil the wider policy objectives for the site.

The proposal has been designed to retain the sylvan setting of the site and ensure that mature trees remain the dominant feature of the landscaped setting of Admiralty House.

As expected, the site exceeds many times over the casual play space requirements set out in Supplementary Planning Guidance Note 11 (SPG11), but the provision of equipped play space is still required. The proposal would provide a significant number of family sized dwellings which will generate a demand for equipped play space in accordance with SPG11. It is considered that this should be provided on site, in accessible and safe locations.

The proposal shows two equipped play areas: under trees in the SE corner of area A, and on the eastern side of area D. The play areas proposed satisfy the policy considerations of SPG11. The two play areas will be leased by the council and the applicants will pay appropriate maintenance payments.

#### Impact upon Historic Environment

The listed buildings, surviving archaeological remnants and modern bunkers of Mount Wise reflect developments in 200+ years of defensive strategy. Whilst the thickness of the concrete, and prohibitive cost of removal, is likely to substantially preserve the modern bunker complex more proactive protection is required to preserve the earlier remains and buildings. A comprehensive protective regime is provided by the listing of the historic buildings. There is also a specific reference to the archaeological remnants of Devonport Dock Lines (defensive positions) and Georges Square barracks in Local Plan First Alteration; and inclusion within the recently extended Devonport Conservation Area.

The archaeological evaluation conducted by Exeter Archaeology, the applicants consultants, has confirmed the presence of well preserved archaeological remains on site, particularly in areas B and C. The proposal has been informed by these remains with mitigation measures, preserving in situ where possible and comprehensively recording where the development would result in removal. Two of the above ground features in area C have been incorporated into the design, one as a feature of the pedestrian walkway from the cricket pitch to Clowance Close, and a visitor interpretation board is sought for the Admiral's Rose garden (historic gun battery/ magazine site). The Council's archaeological officer is satisfied that a conditional regime can be put in place to secure a programme of archaeological work and control the method of construction to satisfactorily mitigate the impact of the proposed development upon archaeological remains.

The application has been submitted in outline, but involves change of use, partial demolition and extension to both listed buildings in addition to significant development within the grounds. These changes will require specific listed building consent, and are the subject of separate Listed Building

applications (ref. 07/00011 Admiralty House & ref. 07/00014 Mount Wise House). These applications are under separate consideration, reported elsewhere on the agenda.

It is axiomatic that neither Admiralty or Mount Wise House are going to be used for the purposes for which they were first built, military residencies. A hotel and commercial office use, respectively, is supported, in principle, as alternative uses capable of safeguarding their retention by meeting the costs of their future upkeep, and accords with DP06 and PPG15. After considerable discussion, revision and amendment, the proposal, as currently submitted, demonstrates that Admiralty House can be satisfactorily converted into a 46 bed boutique hotel without inappropriate subdivision of the main reception rooms or jarring external changes; and that Mount Wise House can be converted and extended into 1,668sqm of commercial offices, including DDA compliant access, without a large extension that would compromise its appearance and adversely impact upon the amenity of neighbours.

The appearance of both buildings would benefit from the removal of inappropriate twentieth century additions, with the demolition of the 1970s office block attached to Admiralty House particularly welcome.

Assessment of the impact of the proposal upon the setting of the listed buildings, is a more subjective judgement; but, in this case, is supported. With the removal of the proposed tall buildings from the proposal, Admiralty House is shown retaining its position as the pre-eminent building on the Mount Wise headland. Its southern elevation gardens and the historically significant Admiral's Salute remain virtually unchanged. The proposal, does however, introduce a three sided 'quadrangle' feature of high density housing on the northern elevation. Constructed in contemporary architectural style, and subservient to the historic house, this would considerably alter the main approach to the building, focusing views, claim the applicant's architects and historic environment consultants. This opinion is supported by the Plymouth Design Panel, who having successfully sought amendments to delete the fourth side of the quadrangle from the scheme and secure a better relation of the far western terrace to George Street/ Mount Wise Park, are in principle supportive about this element of the proposal. Your officers do not dissent from the consensus view and are satisfied that the setting of the listed buildings will not be adversely affected by the proposal.

#### Impact upon the amenities of neighbouring properties

As a longstanding Military enclave the site is somewhat separate from Devonport and only really interfaces with neighbouring property in the north west corner, around Pembroke and George Street and in the far south adjacent to Ocean Court. This particular proposal also includes widening to Richmond Walk, impacting on residential properties in Bakers Place and adjoining commercial properties.

As a result of pre-application community consultation, and subsequent post submission amendments, the access into the site from Clowance Close is pedestrian only and the size of the proposed extension to Mount Wise House has been reduced to 1.5 storeys to address concerns about overlooking and

overshadowing. In its amended form the proposal provides a satisfactory relationship with properties in George Street, Clowance Close and Pembroke Street and satisfies the policy requirements of AEV14 (Privacy and overlooking) and AHR5 (Character of Residential Areas).

Additional plans have been provided showing the proposed road widening and remodelled resident parking on Richmond Walk. These show a satisfactory arrangement that helps satisfy DP09 (Richmond Walk objective of the Action Area Plan by providing improved connectivity to Mount Wise). Residents maintain concerns about additional traffic, construction traffic and potential damage from pilling in Stonehouse Creek, necessary to compensate for the road widening. Where these are planning matters, appropriate conditions can be appended to any approval granted

### Employment

A key objective of DP06, and Core Strategy Policy CS01 (Development of Sustainable linked communities) is to secure a mixed use development that provides jobs as well as residential and leisure facilities on site.

This proposal seeks to satisfy this objective by providing a total of 9,580sqm of employment space primarily in two locations within the site: around Mount Wise House and off Richmond Walk. The conversion and extension of Mount Wise House into 1,668 sqm of commercial office space with a three storey commercial building providing a further 972sqm of commercial office space in a three storey building opposite represents one cluster. The other is area A where a new building providing 810 sqm of commercial office space is planned to join the 4,650sqm of data storage space off Richmond walk in area A. There is some concern that, the data storage element, which generates few direct jobs and little on site activity, represents such a large percentage of the total employment space on site. However, this is tempered by an appreciation that the underground bunker presents a challenge to finding a purposeful use owing to its severely restricted access, lack of natural light and, in part damp conditions. The proposed use of nuclear bunker, the most modern dry part, for 4,650sqm of data storage, despite its limited employment potential, represents a suitable use of this area and is supported.

The proposed employment space within area A accessed off Richmond Walk, is particularly welcomed. Policy DP09 (Richmond Walk) of the Area Action Plan sees this area remaining in employment particularly marine related uses

### Off site impact and mitigation measures/ contributions

Policy CS33 (Community Benefits /Planning Obligations) of the Core Strategy sets out the overarching framework for negotiation of planning obligation and agreements. The basic premise is that obligation requirements are intended to offset the impact of the development upon the local area; are reasonable within the terms of Circular 05/2005; and, in broad terms, fair in relation to comparable development elsewhere in the city.

In many instances there are formulae and standard charges relating to impacts, such as IPS4 (affordable housing); IPS4 (Educational Needs) and

SPG 11 (play space). It is expected that development proposals will normally provide public goods on site, or off site contributions in accordance with these formula and only if there are exceptional constraints will reductions be given consideration. The process for assessing such claims is submission of a (confidential) Viability Assessment, otherwise known as an 'open book' approach.

Affordable housing –

Policy CS15 of the of the Core Strategy states:-

*'At least 10,000 new dwellings will be built in the plan area by 2016 and at least 17,250 by 2012, of which at least 3,300 will be affordable being delivered through the planning system. They will include a mix of dwelling types, size and tenure, to meet the needs of Plymouth's current and future population. In relation to private sector developments 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). In addition:*

*1. Affordable housing development will:-*

- Be indistinguishable from other development on site*
- Reflect the type and size of the development as a whole*
- Incorporate a mix of tenures including social rented accommodation.'*

This policy objective is supported in Proposal DP06 of the AAP

*'The development will provide for :-*

*In the region of 300 dwellings, of a mix of house types and sizes and of which 90 will be affordable.'*

This policy replaces earlier policy requirements that 25% of the total number of units should be affordable.

The applicants have previously argued that they bought the site on advice that it was required to deliver 25% affordable units and that it is unviable to require 30% as per CS15. This has been accepted and a number of concessions made in response:-

- The provision of 25% , rather than 30%
- The exclusion of the care home units (making the total qualifying for affordable housing assessment 390, not 450)
- The provision of 20 units as category 1 elderly (smaller and less expensive units)
- The exclusion of affordable units from zones A and D

This allowed the applicants to provide a headline figure of 25% (97 of the qualifying 390 units) with the 60:40 tenure split sought by Community Services based on a grant of £4.2m. However, at the applicant's insistence, this was subject to a cascade clause allowing affordable housing provision be reduced by 5.5% (20-21 units) to 19.5% (76 units) in the event that no grant was forthcoming. This level of affordable housing provision was considered to be adequate by your officers and recommended for approval on 26<sup>th</sup> April Planning Committee. Nevertheless members deferred decision asking officers to explore with the applicants improvements.

Further discussions have taken place with the applicants and Housing Corporation in relation to affordable housing. This has resulted in clarification as to the likely level of support grant and a revised offer/ assessment of the number of affordable units that are likely to be delivered.

The Housing Corporation have advised that the £4.2m level of grant upon which this calculation was based is unrealistic (it would represent £200,000 for each additional affordable unit) and resulted from a misinterpretation of their advice. A total grant level of £1.8m is more likely. On this basis the applicants' have revised their offer to 22% affordable (86 units) on a 60:40 split in favour of social rented with a cascade clause to reduce to 19.5% in the event that no grant support is forthcoming.

Given the wider benefits accruing from the development and the precarious viability of the proposal as demonstrated by the submission of a viability assessment (examined by the Council appointed independent consultant) it is considered to be the wider interests of securing regeneration of the site to accept the lower 22% level of affordable housing provision with cascade clause guaranteeing a minimum of 19.5% affordable housing on the site.

Education – Contributions towards the provision of education arising from residential development are assessed, in the first instance, against Interim Planning Statement 4 (IPS4), which works on the principle of only seeking contributions where a proposed development would exceed the capacity of local schools within the catchment area.

The Mount Wise site falls within the catchment area for Parkside secondary school; and Mount Wise and Marlborough Street primary schools (St. Joseph's RC primary school is also within the area, but it is small and entry is restricted). All three state entry schools currently have excess capacity, but it is expected that the excess capacity of the two primary schools will be fully exhausted by the Storage Enclave development, which already has permission.

As the AAP acknowledges: 'Devonport also has low educational attainment and is the sixth poorest performing neighbourhood in Plymouth for development at key stage 1 and 2, i.e. Neither of the Primary Schools meet key stage 2 targets for Maths or English, and this trend continues in the secondary school...'

Lifelong Learning and Asset Management officers are exploring the provision of new primary school within the area to replace both Mount Wise and Marlborough Street; but, to date, this is not a definite commitment. Securing contributions towards Educational Infrastructure is a Community Benefit priority of the Area Action Plan. The Plan makes clear that the contribution is sought for provision of a new primary school *or improvements to the existing primary schools in the area.*

The applicants have accepted the principle of providing a contribution towards education either to be spent improving existing schools or in the provision of a new school.

Transport – The package of contributions offered by the applicants satisfies the Highway Authority.

### Highway Comments

There is a Directive from the Highways Agency preventing the LPA from approving the application. It is believed that this is a 'holding' objection that will be lifted once they have agreed the final negotiated overall contribution package towards sustainable transport. The following comments are predicated upon this assumption.

The main access to most of the site (Areas B, C and D) is from Devonport Hill, the established, formal entrance to the site. Providing it, and the wider road network, is upgraded and approved as set out in the proposal is considered to be capable of serving the site without adverse impact upon the road system.

Richmond Walk is currently considered capable of accommodating 49 of the proposed units in area A without widening or improvement. Full implementation of the 91 units in area A will, however, require off site improvements to Richmond Walk.

It is considered that subject to the imposition of recommended planning conditions, and the inclusion of appropriate provisions in the section 106 agreement, the Highway Officer's observations have been addressed adequately.

### **Section 106 Obligations**

The applicants have submitted a 6<sup>th</sup> version of a 'skeleton' Section 106 Agreement. This is acceptable subject to phasing and timings when works/contributions are due and detailed wording of clauses.

- Play areas and open space
  - Play space – Two areas leased to the Council for 999 years at £1.05 pa & two eminece sums £18,930 + £24,070 respectively
  - Public access obligation in areas D and C dawn until dusk (note that the rest of the site is permanently accessible)
- Cricket Club/ community building- 21 year lease + community use of pavilion building.
- Highway
  - Highway works contributions £120,500
  - On site highway works, implementation
  - Sustainable Transport contribution – bus passes £91,000
  - Residential and commercial travel plan
- Affordable Housing
  - 19.5% (76 units) on 60:40 split with no grant

- 22% (86 units) with expected level of Housing Corporation Grant (£1.8m)
- Education Contribution -£288,540.52
- Phasing
- Administration Costs – Circa £28,000, based on 5%

Delegated authority to officers to refuse the application in the event that the agreement is not signed.

### **Conclusions**

The redevelopment of the Mount Wise site provides an exciting opportunity for Devonport and the wider city.

The developers have made some changes to the proposal, mainly affecting areas A and D. In area A the ramped vehicular access has been relocated further to the east, outside the building envelope, and the employment moved to a separate building. In area D the employment space, proposed under the podium, has been removed and reproduced, in reduced size, in area B, opposite Mount Wise House. These changes are considered to be decisive. In the context of the wider benefits that this redevelopment proposal secures for the city - the re-use of the listed buildings; retention of most of the protected trees; preservation of the cricket pitch; provision of public access and securing a high density mixed use scheme that makes best use of previously developed land, this proposal is considered to be acceptable. The overall package of community benefits secured through section 106 is also considered to be satisfactory.

Provided that the Highways Agency removes its holding objection, as expected, the recommendation is to Grant conditionally subject to a S106 Agreement

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**ITEM: 19**

<b>Application Number:</b>	10/00671/LBC
<b>Applicant:</b>	Mount Wise (Guernsey) Ltd
<b>Description of Application:</b>	Alterations, extension and works of conversion, in association with the creation of B1 office space within buildings (as previously approved under ref: 07/00014/LBC)
<b>Type of Application:</b>	Listed Building
<b>Site Address:</b>	FORMER MOD MOUNT WISE DEVONPORT PLYMOUTH
<b>Ward:</b>	Devonport
<b>Valid Date of Application:</b>	28/04/2010
<b>8/13 Week Date:</b>	<b>23/06/2010</b>
<b>Decision Category:</b>	Major Application
<b>Case Officer :</b>	Jeremy Guise
<b>Recommendation:</b>	Grant Conditionally
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



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## OFFICERS REPORT

**This application seeks renewal of a previously approved outline planning permission for:- alterations, extension and works of conversion, in association with the creation of B1 office space within buildings which was granted conditional permission with signed section 106 legal agreement 3rd August 2007. The report that accompanied that application 07/00014/LBC follows at the end of this (and its duplicate ref. 10/01272/LBC).**

### **Site Description**

Mount Wise house is a large Georgian property located at the end of George Street. It has frontages facing south towards Admiralty House (containing it's a entrance) and west onto George Street.

### **Proposal Description**

Renewal of listed building consent for alterations, extension and works of conversion, in association with the creation of B1 office space within buildings (as previously approved under ref: 07/00014/LBC). The letter that accompanies the application explains:-

*'Consent for Mount Wise House is referred to under Outline Planning consent for the site and the above Listed Building Consent . There are no additional consents for this building.*

*The enquiries received to date have not revealed any serious interest for this building and the market conditions do not currently provide for the development of speculative office accommodation at Mount Wise. It is therefore requested that the Listed Building Consent is extended accordingly.*

*In assessing our request to extend the above planning consents I do not believe that there have been any material changes to the site since the consents were granted.'*

Note that this application has been submitted in duplicate – see ref:- 10/01271/LBC which is reported elsewhere on this agenda.

### **Relevant Planning History**

07/00014/LBC - -Alterations and extension, and works of conversion, in association with creation of B1 office space within building. GRANTED Conditional consent 3<sup>rd</sup> August 2007.

### **Consultation Responses**

None

### **Representations**

Site notices have been posted and the Listed Building Consent application advertised in accordance with Council policy. This has resulted in one letter

of representation (LOR) raising objection to the proposal on the following grounds:-

I and my family have resided at 75 George Street for over five years and have had no plans to move. The only problems with the property is that one third of the rear of the house is in the shadow of Mount Wise House and a further third is in the shadow of Mount Wise House outbuildings. Also the house is subject to some vibration and noise from the same. To extend Mount Wise House above one storey will throw the whole of the back into darkness, Removing all semblance of privacy and would I believe require us to light the property during daylight.

### **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 issue in this case is:-

- Whether there has been any material change in circumstance since the previous approval in August 2007.

Since the previous approval Planning Policy Statement 5 (PPS5) has replaced Planning Policy Guidance 15 (PPG15) at national policy level. Generally this is more wide ranging and inclusive of the historic environment (including the archaeology that was previously covered separately in PPG16) with the emphasis more on understanding the heritage asset and justifying the proposals. It is not so specific as PPG15 – although this is supplemented by the Practice Guide.

These changes in the national policy framework with regard to listed buildings do not alter the consideration of the acceptability of the Listed Building proposal.

### **Equalities & Diversities issues**

The two storey element of this extension is to provide a lift and ensure that the upper storeys of Mount Wise House are accessible to people with disabilities.

### **Section 106 Obligations**

None.

### **Conclusions**

The proposed extension remains the same as that previously approved, that was for a mainly two storey rear extension, in contrasting style to the existing Georgian building, with the lower storey set partly into the ground, subterranean. Members may recall that an earlier scheme to provide an

extension of equivalent bulk and massing to the existing Mount Wise House was withdrawn by the applicant in response to concerns about its impact upon the listed building and the rear elevations and gardens of neighbouring properties in George Street.

### **Recommendation**

In respect of the application dated **28/04/2010** and the submitted drawings, **114(12)080RevA; 114(12)081RevA; 114(12)082RevA; 114(12)085RevA; 114(12)086RevA; 114(12)090RevA; 114(12)092RevA; 114(12)093RevA & 114(12)096RevA**, it is recommended to: **Grant Conditionally**

### **Conditions**

#### **TIME LIMIT FOR COMMENCEMENT (LBC)**

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

#### **Reason:**

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

#### **APPROVAL OF DETAILED PARTICULARS**

(2) No works shall commence until detailed drawings and particulars to an appropriate scale of the following have been submitted to and approved in writing by the local Planning Authority showing typical details of junction between the new build extensions and the existing Listed building. The works shall be carried out strictly in accordance with the approved details.

#### **Reason:**

To ensure that the details of the proposed works do not conflict with CS03 (Historic Environment)

#### **JOINERY DETAILS**

(3) No works shall commence until a schedule of all external/internal joinery details (with cross sections at 1:5 scale and 1:1 moulding details) have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

#### **Reason:**

To ensure that the details of the proposed work do not conflict with CS03; of the City of Plymouth Core Strategy.

#### **DOOR DETAILS**

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

Reason:

To ensure that the details of the proposed work do not conflict with CS03; of the City of Plymouth Core Strategy

#### SPECIFICATION FOR RENDERING ETC

(5) No works shall commence until a detailed specification for the composition, method of application and texture of surface finish for the Rendering /Plastering/ Re-pointing has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the City of Plymouth Core Strategy.

#### DETAILS OF FITMENTS AND FEATURES

(6) No works shall commence until full details of the fitments and features to be retained, and those which may be removed, altered or adapted (as may be determined by prior inspection by a representative of the local Planning Authority at the applicant's request) have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed works do not conflict with Policy CS03 of the City of Plymouth Core Strategy.

#### 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 extension 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 CS03 of the City of Plymouth Core Strategy.

#### INFORMATIVE:

(1) If any demolition is involved, the Environment Agency advises that buildings when demolished can give rise to Special Wastes. These are subject to additional control prior to disposal. The Environment Agency can advise the applicant on the regulations concerning Special Wastes. The Special Wastes most likely to be encountered during the demolition/refurbishment of pre-developed sites are: -

- a. asbestos cement building products;
- b. fibrous asbestos insulation, particularly around heating appliances;
- c. central heating oil;
- d. herbicides/pesticides;
- e. oils and chemicals associated with vehicle repairs and maintenance.

**INFORMATIVE: PEMICON**

(2) Plymouth Employment in Construction Partnership (PEMICON) is a free service promoting the use of local skilled labour in major construction projects. They can be contacted by telephone on 01752 300700 (Fax:213662).

**INFORMATIVE: LISTED BUILDING CONSENT ONLY**

(3) This approval relates only to Listed Building consent. A separate planning permission may be required in relation to some of the works shown in the approved drawings.

**INFORMATIVE: WILDLIFE & COUNTRYSIDE ACT**

(4) The proposed works may take place on a building with suitability for bats or breeding birds. Under the Wildlife and Countryside Act (1981), bats and breeding birds are legally protected against disturbance, injury or killing and bat roosts are protected against obstruction, damage or destruction. If bats or a bat roost is present in the building, a licence to carry out the works from Natural England may be required. For further information please contact Plymouth City Council's Nature Conservation Officer on 01752 304229.

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

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

CS03 - Historic Environment

PPS5 - Planning for the Historic Environment

**ITEM: 20**

<b>Application Number:</b>	10/01272/LBC
<b>Applicant:</b>	Mount Wise (Guernsey) Limited
<b>Description of Application:</b>	Alterations, extension and works of conversion, in association with the creation of B1 office space within buildings (as previously approved under ref: 07/00014/LBC)
<b>Type of Application:</b>	Listed Building
<b>Site Address:</b>	FORMER MOD SITE, MOUNT WISE DEVONPORT PLYMOUTH
<b>Ward:</b>	Devonport
<b>Valid Date of Application:</b>	23/07/2010
<b>8/13 Week Date:</b>	<b>17/09/2010</b>
<b>Decision Category:</b>	Major Application
<b>Case Officer :</b>	Jeremy Guise
<b>Recommendation:</b>	Grant Conditionally
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



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## OFFICERS REPORT

**This application is a duplicate of 10/00671/LBC reported elsewhere on this agenda.**

### **Site Description**

As per 10/00671/LBC

### **Proposal Description**

As per 10/00671/LBC - Alterations, extension and works of conversion, in association with the creation of B1 office space within buildings (as previously approved under ref: 07/00014/LBC)

### **Relevant Planning History**

As per 10/00671/LBC

### **Consultation Responses**

None

### **Representations**

None

### **Analysis**

See 10/00671/LBC

### **Section 106 Obligations**

None

### **Equalities & Diversities issues**

See 10/00671/LBC

### **Conclusions**

**This application is identical to ref. 10/00671/LBC. Members are urged very strongly to take a decision that is consistent with the decision they reach in relation to that application.**

### **Recommendation**

In respect of the application dated **23/07/2010** and the submitted drawings, **114(12)080RevA; 114(12)081RevA; 114(12)082RevA; 114(12)085RevA; 114(12)086RevA; 114(12)090RevA; 114(12)092RevA; 114(12)093RevA & 114(12)096RevA**, it is recommended to: **Grant Conditionally**



**Appendix to reports 10/00671/LBC and 10/01272/LBC**

**OFFICERS REPORT (07/00014/LBC)**

**Site Description**

Mount Wise House is a large, double fronted, corner building located at the southern end of a terrace on the eastern side of George Street in Devonport. Originally built as two large townhouses its principal elevations are to the south, facing towards Admiralty House, and to the west where it contributes to street scene in George Street. Like the terraced properties to the north its plot extends to the east in a narrow curtilage, which contains more recent rear extension as and outbuildings. Unlike the terraced houses to the north, it has until very recently been contained within the Mount Wise military enclave and inaccessible to the public. Whilst most of the original external features survive, notably the well proportioned Georgian frontages; the long period of military use has led to extensive internal adaptation and alteration. The property is listed Grade II.

**Proposal Description**

Listed Building Consent is sought to convert and extend the building to provide 1,668sqm of employment space, 510sqm in a new extension.

The Design, Access and Listed Buildings Statement submitted by the applicant's consultants in support of the application states that the interior of the building will be sympathetically restored, with all later modern plasterboard partitions removed, and all interior areas, such original staircases and associated lobbies carefully renovated. Externally the dilapidated and unsympathetic accretions attached to the east of the building and freestanding workshop will be removed and replaced with a sympathetically designed modern extension to provide additional floor space and DDA compliant access to the upper floor space.

Plans show a two storey extension on the eastern side of the building, a steel framed structure with glazing, external teak blinds and a stone stall riser in completely contrasting style to the existing building.

Although a separate listed building consideration, to be determined on its own merits, the application relates to and is compatible with the wider outline application for Mount Wise; reference No. 06/01646/OUT.

**Relevant Planning History**

None

**Consultation Responses**

**Plymouth Design Panel** - the Design Panel have not been consulted specifically about this application, although they have commented upon the wider outline application that includes this site.

**Representations**

Site notices were posted, but no representations have been received about 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.

The key issues in this case are:-

- Principle of Change of use from Military residence to offices (policy CS03 of the Core strategy)
- Impact upon the character and setting of the listed building (policy CS03 of the Core strategy)

The Council follows Government advice in PPG15 (Historic Environment) in seeking retention of listed buildings in the use for which they were originally built in the first instance – which in this case is a residential use. However, it is accepted that the internal arrangements (position of access staircases, scale of rooms etc) do not lend themselves easily to residential conversion and, in this location, subdivision. A commercial office use is therefore an acceptable alternative.

The internal alterations are limited to minor openings on the third floor, a new access corridor to lift extension subdivides rear room plan, a large rear sash window is blocked for a new lift tower on the second floor, the removal of partitions to the landing, the blocking of a rear window to new lift extension on the first floor and minor alterations blocking windows to accommodate toilets on the ground floor. These are considered to be acceptable by the Council's expert Historic Environment officer, subject to a stringent conditional regime relating to details. This is set out in conditions recommended.

The extension is located to the rear garden/courtyard of the building and replaces some poor quality minor additions, fire escapes and a large garage/storage building which covers about half the open courtyard space. The extension incorporates an existing 2m plus Plymouth limestone rear boundary wall. The new extension is proposed as a light weight construction with glazing to the south elevation under a projecting flat roof on piloti. The glazing will have louvers to reduce solar gain. It responds to its context with the thin flat roof aligning to the soldier course between ground and first floor of the main house and the piloti create a bay rhythm similar to that of the main house. Its massing is reduced by adding a set back mezzanine floor which is top lit by a clerestory type window. The result is a well executed but clearly subservient building with an honest, clearly new architectural style which does not compete visually with the listed building.

In addition, as discussed above, a four storey glazed lift core is located tucked behind the last bay of Mount Wise House. It also provides the physical link

between the buildings and lift access to all but the attic floor in the Listed Building. This glazed link will require blocking in of rear windows but is well located and subject to detailing and materials is acceptable

A short section of limestone boundary wall attached to the side elevation of the House will be retained to assist in integrating the existing and new build and adding historical and architectural a texture, contrast and interest.

The previous proposals replicated the general mass of the existing building which was considered to be detrimental to character of Mount Wise House.

**Section 106 Obligations**

None on this LBC application

**Conclusions**

The internal alterations to the Listed building are limited to opening up staircases and recreating the main room plan. Services are located to the rear (east) in the smaller rooms and the link to the new glazed lift tower from ground /1st/2nd and 3rd floor and the 2 storey new extension. The new extensions replace minor later additions and a large modern storage building to the rear courtyard. The proposed new build extension appear architecturally well executed and honest in their contemporary approach. Subject to details controlled through condition this proposal is considered to be acceptable.

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**PLANNING COMMITTEE**

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Decisions issued for the following period: 20 July 2010 to 16 August 2010

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**Note - This list includes:**

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

**Item No 1**

**Application Number:** 09/01022/LBC **Applicant:** Plymouth City Council

**Application Type:** Listed Building

**Description of Development:** To convert nine existing high level fixed glazed windows to form opening fan light windows in the council house

**Site Address** COUNCIL HOUSE, ROYAL PARADE PLYMOUTH

**Case Officer:** Thomas Westrope

**Decision Date:** 23/07/2010

**Decision:** Application Withdrawn

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**Item No 2**

**Application Number:** 09/01353/FUL **Applicant:** Mr Mark Gatehouse

**Application Type:** Full Application

**Description of Development:** Change of use, renovation and extension of former stables building to form residential accommodation for staff.

**Site Address** VICTORIA HOUSE CATTEDOWN ROAD PLYMOUTH

**Case Officer:** Stuart Anderson

**Decision Date:** 22/07/2010

**Decision:** Application Withdrawn

---

**Item No 3**

**Application Number:** 09/01616/LBC **Applicant:** Loungers Ltd  
**Application Type:** Listed Building  
**Description of Development:** Listed building consent for internal and external works to the ground floor of the Mills building associated with the change of use to a public café/bar  
**Site Address** MILLS BAKERY, UNIT 12-14, 4A ROYAL WILLIAM YARD PLYMOUTH  
**Case Officer:** Robert McMillan  
**Decision Date:** 22/07/2010  
**Decision:** Grant Conditionally

---

**Item No 4**

**Application Number:** 09/01890/FUL **Applicant:** Mr & Mrs R Dreher  
**Application Type:** Full Application  
**Description of Development:** Develop part of rear garden by erection of coach house style dwelling with associated vehicle access to hardstanding  
**Site Address** 8 WOODLAND TERRACE, GREENBANK ROAD PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 03/08/2010  
**Decision:** Refuse

---

**Item No 5**

**Application Number:** 10/00066/EXD **Applicant:** Mr V McLaughlin  
**Application Type:** LDC Existing Develop  
**Description of Development:** Lawful development certificate for existing rear first floor extension  
**Site Address** 37 RENOWN STREET KEYHAM PLYMOUTH  
**Case Officer:** Harry Sedman  
**Decision Date:** 23/07/2010  
**Decision:** Refuse to Issue Cert - (Ex)

---

**Item No 6**

**Application Number:** 10/00239/FUL **Applicant:** Mr J Beer  
**Application Type:** Full Application  
**Description of Development:** Front porch and single-storey side extension  
**Site Address** 27 OLDLANDS CLOSE BIRDCAGE FARM ROBOROUGH  
PLYMOUTH  
**Case Officer:** Louis Dulling  
**Decision Date:** 04/08/2010  
**Decision:** Grant Conditionally

---

**Item No 7**

**Application Number:** 10/00318/FUL **Applicant:** Mr M Furzeland  
**Application Type:** Full Application  
**Description of Development:** Change of use to 3 two bedroom flats with commercial use on  
ground floor and associated parking  
**Site Address** 158 UNION STREET PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 22/07/2010  
**Decision:** Refuse

---

**Item No 8**

**Application Number:** 10/00353/TPO **Applicant:** Mr Nicholas Leavey  
**Application Type:** Tree Preservation  
**Description of Development:** Fell 2 Sycamore trees  
**Site Address** 23 LOPWELL CLOSE LOOSELEIGH PLYMOUTH  
**Case Officer:** Chris Knapman  
**Decision Date:** 28/07/2010  
**Decision:** Refuse

---

**Item No 9**

**Application Number:** 10/00358/FUL **Applicant:** TSL Properties  
**Application Type:** Full Application  
**Description of Development:** Two-storey rear extension, to provide covered staircase and entrance to first-floor flat  
**Site Address** 77 BARTON AVENUE PLYMOUTH  
**Case Officer:** Stuart Anderson  
**Decision Date:** 23/07/2010  
**Decision:** Grant Conditionally

---

**Item No 10**

**Application Number:** 10/00374/FUL **Applicant:** Mr N Foster  
**Application Type:** Full Application  
**Description of Development:** Retention of timber decking  
**Site Address** 13 BYRON AVENUE MANADON PLYMOUTH  
**Case Officer:** Stuart Anderson  
**Decision Date:** 12/08/2010  
**Decision:** Grant Conditionally

---

**Item No 11**

**Application Number:** 10/00405/FUL **Applicant:** Mr David Legg  
**Application Type:** Full Application  
**Description of Development:** Retention of rear conservatory and timber decking  
**Site Address** 86 UNDERLANE PLYMPTON PLYMOUTH  
**Case Officer:** Stuart Anderson  
**Decision Date:** 02/08/2010  
**Decision:** Grant Conditionally

---

**Item No 12**

**Application Number:** 10/00426/LBC **Applicant:** Co-operative Group  
**Application Type:** Listed Building  
**Description of Development:** Two externally illuminated fascia signs and one non-illuminated sign  
**Site Address** 8 GEORGE STREET PLYMOUTH  
**Case Officer:** Stuart Anderson  
**Decision Date:** 09/08/2010  
**Decision:** Grant Conditionally

---



**Item No 13**

**Application Number:** 10/00435/FUL **Applicant:** Mr Fran Nowak  
**Application Type:** Full Application  
**Description of Development:** Part single-storey, part three-storey side extension; front dormer and associated balcony and retention of double garage/store  
**Site Address** 32 MARINE ROAD ORESTON PLYMOUTH  
**Case Officer:** Simon Osborne  
**Decision Date:** 23/07/2010  
**Decision:** Grant Conditionally

---

**Item No 14**

**Application Number:** 10/00444/FUL **Applicant:** Mr J C Munday  
**Application Type:** Full Application  
**Description of Development:** Change of use and conversion of single dwelling to form two, one-bedroomed self-contained flats, including amenity space on flat roof area  
**Site Address** 16 COLLINGWOOD AVENUE PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 20/07/2010  
**Decision:** Refuse

---

**Item No 15**

**Application Number:** 10/00450/FUL **Applicant:** Mr Michael Draper  
**Application Type:** Full Application  
**Description of Development:** Change of use from offices to student accommodation (HMO - 8 bedrooms)  
**Site Address** 17 MOOR VIEW TERRACE PLYMOUTH  
**Case Officer:** Stuart Anderson  
**Decision Date:** 20/07/2010  
**Decision:** Grant Conditionally

---

**Item No 16**

**Application Number:** 10/00499/FUL **Applicant:** Harbour Avenue Limited  
**Application Type:** Full Application  
**Description of Development:** Redevelopment of site and erection of 17 no 3 bed terraced houses and 6 no 2 bed apartments with associated car parking and landscaping.  
**Site Address** LAND REAR OF QUEEN ANNES QUAY OFF PARSONAGE WAY COXSIDE PLYMOUTH  
**Case Officer:** Robert Heard  
**Decision Date:** 05/08/2010  
**Decision:** Draft Decision notice issued

---

**Item No 17**

**Application Number:** 10/00501/FUL **Applicant:** Mrs Sara Plumb  
**Application Type:** Full Application  
**Description of Development:** Two-storey extension with garage and utility room at lower level including glazed link to cottage and external steps; new vehicular access; drive and retaining walls  
**Site Address** CLITTAFORD COTTAGE, COOMBE LANE TAMERTON FOLIOT PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 26/07/2010  
**Decision:** Grant Conditionally

---

**Item No 18**

**Application Number:** 10/00502/LBC **Applicant:** Mrs Sara Plumb  
**Application Type:** Listed Building  
**Description of Development:** Two-storey extension with garage and utility room at lower level including glazed link to cottage, external steps, internal steps, opening through existing cottage exterior wall, removal of existing internal door, alteration of existing wc and boiler room to provide shower and wc, and provision of new doorway from ground floor teaching room to passageway; new vehicular access; drive and retaining walls  
**Site Address** CLITTAFORD COTTAGE, COOMBE LANE TAMERTON FOLIOT PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 26/07/2010  
**Decision:** Grant Conditionally

---

**Item No 19**

**Application Number:** 10/00508/FUL **Applicant:** Mr Jeff Ukachukwu  
**Application Type:** Full Application  
**Description of Development:** First-floor rear extension  
**Site Address** 21 WEST HILL ROAD PLYMOUTH  
**Case Officer:** Kate Saunders  
**Decision Date:** 22/07/2010  
**Decision:** Grant Conditionally

---

**Item No 20**

**Application Number:** 10/00519/FUL **Applicant:** Mr Peter Fleet  
**Application Type:** Full Application  
**Description of Development:** Raised terrace area and associated opening on first floor  
**Site Address** VOODOO LOUNGE, THE MONEYCENTRE, 1 DRAKE CIRCUS PLYMOUTH  
**Case Officer:** Kirsty Barrett  
**Decision Date:** 12/08/2010  
**Decision:** Grant Conditionally

---

**Item No 21**

**Application Number:** 10/00522/FUL **Applicant:** Mrs Christine McNelly  
**Application Type:** Full Application  
**Description of Development:** Formation of room in roofspace including rear dormer and two front rooflights  
**Site Address** 164 UNDERWOOD ROAD PLYMOUTH  
**Case Officer:** Kate Saunders  
**Decision Date:** 09/08/2010  
**Decision:** Refuse

---

**Item No 22**

**Application Number:** 10/00523/FUL **Applicant:** Mr Nicholas Read  
**Application Type:** Full Application  
**Description of Development:** Formation of room in roofspace including rear dormer and two front rooflights  
**Site Address** 162 UNDERWOOD ROAD PLYMOUTH  
**Case Officer:** Kate Saunders  
**Decision Date:** 04/08/2010  
**Decision:** Refuse

---

**Item No 23**

**Application Number:** 10/00524/EXU **Applicant:** Mr Ross Donnelly  
**Application Type:** LDC Existing Use  
**Description of Development:** Use as shop and 3 flats  
**Site Address** 47 DEVONPORT ROAD PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 13/08/2010  
**Decision:** Issue Certificate - Lawful Use

---

**Item No 24**

**Application Number:** 10/00545/FUL **Applicant:** Mrs A Fleming  
**Application Type:** Full Application  
**Description of Development:** Single-storey front extension to enlarge kitchen, with conversion of porch to also form part of kitchen  
**Site Address** 7 MOULTON CLOSE PLYMOUTH  
**Case Officer:** Louis Dulling  
**Decision Date:** 21/07/2010  
**Decision:** Grant Conditionally

---

**Item No 25**

**Application Number:** 10/00555/FUL **Applicant:** Torr Home  
**Application Type:** Full Application  
**Description of Development:** New care home building for elderly mentally infirmed and formation of new car parking areas  
**Site Address** TORR HOME, THE DRIVE PLYMOUTH  
**Case Officer:** Kate Saunders  
**Decision Date:** 04/08/2010  
**Decision:** Refuse

---

**Item No 26**

**Application Number:** 10/00583/FUL **Applicant:** Design Development Ltd  
**Application Type:** Full Application  
**Description of Development:** Change of use, conversion and alteration of public house to form a house in multiple occupation (8 bedrooms) and two separate self-contained residential units  
**Site Address** 'THE GOLDMINE' 50 BUTT PARK ROAD HONICKNOWLE PLYMOUTH  
**Case Officer:** Janine Warne  
**Decision Date:** 27/07/2010  
**Decision:** Application Withdrawn

---

**Item No 27**

**Application Number:** 10/00587/FUL **Applicant:** Miss Mary Reed  
**Application Type:** Full Application  
**Description of Development:** Replacement of flat roof on existing rear extension with pitched roof  
**Site Address** 59 SOUTH DOWN ROAD PLYMOUTH  
**Case Officer:** Stuart Anderson  
**Decision Date:** 27/07/2010  
**Decision:** Grant Conditionally

---

**Item No 28**

**Application Number:** 10/00626/FUL **Applicant:** Mr and Mrs Fisher  
**Application Type:** Full Application  
**Description of Development:** Two-storey side extension  
**Site Address** 53 FURZEHATT ROAD PLYMOUTH  
**Case Officer:** Louis Dulling  
**Decision Date:** 02/08/2010  
**Decision:** Grant Conditionally

---

**Item No 29**

**Application Number:** 10/00645/FUL **Applicant:** House to Home Improvements  
**Application Type:** Full Application  
**Description of Development:** Side extension including double private motor garage and first floor extension (existing garage to be removed) and single storey rear extension  
**Site Address** 18 KENILWORTH ROAD PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 26/07/2010  
**Decision:** Refuse

---

**Item No 30**

**Application Number:** 10/00672/FUL **Applicant:** Mr and Mrs G Bryan  
**Application Type:** Full Application  
**Description of Development:** Change of use of first-floor from hairdressing salon to flat  
**Site Address** 39 MUTLEY PLAIN PLYMOUTH  
**Case Officer:** Stuart Anderson  
**Decision Date:** 05/08/2010  
**Decision:** Grant Conditionally

---

**Item No 31**

**Application Number:** 10/00676/FUL **Applicant:** Miss T Lewis  
**Application Type:** Full Application  
**Description of Development:** Change of use from a three bedroom dwellinghouse to a 6 bedroom house in multiple occupation  
**Site Address** 25 ASHFORD ROAD PLYMOUTH  
**Case Officer:** Stuart Anderson  
**Decision Date:** 28/07/2010  
**Decision:** Application Withdrawn

---

**Item No 32**

**Application Number:** 10/00692/FUL **Applicant:** Andrew Boote  
**Application Type:** Full Application  
**Description of Development:** Two-storey side extension and single-storey rear extension (existing garage, coal shed and lean-to kitchen extension to be removed)  
**Site Address** 75 NEWNHAM ROAD PLYMOUTH  
**Case Officer:** Kate Saunders  
**Decision Date:** 10/08/2010  
**Decision:** Grant Conditionally

---

**Item No 33**

**Application Number:** 10/00704/FUL **Applicant:** Goode Hairdressers  
**Application Type:** Full Application  
**Description of Development:** Subdivision of existing hairdressers into two separate units to be used as hairdressers and travel agent and creation of new shop front  
**Site Address** 5 - 7 NEW GEORGE STREET PLYMOUTH  
**Case Officer:** Louis Dulling  
**Decision Date:** 06/08/2010  
**Decision:** Grant Conditionally

---

**Item No 34**

**Application Number:** 10/00715/FUL **Applicant:** Mr Matthew Conyers  
**Application Type:** Full Application  
**Description of Development:** Change of use to house in multiple occupation (8 bedrooms)  
**Site Address** 3 HILLSIDE AVENUE PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 30/07/2010  
**Decision:** Refuse

---

**Item No 35**

**Application Number:** 10/00735/LBC **Applicant:** Mr J and Mrs M Squire  
**Application Type:** Listed Building  
**Description of Development:** Installation of blue plaque  
**Site Address** THE OLD CUSTOM HOUSE, 18 PARADE PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 23/07/2010  
**Decision:** Grant Conditionally

---

**Item No 36**

**Application Number:** 10/00740/FUL **Applicant:** Mrs J Kelland  
**Application Type:** Full Application  
**Description of Development:** First-floor side extension and additional side wall to existing private motor garage  
**Site Address** 20 GREENACRES PLYMOUTH  
**Case Officer:** Louis Dulling  
**Decision Date:** 21/07/2010  
**Decision:** Grant Conditionally

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**Item No 37**

**Application Number:** 10/00746/EXD **Applicant:** Mr Robert Ostler  
**Application Type:** LDC Existing Develop  
**Description of Development:** Front and rear single storey extension  
**Site Address** 50 FARM LANE HONICKNOWLE PLYMOUTH  
**Case Officer:** Harry Sedman  
**Decision Date:** 27/07/2010  
**Decision:** Issue Certificate - Lawful Use

---



**Item No 38**

**Application Number:** 10/00748/FUL **Applicant:** Mr Matthew Newman  
**Application Type:** Full Application  
**Description of Development:** Single-storey workshop (existing workshop to be removed)  
**Site Address** 41 PLYMTREE DRIVE PLYMOUTH  
**Case Officer:** Kate Saunders  
**Decision Date:** 23/07/2010  
**Decision:** Grant Conditionally

---

**Item No 39**

**Application Number:** 10/00754/TPO **Applicant:** Mr Terry Fairbanks  
**Application Type:** Tree Preservation  
**Description of Development:** Tree pruning works  
**Site Address** 11 BELLE VUE ROAD HOOE PLYMOUTH  
**Case Officer:** Chris Knapman  
**Decision Date:** 29/07/2010  
**Decision:** Grant Conditionally

---

**Item No 40**

**Application Number:** 10/00767/FUL **Applicant:** Mr Trevor Walke  
**Application Type:** Full Application  
**Description of Development:** Continue use of warehouse for temporary general industrial use (vehicle repair garage) until 14 February 2012  
**Site Address** 3 TO 5 MARKET ROAD PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 05/08/2010  
**Decision:** Refuse

---

**Item No 41**

**Application Number:** 10/00785/ADV **Applicant:** Tesco Stores Ltd  
**Application Type:** Advertisement  
**Description of Development:** Illuminated fascia sign  
**Site Address** 29 NEW GEORGE STREET PLYMOUTH  
**Case Officer:** Louis Dulling  
**Decision Date:** 10/08/2010  
**Decision:** Grant Conditionally

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**Item No 42**

**Application Number:** 10/00788/FUL **Applicant:** R Cabs  
**Application Type:** Full Application  
**Description of Development:** Retention of taxi (private hire) booking office  
**Site Address** 624 WOLSELEY ROAD PLYMOUTH  
**Case Officer:** Janine Warne  
**Decision Date:** 29/07/2010  
**Decision:** Grant Conditionally

---

**Item No 43**

**Application Number:** 10/00789/FUL **Applicant:** Mr Nigel Keene  
**Application Type:** Full Application  
**Description of Development:** Two-storey side extension  
**Site Address** 119 BEAUMARIS ROAD HARTLEY VALE PLYMOUTH  
**Case Officer:** Harry Sedman  
**Decision Date:** 27/07/2010  
**Decision:** Grant Conditionally

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**Item No 44**

**Application Number:** 10/00794/TPO **Applicant:** Mr C Edwards  
**Application Type:** Tree Preservation  
**Description of Development:** Fell one tree raise crown of another adj. 43 Honiton Walk  
**Site Address** BROOK GREEN CENTRE FOR LEARNING,38 BODMIN ROAD PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 10/08/2010  
**Decision:** Grant Conditionally

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**Item No 45**

**Application Number:** 10/00828/FUL **Applicant:** Mr James Parker  
**Application Type:** Full Application  
**Description of Development:** First-floor side extension  
**Site Address** 40 HENLEY DRIVE PLYMOUTH  
**Case Officer:** Louis Dulling  
**Decision Date:** 20/07/2010  
**Decision:** Grant Conditionally

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**Item No 46**

**Application Number:** 10/00833/FUL **Applicant:** Mrs Valerie Welford  
**Application Type:** Full Application  
**Description of Development:** Alterations to dwellinghouse includes additional window, and single-storey extension on west elevation to replace existing conservatory.  
**Site Address** 64 SOUTHERNWAY PLYMOUTH  
**Case Officer:** Harry Sedman  
**Decision Date:** 21/07/2010  
**Decision:** Grant Conditionally

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**Item No 47**

**Application Number:** 10/00834/FUL **Applicant:** Mr Tony Bullard  
**Application Type:** Full Application  
**Description of Development:** Single-storey side and rear extension, rear conservatory, and widening of front hardstanding to provide additional parking space (existing garage removed)  
**Site Address** 197 STANBOROUGH ROAD PLYMOUTH  
**Case Officer:** Louis Dulling  
**Decision Date:** 20/07/2010  
**Decision:** Grant Conditionally

---

**Item No 48**

**Application Number:** 10/00835/FUL **Applicant:** Purple Dot Ltd  
**Application Type:** Full Application  
**Description of Development:** One detached industrial building containing two units (use classes B1 (b & c), B2 and B8) with associated courtyard car parking (revision to previously approved scheme 01/01524)  
**Site Address** 5F AND 5G FORRESTER'S BUSINESS PARK ESTOVER  
CLOSE ESTOVER PLYMOUTH  
**Case Officer:** Janine Warne  
**Decision Date:** 20/07/2010  
**Decision:** Grant Conditionally

---

**Item No 49**

**Application Number:** 10/00839/FUL **Applicant:** Mr M Nicholas  
**Application Type:** Full Application  
**Description of Development:** Rear conservatory  
**Site Address** 5 PLYMBRIDGE GARDENS PLYMOUTH  
**Case Officer:** Louis Dulling  
**Decision Date:** 20/07/2010  
**Decision:** Grant Conditionally

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**Item No 50**

**Application Number:** 10/00840/FUL **Applicant:** Mrs S Baddeley  
**Application Type:** Full Application  
**Description of Development:** Single-storey rear extension  
**Site Address** 6 CROSS PARK AVENUE PLYMOUTH  
**Case Officer:** Kirsty Barrett  
**Decision Date:** 22/07/2010  
**Decision:** Grant Conditionally

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**Item No 51**

**Application Number:** 10/00849/FUL **Applicant:** Mr R Hodgson  
**Application Type:** Full Application  
**Description of Development:** Loft conversion including construction of rear dormer  
**Site Address** 198 PEVERELL PARK ROAD PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 12/08/2010  
**Decision:** Grant Conditionally

---

**Item No 52**

**Application Number:** 10/00850/CAC **Applicant:** Saltire Property Developments Lt  
**Application Type:** Conservation Area  
**Description of Development:** Conservation Area Consent for Demolition of two buildings  
**Site Address** FROBISHER HOUSE AND FLEET HOUSE, 64-66  
EBRINGTON STREET AND 15 HEWERS ROW PLYMOUTH  
**Case Officer:** Mark Evans  
**Decision Date:** 28/07/2010  
**Decision:** Grant Conditionally

---

**Item No 53**

**Application Number:** 10/00852/FUL **Applicant:** Mrs D Gent  
**Application Type:** Full Application  
**Description of Development:** Two storey side extension (including demolition of existing garage)  
**Site Address** 3 CRESSBROOK DRIVE MAINSTONE PLYMOUTH  
**Case Officer:** Kirsty Barrett  
**Decision Date:** 22/07/2010  
**Decision:** Refuse

---

**Item No 54**

**Application Number:** 10/00854/FUL **Applicant:** Mr Michael Callan  
**Application Type:** Full Application  
**Description of Development:** Private motor garage in rear garden, with driveway and with access through existing car port / garage  
**Site Address** 21 CHADDLEWOOD CLOSE PLYMPTON PLYMOUTH  
**Case Officer:** Kate Saunders  
**Decision Date:** 13/08/2010  
**Decision:** Refuse

---

**Item No 55**

**Application Number:** 10/00856/FUL **Applicant:** G F Triscott and Sons  
**Application Type:** Full Application  
**Description of Development:** Redevelop site of builders yard and workshop by erection of two dwellinghouses with integral private motor garages (application for new planning permission to replace extant planning permission 07/00465/FUL in order to extend time limit for implementation)  
**Site Address** 2 RIDGE PARK PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 26/07/2010  
**Decision:** Grant Conditionally

---

**Item No 56**

**Application Number:** 10/00864/FUL **Applicant:** Tesco Stores Ltd  
**Application Type:** Full Application  
**Description of Development:** Amendments to shopfront including relocation of ATM machine  
**Site Address** 29 NEW GEORGE STREET PLYMOUTH  
**Case Officer:** Louis Dulling  
**Decision Date:** 10/08/2010  
**Decision:** Grant Conditionally

---

**Item No 57**

**Application Number:** 10/00865/FUL **Applicant:** Malthurst Fuels Ltd  
**Application Type:** Full Application  
**Description of Development:** Change of use, conversion and alteration of internal jetwash to form additional retail space, new shopfront, access ramp and single-storey rear extension  
**Site Address** BUDSHEAD ROAD SERVICE STATION, BUDSHEAD ROAD PLYMOUTH  
**Case Officer:** Janine Warne  
**Decision Date:** 16/08/2010  
**Decision:** Grant Conditionally

---

**Item No 58**

**Application Number:** 10/00866/FUL **Applicant:** Housing 21  
**Application Type:** Full Application  
**Description of Development:** Replacement windows and doors and erection of mobility scooter store  
**Site Address** WINIFRED BAKER COURT, ADDISON ROAD PLYMOUTH  
**Case Officer:** Kate Saunders  
**Decision Date:** 12/08/2010  
**Decision:** Grant Conditionally

---

**Item No 59**

**Application Number:** 10/00867/FUL **Applicant:** Mrs Carol Thomas  
**Application Type:** Full Application  
**Description of Development:** Front porch and rear raised timber decking (existing side porch and associated steps to be removed)  
**Site Address** 11 CAREW GROVE PLYMOUTH  
**Case Officer:** Harry Sedman  
**Decision Date:** 29/07/2010  
**Decision:** Grant Conditionally

---

**Item No 60**

**Application Number:** 10/00869/FUL **Applicant:** Mr Paul Brennan  
**Application Type:** Full Application  
**Description of Development:** Rear garden decking  
**Site Address** 22 THE SPINNEY PLYMOUTH  
**Case Officer:** Louis Dulling  
**Decision Date:** 26/07/2010  
**Decision:** Grant Conditionally

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**Item No 61**

**Application Number:** 10/00870/FUL **Applicant:** Mr L Harrison  
**Application Type:** Full Application  
**Description of Development:** Single-storey front extension  
**Site Address** 156 BEVERSTON WAY PLYMOUTH  
**Case Officer:** Harry Sedman  
**Decision Date:** 27/07/2010  
**Decision:** Grant Conditionally

---

**Item No 62**

**Application Number:** 10/00871/PRD **Applicant:** Mr P Hammacott  
**Application Type:** LDC Proposed Develop  
**Description of Development:** Rear conservatory and detached private motor garage  
**Site Address** 31 BULTEEL GARDENS PLYMOUTH  
**Case Officer:** Harry Sedman  
**Decision Date:** 27/07/2010  
**Decision:** Issue Certificate - Lawful Use

---

**Item No 63**

**Application Number:** 10/00872/FUL **Applicant:** St Lukes Hospice  
**Application Type:** Full Application  
**Description of Development:** Provision of external single-storey oxygen storage compound, with screen planting  
**Site Address** ST LUKES HOSPICE, STAMFORD ROAD PLYMOUTH  
**Case Officer:** Stuart Anderson  
**Decision Date:** 29/07/2010  
**Decision:** Grant Conditionally

---

**Item No 64**

**Application Number:** 10/00873/ADV **Applicant:** Co-operative Group  
**Application Type:** Advertisement  
**Description of Development:** Externally illuminated fascia sign, internally illuminated projecting sign, non-illuminated free standing sign  
**Site Address** 89 WILTON STREET PLYMOUTH  
**Case Officer:** Harry Sedman  
**Decision Date:** 27/07/2010  
**Decision:** Grant Conditionally

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**Item No 65**

**Application Number:** 10/00876/FUL **Applicant:** Mr I L Mercer  
**Application Type:** Full Application  
**Description of Development:** First-floor side extension  
**Site Address** 1 WELLAND GARDENS EFFORD PLYMOUTH  
**Case Officer:** Kate Saunders  
**Decision Date:** 06/08/2010  
**Decision:** Refuse

---

**Item No 66**

**Application Number:** 10/00903/PRD **Applicant:** Mrs J Bell  
**Application Type:** LDC Proposed Develop  
**Description of Development:** Rear dormer window and front rooflights  
**Site Address** 15 ANNS PLACE STOKE PLYMOUTH  
**Case Officer:** Harry Sedman  
**Decision Date:** 27/07/2010  
**Decision:** Issue Certificate - Lawful Use

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**Item No 67**

**Application Number:** 10/00904/FUL **Applicant:** Mr D Oakland  
**Application Type:** Full Application  
**Description of Development:** Change of use and conversion of ground floor former post office to form self-contained flat  
**Site Address** 124 BEAUMONT ROAD PLYMOUTH  
**Case Officer:** Kate Saunders  
**Decision Date:** 09/08/2010  
**Decision:** Grant Conditionally

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**Item No 68**

**Application Number:** 10/00905/FUL **Applicant:** Mr David Burgess  
**Application Type:** Full Application  
**Description of Development:** Change of use, conversion and extension of dwellinghouse to form 3 residential apartments  
**Site Address** 643 WOLSELEY ROAD PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 02/08/2010  
**Decision:** Refuse

---

**Item No 69**

**Application Number:** 10/00908/FUL **Applicant:** Mrs Trisha Wass  
**Application Type:** Full Application  
**Description of Development:** Single-storey rear extension  
**Site Address** ` 20 VENN GROVE HARTLEY PLYMOUTH  
**Case Officer:** Harry Sedman  
**Decision Date:** 27/07/2010  
**Decision:** Grant Conditionally

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**Item No 70**

**Application Number:** 10/00909/FUL **Applicant:** Mr B Stewart  
**Application Type:** Full Application  
**Description of Development:** Rear conservatory  
**Site Address** 25 HURST CLOSE PLYMSTOCK PLYMOUTH  
**Case Officer:** Louis Dulling  
**Decision Date:** 26/07/2010  
**Decision:** Grant Conditionally

---

**Item No 71**

**Application Number:** 10/00912/FUL **Applicant:** Mr Kelvin Phillips  
**Application Type:** Full Application  
**Description of Development:** Alterations and extension to café including new access ramp, ground floor front extension and creation of a first floor and seating area  
**Site Address** DEVILS POINT CAFÉ, FIRESTONE BAY DURNFORD STREET PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 28/07/2010  
**Decision:** Refuse

---

**Item No 72**

**Application Number:** 10/00914/PRD **Applicant:** Mr and Mrs B Ham  
**Application Type:** LDC Proposed Develop  
**Description of Development:** Single Storey Rear Extension  
**Site Address** 33 VICARAGE GARDENS PLYMOUTH  
**Case Officer:** Louis Dulling  
**Decision Date:** 21/07/2010  
**Decision:** Issue Certificate - Lawful Use

---

**Item No 73**

**Application Number:** 10/00917/ADV **Applicant:** Co-operative Group  
**Application Type:** Advertisement  
**Description of Development:** Illuminated fascia signs and projecting sign and non-illuminated fascia panel and rear deliveries sign  
**Site Address** 56 MUTLEY PLAIN PLYMOUTH  
**Case Officer:** Louis Dulling  
**Decision Date:** 02/08/2010  
**Decision:** Grant Conditionally

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**Item No 74**

**Application Number:** 10/00922/ADV **Applicant:** Santander Plc  
**Application Type:** Advertisement  
**Description of Development:** Replacement illuminated fascia and three other advertisement signs  
**Site Address** 161 ARMADA WAY PLYMOUTH  
**Case Officer:** Harry Sedman  
**Decision Date:** 27/07/2010  
**Decision:** Grant Conditionally

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**Item No 75**

**Application Number:** 10/00928/FUL **Applicant:** Mr Michael Hoskin  
**Application Type:** Full Application  
**Description of Development:** Front conservatory/porch  
**Site Address** 23 LAIRA PARK ROAD PLYMOUTH  
**Case Officer:** Kate Saunders  
**Decision Date:** 03/08/2010  
**Decision:** Refuse

---

**Item No 76**

**Application Number:** 10/00931/FUL **Applicant:** Mr and Mrs Trim  
**Application Type:** Full Application  
**Description of Development:** Develop part of rear garden by erection of detached two-storey dwelling (existing private motor garage to be repositioned to serve existing dwelling)  
**Site Address** 1 ELFORD CRESCENT PLYMOUTH  
**Case Officer:** Robert Heard  
**Decision Date:** 09/08/2010  
**Decision:** Application Withdrawn

---

**Item No 77**

**Application Number:** 10/00935/FUL **Applicant:** Mr Andrew Grayson  
**Application Type:** Full Application  
**Description of Development:** Two-storey rear extension and front porch  
**Site Address** 44 DOVEDALE ROAD PLYMOUTH  
**Case Officer:** Harry Sedman  
**Decision Date:** 04/08/2010  
**Decision:** Refuse

---

**Item No 78**

**Application Number:** 10/00940/CAC **Applicant:** Saltire Property Developments Lt  
**Application Type:** Conservation Area  
**Description of Development:** Demolition of boundary wall  
**Site Address** CAR PARK SITE, TRAFALGAR STREET PLYMOUTH  
**Case Officer:** Mark Evans  
**Decision Date:** 03/08/2010  
**Decision:** Grant Conditionally

---

**Item No 79**

**Application Number:** 10/00941/FUL **Applicant:** Unit Build Ltd  
**Application Type:** Full Application  
**Description of Development:** Use within use class D1 (c) (provision of education) in addition to use class B1, B2 and B8  
**Site Address** UNIT 8, 55 SISNA PARK ROAD PLYMOUTH  
**Case Officer:** Janine Warne  
**Decision Date:** 28/07/2010  
**Decision:** Grant Conditionally

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**Item No 80**

**Application Number:** 10/00943/PRD **Applicant:** Mr Michael Jinks  
**Application Type:** LDC Proposed Develop  
**Description of Development:** Rear conservatory  
**Site Address** 91 TEMERAIRE ROAD PLYMOUTH  
**Case Officer:** Kirsty Barrett  
**Decision Date:** 12/08/2010  
**Decision:** Issue Certificate - Lawful Use

---

**Item No 81**

**Application Number:** 10/00946/ADV **Applicant:** Mrs J Burridge  
**Application Type:** Advertisement  
**Description of Development:** Illuminated fascia and projecting signs (Approved). Non-illuminated hoarding sign on side wall (Refused)  
**Site Address** 3 DEVONPORT ROAD PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 11/08/2010  
**Decision:** Advertisement Split Decision

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**Item No 82**

**Application Number:** 10/00948/ADV **Applicant:** McDonald's Restaurant Ltd  
**Application Type:** Advertisement  
**Description of Development:** Replacement and new illuminated and non-illuminated signage  
**Site Address** 1 POMPHLETT ROAD PLYMOUTH  
**Case Officer:** Stuart Anderson  
**Decision Date:** 04/08/2010  
**Decision:** Grant Conditionally

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**Item No 83**

**Application Number:** 10/00949/FUL **Applicant:** Mr R Myers  
**Application Type:** Full Application  
**Description of Development:** First floor rear extension  
**Site Address** 74 PEVERELL PARK ROAD PLYMOUTH  
**Case Officer:** Kirsty Barrett  
**Decision Date:** 13/08/2010  
**Decision:** Grant Conditionally

---

**Item No 84**

**Application Number:** 10/00950/FUL **Applicant:** McDonald's Restaurant Ltd  
**Application Type:** Full Application  
**Description of Development:** Refurbishment of restaurant and patio area, including changes to elevations, removal of a booth and installation of new fully-automated entrance door  
**Site Address** 1 POMPHLETT ROAD PLYMOUTH  
**Case Officer:** Stuart Anderson  
**Decision Date:** 04/08/2010  
**Decision:** Grant Conditionally

---

**Item No 85**

**Application Number:** 10/00953/FUL **Applicant:** Mr S Moore  
**Application Type:** Full Application  
**Description of Development:** Change of use and conversion of dwellinghouse to form two self-contained flats  
**Site Address** 45 COLLEGE ROAD PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 02/08/2010  
**Decision:** Refuse

---

**Item No 86**

**Application Number:** 10/00959/TPO **Applicant:** Hillside Court  
**Application Type:** Tree Preservation  
**Description of Development:** Various tree works  
**Site Address** HILLSIDE COURT, STATION ROAD PLYMPTON PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 27/07/2010  
**Decision:** Grant Conditionally

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**Item No 87**

**Application Number:** 10/00962/PRD **Applicant:** Miss A J McKinley  
**Application Type:** LDC Proposed Develop  
**Description of Development:** Construction of greenhouse and garden shed  
**Site Address** 28 PENLEE WAY PLYMOUTH  
**Case Officer:** Harry Sedman  
**Decision Date:** 27/07/2010  
**Decision:** Issue Certificate - Lawful Use

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**Item No 88**

**Application Number:** 10/00965/FUL **Applicant:** Mr T Prout  
**Application Type:** Full Application  
**Description of Development:** Two-storey side extension, including private motor garage (existing garage to be removed)  
**Site Address** 11 OAK DRIVE PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 10/08/2010  
**Decision:** Grant Conditionally

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**Item No 89**

**Application Number:** 10/00966/TPO **Applicant:** Mr Richard and Mrs Catherine M  
**Application Type:** Tree Preservation  
**Description of Development:** Sycamore - re-pollard  
**Site Address** 50 WARWICK ORCHARD CLOSE PLYMOUTH  
**Case Officer:** Chris Knapman  
**Decision Date:** 06/08/2010  
**Decision:** Grant Conditionally

---

**Item No 90**

**Application Number:** 10/00967/TPO **Applicant:** Ms M Partridge  
**Application Type:** Tree Preservation  
**Description of Development:** Oak Tree - shorten branches on house side by 2-3 meters  
**Site Address** OAK HOUSE,2 HARLECH CLOSE PLYMOUTH  
**Case Officer:** Chris Knapman  
**Decision Date:** 26/07/2010  
**Decision:** Grant Conditionally

---

**Item No 91**

**Application Number:** 10/00969/ADV **Applicant:** Sport Environment Ltd  
**Application Type:** Advertisement  
**Description of Development:** Retrospective temporary consent to display event banners and flags for the Blue Mile event  
**Site Address** CATTEWATER WHARF, WEST PIER AND PEBBLESIDE PIER PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 11/08/2010  
**Decision:** Grant Conditionally

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**Item No 92**

**Application Number:** 10/00971/ADV **Applicant:** Amber New Homes  
**Application Type:** Advertisement  
**Description of Development:** Non-illuminated sign on south end elevation  
**Site Address** 1 SUTHERLAND ROAD PLYMOUTH  
**Case Officer:** Louis Dulling  
**Decision Date:** 12/08/2010  
**Decision:** Refuse

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**Item No 93**

**Application Number:** 10/00972/FUL **Applicant:** Mr and Mrs S Crocker  
**Application Type:** Full Application  
**Description of Development:** Double private motor garage with garden room above (existing shed to be removed)  
**Site Address** 40 DUNSTONE ROAD PLYMSTOCK PLYMOUTH  
**Case Officer:** Louis Dulling  
**Decision Date:** 12/08/2010  
**Decision:** Grant Conditionally

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**Item No 94**

**Application Number:** 10/00974/PRD **Applicant:** Mrs Netherton-Joint  
**Application Type:** LDC Proposed Develop  
**Description of Development:** Canopy  
**Site Address** 22 PORTWAY CLOSE PLYMOUTH  
**Case Officer:** Louis Dulling  
**Decision Date:** 10/08/2010  
**Decision:** Issue Certificate - Lawful Use

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**Item No 95**

**Application Number:** 10/00975/FUL **Applicant:** Mr E Burtenshaw  
**Application Type:** Full Application  
**Description of Development:** Demolition of garage and proposed rear extension to provide garage and single-storey extension to rear  
**Site Address** 24 SOUTHWAY LANE WIDEWELL PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 11/08/2010  
**Decision:** Grant Conditionally

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**Item No 96**

**Application Number:** 10/00976/FUL **Applicant:** Amber New Homes  
**Application Type:** Full Application  
**Description of Development:** Change of use, conversion and alterations, from retail and residential to create four flats, with single-storey rear extension at ground-floor level, three off-street parking spaces, and associated cycle storage and bin storage  
**Site Address** 64 SALISBURY ROAD PLYMOUTH  
**Case Officer:** Stuart Anderson  
**Decision Date:** 12/08/2010  
**Decision:** Application Withdrawn

---

**Item No 97**

**Application Number:** 10/00982/TPO **Applicant:** Mr Gareth Kagan  
**Application Type:** Tree Preservation  
**Description of Development:** Beech - fell  
Ash - fell  
**Site Address** 25 LOPWELL CLOSE PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 09/08/2010  
**Decision:** Grant Conditionally

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**Item No 98**

**Application Number:** 10/00983/FUL **Applicant:** Mr Toms & Miss O'Brien  
**Application Type:** Full Application  
**Description of Development:** Single-storey side extension  
**Site Address** 6 LOOSELEIGH PARK DERRIFORD PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 13/08/2010  
**Decision:** Grant Conditionally

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**Item No 99**

**Application Number:** 10/00984/FUL **Applicant:** Mrs Val Galer  
**Application Type:** Full Application  
**Description of Development:** Loft conversion with replacement of front dormer and construction of rear dormer and installation of uPVC conservatory at the front  
**Site Address** TREVU, STATION ROAD TAMERTON FOLIOT PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 13/08/2010  
**Decision:** Grant Conditionally

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**Item No 100**

**Application Number:** 10/00985/CAC **Applicant:** Mrs V Galer  
**Application Type:** Conservation Area  
**Description of Development:** Demolition works in connection with loft conversion and conservatory  
**Site Address** TREVU, STATION ROAD TAMERTON FOLIOT PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 13/08/2010  
**Decision:** Grant Conditionally

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**Item No 101**

**Application Number:** 10/00988/FUL **Applicant:** Mr Peter Rescorla  
**Application Type:** Full Application  
**Description of Development:** Change of use and conversion of property to form 4 maisonettes  
**Site Address** 3 WILTON STREET PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 12/08/2010  
**Decision:** Grant Conditionally

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**Item No 102**

**Application Number:** 10/00991/TPO **Applicant:** Miss Natasha Mason  
**Application Type:** Tree Preservation  
**Description of Development:** Ash - thin crown by 15-20%  
**Site Address** FORS, HORN LANE PLYMSTOCK PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 03/08/2010  
**Decision:** Grant Conditionally

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**Item No 103**

**Application Number:** 10/01000/FUL **Applicant:** Mr and Mrs Jeffery

**Application Type:** Full Application

**Description of Development:** Erection of dwelling

**Site Address** MOUNT STONE HOUSE, MOUNT STONE ROAD  
PLYMOUTH

**Case Officer:** Karen Gallacher

**Decision Date:** 11/08/2010

**Decision:** Grant Conditionally

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**Item No 104**

**Application Number:** 10/01001/LBC **Applicant:** Mr and Mrs Jeffery

**Application Type:** Listed Building

**Description of Development:** Erection of dwelling and demolition of existing structures

**Site Address** MOUNT STONE HOUSE, MOUNT STONE ROAD  
PLYMOUTH

**Case Officer:** Karen Gallacher

**Decision Date:** 11/08/2010

**Decision:** Grant Conditionally

---

**Item No 105**

**Application Number:** 10/01003/FUL **Applicant:** Mr Mark Mina

**Application Type:** Full Application

**Description of Development:** Two-storey side extension, and front entrance lobby

**Site Address** 300 WESTFIELD PLYMOUTH

**Case Officer:** Kate Saunders

**Decision Date:** 12/08/2010

**Decision:** Grant Conditionally

---

**Item No 106**

**Application Number:** 10/01004/FUL **Applicant:** Broadreach House  
**Application Type:** Full Application  
**Description of Development:** Erection of a first-floor rear extension to provide two additional bedrooms  
**Site Address** LONGREACH, HARTLEY ROAD PLYMOUTH  
**Case Officer:** Janine Warne  
**Decision Date:** 13/08/2010  
**Decision:** Grant Conditionally

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**Item No 107**

**Application Number:** 10/01006/FUL **Applicant:** Mr Darren Ingram  
**Application Type:** Full Application  
**Description of Development:** Two-storey side extension  
**Site Address** 2 COLLEGE DEAN CLOSE PLYMOUTH  
**Case Officer:** Kirsty Barrett  
**Decision Date:** 10/08/2010  
**Decision:** Grant Conditionally

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**Item No 108**

**Application Number:** 10/01007/FUL **Applicant:** Mr Steve Willilams  
**Application Type:** Full Application  
**Description of Development:** Detached living accommodation annexe (for close relative with health problems) in garden (existing garage to be removed)  
**Site Address** 14 ROCKVILLE PARK PLYMOUTH  
**Case Officer:** Louis Dulling  
**Decision Date:** 09/08/2010  
**Decision:** Grant Conditionally

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**Item No 109**

**Application Number:** 10/01009/TPO **Applicant:** Mr & Mrs John & Brenda Ings  
**Application Type:** Tree Preservation  
**Description of Development:** Two Laurel - remove  
Yew - crown lift - 4-6 lower limbs  
Sycamore - reduce by 6-8 metres and prune to boundary  
Hazel - reduce by 2 metres and prune to boundary  
**Site Address** LAND ADJ 14 BEECHWOOD RISE PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 10/08/2010  
**Decision:** Grant Conditionally

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**Item No 110**

**Application Number:** 10/01023/FUL **Applicant:** Mr and Mrs M Cocking  
**Application Type:** Full Application  
**Description of Development:** Single-storey rear extension (existing utility room extension to be removed)  
**Site Address** 48 TRELAWNY ROAD PLYMPTON PLYMOUTH  
**Case Officer:** Kate Saunders  
**Decision Date:** 16/08/2010  
**Decision:** Grant Conditionally

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**Item No 111**

**Application Number:** 10/01027/LBC **Applicant:** Bartons Solicitors  
**Application Type:** Listed Building  
**Description of Development:** Demolition of section of internal wall at lower ground floor level to create an internal link to No. 11 The Crescent  
**Site Address** 10B THE CRESCENT PLYMOUTH  
**Case Officer:** Louis Dulling  
**Decision Date:** 13/08/2010  
**Decision:** Grant Conditionally

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**Item No 112**

**Application Number:** 10/01045/24 **Applicant:** Vodafone Limited  
**Application Type:** GPDO PT24  
**Description of Development:** Determination as to whether prior approval is required for siting and appearance of dual user telecommunications monopole, antennas and shroud, and associated equipment cabinet  
**Site Address** THE RIDGEWAY PLYMPTON PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 13/08/2010  
**Decision:** Prior approval not req PT24

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**Item No 113**

**Application Number:** 10/01056/24 **Applicant:** Telefonica O2  
**Application Type:** GPDO PT24  
**Description of Development:** Replacement of 3 existing antennas with 3 new antennas, within existing shroud, on existing telecommunications monopole, and additional equipment cabinet  
**Site Address** EXETER STREET PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 13/08/2010  
**Decision:** Prior approval not req PT24

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**Item No 114**

**Application Number:** 10/01061/PRD **Applicant:** Mr and Mrs M James  
**Application Type:** LDC Proposed Develop  
**Description of Development:** Single-storey side/rear garage  
**Site Address** 61 GREEN PARK ROAD PLYMSTOCK PLYMOUTH  
**Case Officer:** Louis Dulling  
**Decision Date:** 21/07/2010  
**Decision:** Application Withdrawn

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**Item No 115**

**Application Number:** 10/01064/PRD **Applicant:** Mr and Mrs M James  
**Application Type:** LDC Proposed Develop  
**Description of Development:** Rear extension with balcony over and external steel staircase down to rear garden  
**Site Address** 61 GREEN PARK ROAD PLYMOUTH  
**Case Officer:** Louis Dulling  
**Decision Date:** 21/07/2010  
**Decision:** Application Withdrawn

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**Item No 116**

**Application Number:** 10/01071/TPO **Applicant:** Jay Developments  
**Application Type:** Tree Preservation  
**Description of Development:** Corsican Pine - Fell  
**Site Address** GREAT WOODFORD QUARRY, GREAT WOODFORD DRIVE PLYMOUTH  
**Case Officer:** Chris Knapman  
**Decision Date:** 29/07/2010  
**Decision:** Grant Conditionally

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**Item No 117**

**Application Number:** 10/01072/24 **Applicant:** Vodafone Limited  
**Application Type:** GPDO PT24  
**Description of Development:** Determination as to whether prior approval is required for the siting and appearance of replacement of 10 metre telecommunications monopole with 11.8 metre dual user monopole, including new shroud, and installation of ground based equipment cabinet  
**Site Address** MOUNT GOULD ROAD PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 13/08/2010  
**Decision:** Prior approval not req PT24

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**Item No 118**

**Application Number:** 10/01075/24 **Applicant:** Vodafone Limited  
**Application Type:** GPDO PT24  
**Description of Development:** Determination as to whether prior approval is required for the siting and appearance of replacement of 14 metre high telecommunications monopole and antennas with 14.8 metre high monopole and antennas, including new shroud, and installation of new ground based equipment cabinet  
**Site Address** MEAVY WAY PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 13/08/2010  
**Decision:** Prior approval not req PT24

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**Item No 119**

**Application Number:** 10/01093/TPO **Applicant:** Taylor Wimpey Exeter  
**Application Type:** Tree Preservation  
**Description of Development:** Oak to r/o plots 11 & 12 - Trim back branch closest to house and remove dead wood  
**Site Address** 19 and 21 BOUNDARY PLACE Tavistock Road PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 10/08/2010  
**Decision:** Grant Conditionally

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**Item No 120**

**Application Number:** 10/01100/24 **Applicant:** 02 Telefonica  
**Application Type:** GPDO PT24  
**Description of Development:** Determination as to whether prior approval is required for the siting and appearance of replacement of four existing antennas with four new antennas on existing monopole and placement of electrical equipment into existing cabin  
**Site Address** MOORCROFT QUARRY, ELBURTON ROAD PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 13/08/2010  
**Decision:** Prior approval not req PT24

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**Item No 121**

**Application Number:** 10/01121/24 **Applicant:** Telefonica O2  
**Application Type:** GPDO PT24  
**Description of Development:** Determination as to whether prior approval is required for the siting and appearance of the replacement of 6 existing antennas with 6 new antennas and placing of electrical equipment into existing equipment room  
**Site Address** AYLESBURY CRESCENT PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 13/08/2010  
**Decision:** Prior approval not req PT24

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**Item No 122**

**Application Number:** 10/01133/TC **Applicant:** Brigadier P C Bowser CBE DL  
**Application Type:** Trees in Cons Area  
**Description of Development:** 2 Monterey Cypress - fell  
**Site Address** 26 PENLEE WAY PLYMOUTH  
**Case Officer:** Chris Knapman  
**Decision Date:** 06/08/2010  
**Decision:** Grant Conditionally

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**Item No 123**

**Application Number:** 10/01239/ESR **Applicant:**  
**Application Type:** Environmental Ass  
**Description of Development:** Screening opinion requested  
**Site Address** HOME PARK SQUARE PLYMOUTH  
**Case Officer:** Robert Heard  
**Decision Date:** 23/07/2010  
**Decision:** ESRI - Completed

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

Application Number **09/01555/FUL**  
Appeal Site **16 STADDON GREEN PLYMOUTH**  
Appeal Proposal Detached private motor garage for use in connection with 12 Staddon Green (amendment to previously approved scheme 07/01590/FUL)  
Case Officer Simon Osborne

Appeal Category  
Appeal Type Written Representations  
Appeal Decision Allowed  
Appeal Decision Date 16/07/2010

Conditions  
Award of Costs Awarded To

Appeal Synopsis

The inspector concluded that the LPA did not have any minimum garage dimensions laid down within the SPD therefore this could not be used as reason to refuse the application. He also felt that the issue of business use and the style of garage door could be addressed via appropriate conditions.

Application Number **10/00054/FUL**  
Appeal Site **1 PLYMOUTH ROAD PLYMPTON PLYMOUTH**  
Appeal Proposal Installation of freestanding cash machine (ATM) pod and three anti ram raid bollards  
Case Officer Stuart Anderson

Appeal Category  
Appeal Type Written Representations  
Appeal Decision Allowed  
Appeal Decision Date 06/08/2010

Conditions  
Award of Costs Awarded To

Appeal Synopsis

Inspector considered that the streetscene here lacks coherence. The modern appearance of the appellant's store bears little relation to the flat roofed parade of retail units and the three-storey gable ended apartment blocks on the opposite side of the road. Street markings, signage and advertisements add to the visual confusion. The ATM pod would not be out of scale with the store building or particularly obtrusive. It would be similar in colour to the grey panels and glazing bars and pillars on the store.

Inspector considered that the ATM pod would be highly visible, being alongside a main road, opposite flats, and outside a store with long opening hours. The area is lit by street lights and the installation makes provision for an integrated CCTV camera that is in addition to the camera on the store itself.

Inspector agreed that this is a busy junction with a history of accidents. He did, though, consider it unlikely that anyone would stop on the highway or mount the full height kerb to park on the pavement, here on the exit from a busy roundabout, just beyond a partially blind corner. This would be dangerous and unnecessary, given the car park sited nearby, with convenient entry and exit arrangements.

Application Number

09/01766/FUL

Appeal Site

PENNYCOMEQUICK CENTRAL PARK AVENUE PLYMOUTH

Appeal Proposal

Extension (to former public house) to provide an additional 10 units of student accommodation with communal facilities and amenity area

Case Officer

Jeremy Guise

Appeal Category

REF

Appeal Type

Written Representations

Appeal Decision

Dismissed

Appeal Decision Date

20/07/2010

Conditions

Award of Costs

Awarded To

#### Appeal Synopsis

This appeal followed the decision by the Local Planning Authority (LPA) to refuse planning permission for a part two and part three storey rear extension to the former Pennycomequick public house to provide an 10 student study bedrooms in addition to the 10 already converted from the former public house. The LPA considered the proposal to be unacceptable and refused planning permission on eight grounds. It indicated that infrastructure payment refusal reason could be overcome through a planning obligation and that it would withdraw the contamination refusal reason upon receipt of additional information / mitigation.. Prior to consideration of the appeal additional information came to light which demonstrated that the proposed extension would not interfere with the proposed highway improvement and this refusal reason was withdrawn.

The appellant indicated a willingness to offer a unilateral agreement to resolve the infrastructure provision and sought details of the sum based on market recovery eligibility. Then, at the very last minute (after the site visit, but prior to determination), provided a signed unilateral agreement for the full sum sought - without the market recovery discount. In his decision letter the Inspector side stepped the issue commenting that the infrastructure payment was more than the council had sought and that he was 'unable to conclude that it is fairly and reasonably related in scale and kind to the development now proposed.'

The Inspector considered the 5 main issues in the case to be:- the effect of the development on the living conditions of neighbours at No.1 Pennycomequick Villas, particularly in relation to light and privacy; the impact of the development upon the street scene; whether the scheme would result in reasonable living conditions for students living at Pennycomequick; the affect of the development on highway conditions and whether the development makes adequate provision for renewable energy generation.

In relation to the impact on neighbouring amenity he was not convinced by the appellant's shadow studies, which purported show satisfactory shadow relationship with the neighbouring property, and agreed with the LPA and the neighbour, that natural light would be adversely affected. However, he did not support the neighbour's contention that the proposal to result in unacceptable overlooking as the windows were all either high level or obscure glazed in that elevation.

He agreed with LPA that the proposed extension would be harmful to the street scene. He noted the architectural detailing and traditional form of the original public house building, in a sideswipe at the LPA criticised the gap in thinking between the design of the multi-storey blocks, further up the hill and the traditional tenements behind Pennycomequick Villas. However, in relation to this proposal he agreed with the LPA that the detailing of windows in the north and west elevations would lack coherence and jar with the original building. In relation to impact upon the street scene he commented that the current arrangement, even with existing rear extensions that he acknowledged as being of no architectural merit, was preferable to this proposal!

The LPA had refused planning permission on grounds of overdevelopment, citing internal living space arrangements. The Inspector, in his decision letter, goes through a number of manifestations of overdevelopment before indirectly supporting the LPA by concluding, in relation to student living conditions, that the use of obscure glass (to prevent overlooking) in bedroom 2 would mean that the occupants would have no outlook and finding this to be unacceptable.

The one refusal reason where the Inspector did not offer any support the LPA (and, incidentally the six original objectors to the planning application) was in relation to the absence of student car parking. The appellant proposed none and the inspector agreed with him that the site's sustainable location, close to the University, to the city centre core area and to good public transport links, meant that even without the three spaces the Council were seeking the proposal would not be unduly harmful to highway conditions.

Finally the Inspector was not convinced that the appellants endeavour to incorporate 3.36 sqm of solar panel would satisfy the 15% renewable energy off set requirements of Core Strategy Policy CS20, and, in a particularly useful ruling, endorsed the LPA's robust approach to refusing the application for this reason .

The Inspector DISMISSED the appeal.

Application Number **09/01783/FUL**  
Appeal Site **LATITUDE 52 237 ALBERT ROAD DEVONPORT STOKE**  
Appeal Proposal Conversion of basement storage area to a self-contained flat  
Case Officer Jeremy Guise

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

Conditions  
Award of Costs Awarded To

Appeal Synopsis

Planning permission for the creation of an additional one bed roomed flat in the basement locker storage area of Latitude 52 was refused by officers using delegated authority 28th January 2010 as it was considered to provide an unsatisfactory residential environment and to represent an unacceptable intensification of use. The applicant appealed the decision. The Inspector agreed with the Council that the proposal would not provide reasonable living conditions for the occupants - particularly in relation to the reduced natural light for the bedroom and poor through ventilation. However, he was not convinced that one additional flats would put an unacceptable strain on facilities such as additional; parking, refuse storage and external amenity space and he declined to support the Council in this refusal reason. In conclusion, he did not consider this to outweigh his concerns about poor living conditions and he dismissed the appeal.

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