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PLANNING COMMITTEE

DATE: THURSDAY 21 OCTOBER 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 23 September, 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 1 BASINGHALL CLOSE, PLYMOUTH 10/01357/FUL

(Pages 9 - 12)

Applicant: Mr. Christopher Mintoft
Ward: Plymstock Dunstone
Recommendation: Grant Conditionally

- 6.2** TESCO, TRANSIT WAY, HONICKNOWLE, PLYMOUTH 08/01989/FUL **(Pages 13 - 52)**
- Applicant: Tesco Stores Limited
Ward: Honicknowle
Recommendation: Grant Conditionally subject to S106 Obligation, delegated authority to refuse if S106 not signed by 17 December, 2010
- 6.3** SISNA PARK ROAD, ESTOVER, PLYMOUTH 10/01300/FUL **(Pages 53 - 66)**
- Applicant: Unit Build Ltd.
Ward: Moor View
Recommendation: Grant Conditionally
- 6.4** LAND AT ERNESETTLE LANE, PLYMOUTH 10/01170/REM **(Pages 67 - 74)**
- Applicant: St. Budeaux Congregation of Jehovah Witnesses
Ward: Honicknowle
Recommendation: Grant Conditionally
- 6.5** WICKES UNIT (BLOCK B), FRIARY RETAIL PARK, EXETER STREET, PLYMOUTH 10/01160/FUL **(Pages 75 - 80)**
- Applicant: AXA P&C co AXA Real Estate Investment Managers UK
Ward: St. Peter and The Waterfront
Recommendation: Grant Conditionally
- 6.6** ROCKY PARK ROAD, PLYMOUTH 10/01431/FUL **(Pages 81 - 90)**
- Applicant: Plymouth Judo Club
Ward: Plymstock Radford
Recommendation: Grant Conditionally
- 6.7** ELBURTON VILLA FOOTBALL CLUB, HAYE ROAD, ELBURTON, PLYMOUTH 10/01267/FUL **(Pages 91 - 96)**
- Applicant: Elburton Villa FC
Ward: Plymstock Dunstone
Recommendation: Grant Conditionally
- 6.8** 3 TO 5 MARKET ROAD, PLYMOUTH 10/01544/FUL **(Pages 97 - 104)**
- Applicant: Mr. T. Walke
Ward: Plympton Erle
Recommendation: Grant Conditionally

7. PLANNING APPLICATION DECISIONS ISSUED (Pages 105 - 138)

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 24 September to 10 October, 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 139 - 142)

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 23 September 2010

PRESENT:

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

Also in attendance: Ray Williams (Lead Planning Officer), Julie Rundle (Senior Lawyer)

The meeting started at 1.00 pm and finished at 2.50 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.

35. DECLARATIONS OF INTEREST

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

Name	Minute No. and Subject	Reason	Interest
Councillor Mrs Foster	Lake House, 78 Radford Park Road, Plymouth. 10/01052/FUL	Known to applicant and objectors.	Prejudicial

36. MINUTES

Agreed the minutes of the meeting held on the 26 August, 2010.

CHAIR'S URGENT BUSINESS

37. Open day

The Chair reminded members of the committee that an open day was taking place in the reception room and recommended that members attend.

38. Retrospective planning applications

The Chair advised members of the committee that the Assistant Director of Development has written to the Plymouth Regeneration Forum and the Local Agents Forum to raise concerns regarding the number of applications coming to committee where the development had already commenced before any decision had been made. It was highlighted that applications would still be

judged on their merits but that this approach to the submission of applications was not conducive to efficient decision making. The Assistant Director of development informed the forums that retrospective applications would be monitored and highlighted the proposed reforms of the planning system with regard to these types of applications, details of which are expected from the coalition government shortly.

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

There were no questions from members of the public.

40. **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 40.4, 40.7 and 40.8.

40.1 217 EGGBUCKLAND ROAD, PLYMOUTH. 10/01176/FUL

(Miss L Evans)

Decision:

Application **GRANTED** conditionally.

**40.2 LAKE HOUSE, 78 RADFORD PARK ROAD, PLYMOUTH.
10/01052/FUL**

(Mr and Mrs Stephen Shirley)

Decision:

Application **GRANTED** conditionally.

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

(Councillor Mrs Foster declared a prejudicial interest in respect of the above item and withdrew from the meeting)

40.3 3 DEVONPORT ROAD, PLYMOUTH. 10/00961/FUL

(Mrs J Burridge)

Decision:

Application **GRANTED**.

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

**40.4 THE GOLDMINE, 50 BUTT PARK ROAD, PLYMOUTH.
10/01337/FUL**

(Mr Ian Hosking)

Decision:

Application **REFUSED** on the grounds that the development would aggravate a difficult parking situation, there was inadequate access to rear parking area, the proposed development was out of character for the local area and the development would be detrimental to local amenities contrary to policies CS01, CS22, CS28 and CS34.

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

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

(Councillor Robert's proposal to refuse having been seconded by Councillor Mrs Bowyer, was put to the vote and declared carried).

40.5 CLYDE QUAY, PLYMOUTH. 10/01270/FUL

(English Cities Fund)

Decision:

Application **GRANTED** conditionally.

40.6 LAND BOUNDED BY PLYMBRIDGE LANE, DERRIFORD ROAD AND HOWESON LANE, DERRIFORD, PLYMOUTH. 10/01140/FUL

(The Lozenge LLP)

Decision:

Application **GRANTED** conditionally subject to the completion of a Section 106 with delegated authority to refuse if not complete by 27 October 2010.

40.7 AREA 1B, CLITTAFORD ROAD, SOUTHWAY, PLYMOUTH. 10/00844/FUL

(Taylor Wimpey (UK) Ltd)

Decision:

Application **GRANTED** conditionally subject to the completion of a Section 106 and re-advertisement period with delegated authority to refuse if not completed by 18 October 2010.

40.8 NORTH WEST QUADRANT, DERRIFORD ROAD, PLYMOUTH. 10/01047/FUL

(Wharfside Regeneration (Devon) Ltd and Plymouth Hospitals NHS Trust)

Decision:

Application **GRANTED** conditionally with additional condition 38 as set out in the addendum report.

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

41. **PLANNING APPLICATION DECISIONS ISSUED**

The Committee received a report of the Assistant Director of Development (Planning Services) on decisions issued for the period 17 August to 13 September 2010, including-

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

42. **APPEAL DECISIONS**

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

43. **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 – 23 September 2010

SCHEDULE OF VOTING

Minute No. & Application		Voting For	Voting Against	Abstained	Excluded from voting due to Interest Declared	Absent
40.1	217 Egguckland Road, Plymouth. 10/01176/FUL	Unanimous				
40.2	Lake House, 78 Radford Park Road, Plymouth. 10/01052/FUL	Cllr Wheeler, Cllr Vincent, Cllr Tuohy, Cllr Mrs Bowyer, Cllr Delbridge, Cllr Mrs Stephens, Cllr Roberts, Cllr Lock Cllr Thompson Cllr Browne		Cllr Stevens	Cllr Mrs Foster	
40.3	3 Devonport Road, Plymouth. 10/00961/FUL	Unanimous				
40.4	The Goldmine, 50 Butt Park Road, Plymouth. 10/01337/FUL	Unanimous				
40.5	Clyde Quay, Plymouth. 10/01270/FUL	Cllr Wheeler, Cllr Vincent, Cllr Tuohy, Cllr Stevens, Cllr Mrs Bowyer, Cllr Delbridge, Cllr Mrs Stephens, Cllr Roberts, Cllr Lock Cllr Thompson, Cllr Mrs Foster				Cllr Browne
40.6	Land bounded by Plymbridge Lane, Derriford Road and Howeson Lane, Derriford, Plymouth. 10/01140/FUL	Unanimous				
40.7	Area 1b, Clittaford Road, Southway,	Unanimous				

	Plymouth. 10/00844/FUL					
40.8	North West Quadrant, Derriford Road, Plymouth. 10/01047/FUL	Unanimous				

PLANNING APPLICATIONS FOR CONSIDERATION

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

Addendums

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

Public speaking at Committee

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

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

- Ward Member
- Objector
- Supporter

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

Committee Request for a Site Visit

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

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

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

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

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

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

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

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

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

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

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

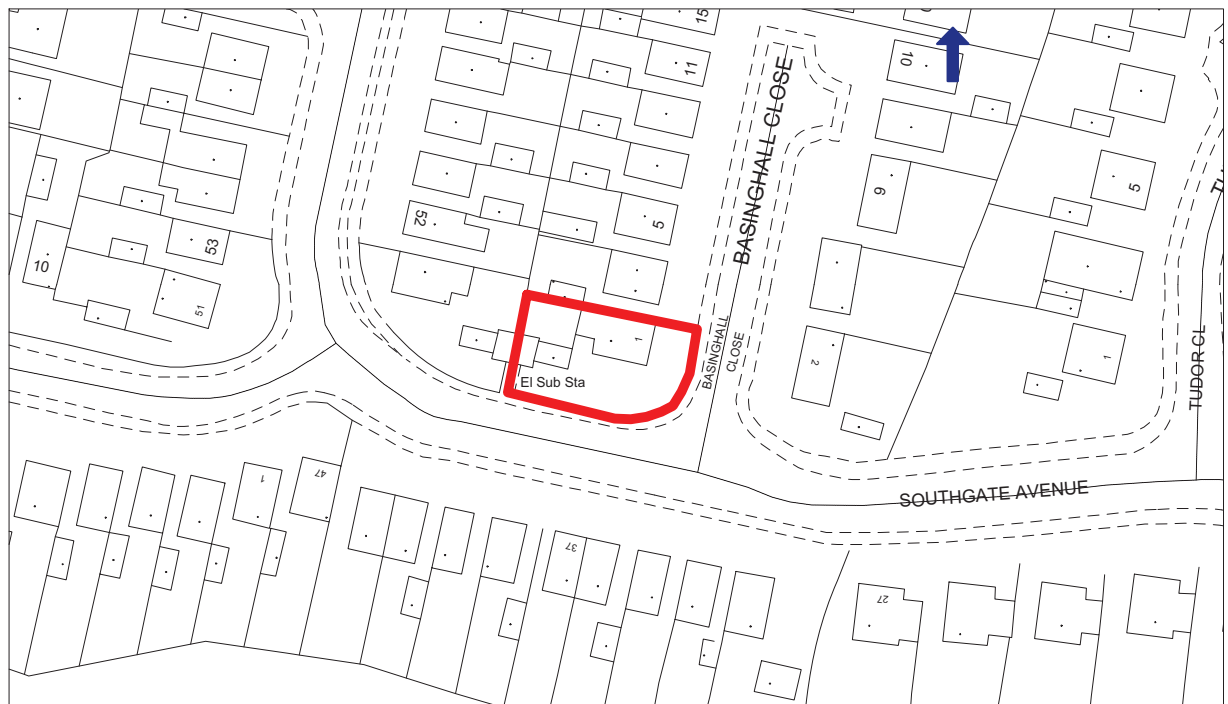
Decisions contrary to Officer recommendation

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

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

ITEM: 01

Application Number:	10/01357/FUL
Applicant:	Mr Christopher Mintoft
Description of Application:	Single storey side extension (Existing garage to be removed)
Type of Application:	Full Application
Site Address:	1 BASINGHALL CLOSE PLYMOUTH
Ward:	Plymstock Dunstone
Valid Date of Application:	05/08/2010
8/13 Week Date:	30/09/2010
Decision Category:	Member/PCC Employee
Case Officer :	Kate Saunders
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



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OFFICERS REPORT

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

Site Description

1 Basinghall Close is a detached dwellinghouse located in the Plymstock area of the City. The property is located on a corner plot and is bounded by Southgate Avenue to the south. There are neighbouring residential properties to the north and rear alongside an electricity sub station.

Proposal Description

A single-storey side extension to provide a garage to securely store a camper van and karting trailer, a utility room and WC, and a hobby workshop area. An existing garage is to be removed.

Relevant Planning History

No relevant background planning history

Consultation Responses

Highways Authority – no objections subject to condition

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 proposed extension will measure approximately 10 metres long by 6 metres wide and will be set back approximately 5 metres from the front of the property. It will extend to the boundary with the sub station to the rear. The extension will be sited approximately 1.8 metres away from the side boundary with Southgate Avenue.

The proposal will have little impact on any neighbouring property. The sub station will screen a large proportion of the proposal from the properties to the rear and despite the considerable extension beyond the rear façade there will be no notable impact on No. 3.

The Development Guidelines Supplementary Planning Document advises that extensions on corner plots should be located 3 metres away from the boundary. The proposal will be closer to the boundary; however the development will be set down by 0.7 metres from road level, minimising its prominence. There is also a dense hedge on the boundary which will screen almost the entire side elevation with just the roof being visible above. The roof is of a hipped design, sloping away from the boundary, which again reduces the dominance of the proposal. Matching materials will also be utilised in all aspects of the proposal. It is considered that the proposal has

been sensitively designed to minimise its impact on the streetscene and taking in to account the presence of a similar, albeit smaller, development at No. 51 Southgate Avenue, the proposal is considered acceptable.

The highways officer has no objections in principle; however due to the size of the garage an ancillary use condition is recommended.

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

Equalities & Diversities issues

No equality and diversity issues to be considered

Conclusions

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

Recommendation

In respect of the application dated **05/08/2010** and the submitted drawings, **Location plan, 001, 002, 003, 004** , 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.

USE RESTRICTION

(2) The proposed extension shall only be used for purposes incidental to the enjoyment of the dwellinghouse as such.

Reason:

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

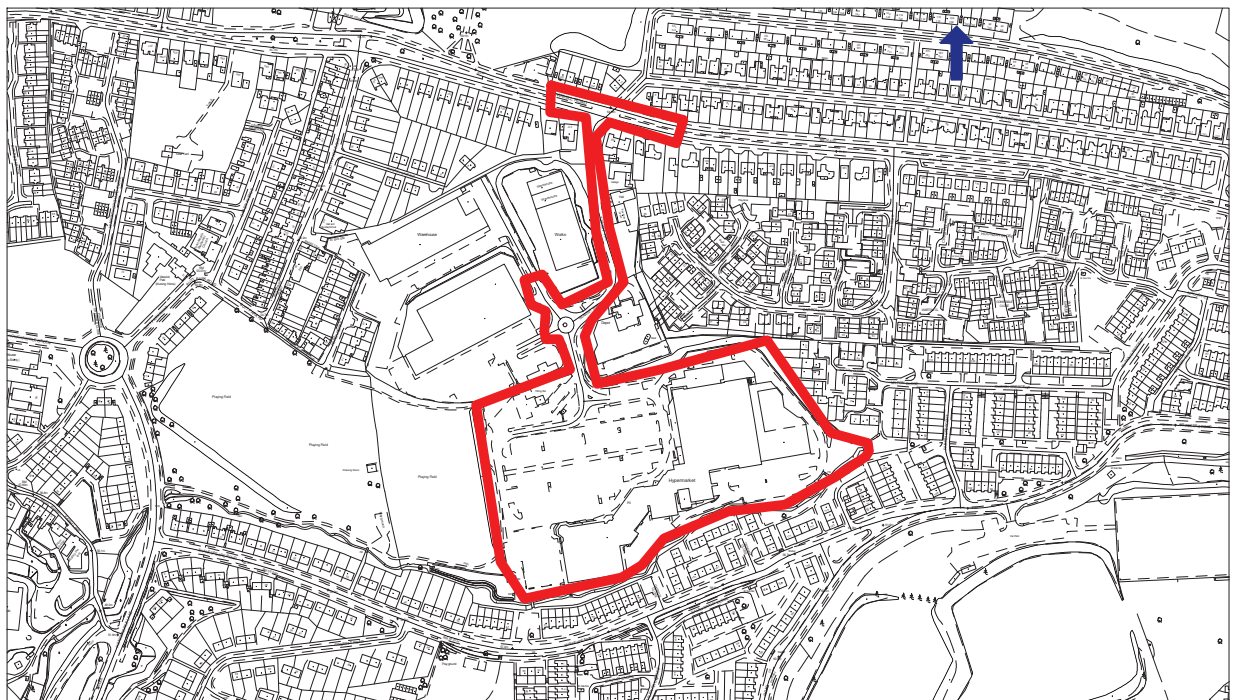
Statement of Reasons for Approval and Relevant Policies

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

CS34 - Planning Application Consideration
SPD1 - Development Guidelines

ITEM: 02

Application Number:	08/01989/FUL
Applicant:	Tescos Stores Limited
Description of Application:	Demolition of existing district centre and erection of class A1 retail store, A1, A2, A3 units, 745 car parking spaces, bus waiting area, improvements to the junction of Crownhill Road, Transit Way and ancillary works.
Type of Application:	Full Application
Site Address:	TESCO TRANSIT WAY HONICKNOWLE PLYMOUTH
Ward:	Honicknowle
Valid Date of Application:	21/11/2008
8/13 Week Date:	20/02/2009
Decision Category:	Major Application
Case Officer :	Mark Evans
Recommendation:	Grant conditionally subject to S106 Obligation, delegated authority to refuse if S106 not signed by 17 December 2010
Click for Application Documents:	www.plymouth.gov.uk



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OFFICERS REPORT

Site Description

Transit Way District Centre is located approximately 6.5km to the north of Plymouth City Centre and 1.5km to the west of Tavistock Road (A386). The centre is accessed via a signal-controlled junction from Crownhill Road (B3413), situated to the north.

The application site is broadly rectangular and extends to approximately 5.5 hectares bounded to the south by Honicknowle Stream, beyond which lie the residential properties of Shakespeare Road. To the east, beyond a large retaining wall, lie further residential properties. To the west lies a playing field and to the north a number of retail and commercial premises, including an ARC car wash, Matalan, Magnet, Argos and Lidl foodstore.

The Tesco store is located at the eastern end of the mall facing in a westerly direction, with customer car parking and a bus stop situated to the front. Staff and visitor parking is provided to the east and south of the store, giving a total of 477 parking spaces.

The remaining commercial units lie in a linear arrangement along the south of the application site, the majority fronting the car park to the north.

The site is occupied by the existing Tesco store of 3,629 sq m net (39,063 sq ft), petrol filling station ("PFS") and thirteen units, which at the time of application submission comprised the following:

- Co-op Pharmacy;
- Timpsons;
- Optical Express;
- Motor World;
- Co-op Household Goods and Electrical Appliances;
- Post Office;
- Staysmart Dry Cleaning;
- Snips Hair Dressing
- Betfred Bookmakers;
- Travelcare Travel Agents (Co-op);
- Mostyns Curtains & Fabric Shop;
- The Ark Pet Shop; and
- Vacant car showroom.

Proposal Description

Demolition of existing district centre and erection of class A1 retail store, A1, A2, A3 units, 745 car parking spaces, a new bus waiting area, and improvements to the junction of Crownhill Road, Transit Way with associated ancillary works.

The application proposes to relocate the district centre facilities to the western end of the application site to provide a Tesco store of 7,877 sq m (84,788 sq

ft) net together with A1/A2/A3 units totalling 1,442 sq m (15,522 sq ft) net, accessed through shared entrances at ground and first floor level.

The Design and Access Statement submitted with the application states that the proposal will facilitate major improvements to the district centre and shopping provision in the locality. Additional sales floorspace will allow Tesco to provide an increased number of tills and enhance the depth of its food offer, providing wider ranges of goods and larger quantities of stock on display. The replacement centre and unit shops will also allow for an increase in the quality and range of comparison goods sold. The proposed units will facilitate a mix of Class A1, A2 and A3 units suggested as being in "a modern and flexible arrangement to suit occupiers, better related to the 'anchor' Tesco store".

The replacement centre will also deliver increased bulk storage areas, enabling the maintenance of higher "back of house" stock levels. This is stated as assisting in reducing the number and quantity of top-up deliveries to the centre.

The Design and Access Statement states that access to the car park will also be enhanced as pedestrians currently have little opportunity to safely cross Transit Way. The proposed arrangement will allow pedestrians to cross at the signals and at the pedestrian refuge at the bottom of Transit Way.

The proposed development will also incorporate a number of sustainable design features tailored specifically to the circumstances of the site and building including, amongst others: a hybrid timber frame; larch wooden cladding panel system; roof lights and clerestory glazing system allowing natural light into the building and enabling a reduction in artificial lighting; roof wind catchers; digital addressable lighting and rain water harvesting will also be used in the development.

It is proposed that access and egress to Transit Way District Centre will be improved through the modification of the junction between Transit Way and Crownhill Road.

The improvements to the Crownhill Road/Transit Way junction will incorporate signalised crossing facilities for pedestrians who wish to cross Transit Way and Crownhill Road, a new pedestrian crossing facility across Old Woodlands Road and advanced cycle stopline on Crownhill Road east. In addition, pedestrian links to the surrounding area will be maintained and improved, together with the introduction of a bus waiting facility with real-time bus information.

The district centre development will increase car parking provision to a total of 745 spaces including 29 parent and toddler spaces, along with 33 spaces for use by the disabled, and 683 for general use.

It is stated that the proposal will generate approximately 200 additional full time equivalent jobs and that the majority of these will be recruited locally.

Relevant Planning History

There is a detailed planning history associated with this site. In 1993 following an appeal, Plymco were permitted to open between 0830 - 2100 Mon-Sat and 10.00-1700 Sundays. Those decisions of relevance are:

83/04228/OUT – Outline application to develop land by the erection of superstore, garden centre, parking, service yard and highway improvements – APPROVED

84/02906/REM – Erection of superstore, garden centre, ancillary parking and service yard - APPROVED

88/01317/FUL –Erection of non food retail warehouse together with shopping mall with seven shop units and associated car parking and service areas – APPROVED

91/00701/FUL – Extension to superstore - APPROVED

94/01519/FUL –Alterations and extension to superstore to provide increased sale space and two shop units – APPROVED

95/00643/FUL – Alterations and extension to superstore to provide increased sale space, three shop units and link walkway – APPROVED

01/00248/FUL –Variation of condition 10 of Notice No.4228/83 to now allow new Tesco store to open between 8am - 10pm Monday to Saturday (Sunday unchanged (10.00am - 5.00pm) – APPROVED

01/00249/FUL – Variation of 4228/83 to allow deliveries by HGVs between 0900-1600 on Sundays and alterations to service yard - GRANTED CONDITIONALLY

01/00250/FUL – Variation of condition 2 (0941/86) to allow petrol filling station to operate between 0700 - 2300 Mondays to Saturdays (Sundays unchanged 10.00 - 1700) - GRANTED CONDITIONALLY

02/00913/FUL – Variation of condition 1 (appeal decision - T/APP/C/93/C1120/627877/P6) to allow 24 hour trading Monday to Saturday inclusive - WITHDRAWN

06/01852/FUL – Creation on a home delivery facility within the existing service yard. Creation of a delivery van loading facility within the rear car parking. Weather enclosing of the existing loading bay areas - APPROVED

07/01459/FUL – Replacement Petrol Filling Station – GRANTED CONDITIONALLY (With no hours of use restriction)

Consultation Responses

Environment Agency

No objections subject to conditions

Highway Authority

No objections subject to conditions

Highways Agency

No objections.

Public Protection Service

No objections subject to conditions.

Representations

27 Letters of representation (26 raising objections or concerns, 1 in support) have been received, together with one petition against the development.

Third party objections can be summarised as:

1. Principal objection is that the proposals by Tesco are not remedying the identified gap in convenience provision, which is central to the retail hierarchy in the Core Strategy; do not contribute towards a sustainable pattern of development and that the level of new comparison floorspace is so significant that it will undermine the ability to attract tenants to the new district centre at Derriford. Derriford (and the retail strategy of Plymouth as a whole) should be planned for strategically and not driven by short-term commercial considerations.
2. The application documents provided with the application by Tesco completely fail to assess the impact of the proposals on the carefully planned and balanced retail hierarchy for Plymouth, as set out in the recently adopted Core Strategy. An extension of Transit Way district centre will not address the Core Strategy policy to address existing food shopping deficiencies in Plymouth, and will in fact exacerbate the existing problem through increasing reliance on shopping facilities which are not well related to the communities that they serve.
3. An extension at Transit Way will prejudice the Core Strategy objective of delivering a bi-nodal economy for Plymouth with Derriford as the priority secondary location for investment, by directing significant investment elsewhere.
4. The proposal fails the impact tests in PPS4 as it has unacceptable impacts in terms of planned investment in centres in the catchment area of the proposal, it is not of an appropriate scale and it will prejudice the delivery of the development plan strategy.
5. The Council's retail consultants have assessed the "need" for convenience floorspace at 2016 and do not identify sufficient expenditure to accommodate the level of floorspace proposed at Transit Way in addition to the new district centres at Derriford and Weston Mill. The proposals therefore cannot fail to have a detrimental impact on the viability of the proposed district centres. The

6. Development is considered to be over-development of the site and will have a detrimental impact on small businesses in the Honicknowle, West Park, Chaucer Way and Crownhill areas.
7. Concern is expressed that this proposal will prejudice the potential future development of a major foodstore in the South Western quarter of the city where such facilities are considered to be currently lacking.
8. Concerns about increased traffic, resultant congestion and associated traffic noise and air pollution adversely affecting residential amenity, and the health of local residents, and causing damage to property. It is noted that the existing Crownhill Road junction is already extremely congested to the brink of gridlock on occasions, and does not have the capacity to cope with the anticipated additional traffic that the development will generate. Drivers, including large HGV's, already use surrounding streets as a rat run to avoid the queues causing further congestion on residential streets in the locality and causing considerable damage to the road surfaces. It is therefore suggested that traffic calming and traffic management measures are introduced to the surrounding streets.
9. It is considered that it would be beneficial if Tesco provided a new vehicular entrance/exit to relieve traffic flows on the Crownhill Junction.
10. Concern about car parking pressures on Shakespeare's Road particularly apparent during school opening and closing times.
11. Concern at loss of western pedestrian footway along Transit Way.
12. Concern that revised pedestrian access will adversely affect access to adjoining retail unit.
13. Concern about effect of proposed highway works on stability of embankment adjoining the highway along Transit Way to the Tesco Store.
14. Concern about increased rubbish and trolleys being dumped in the locality.
15. Concern about 24 hour trading causing unreasonable noise and increased traffic disturbance to local residents.
16. The proposed two-storey car park is considered to have the potential to attract additional anti-social behaviour and due to the raised positioning of surrounding residential properties that overlook the site it is noted that noise echoes around the site particularly in the early morning and late evening. The proposed flooring of the car park could therefore generate unacceptable nuisance caused by screeching vehicular tyres and concerns are also expressed regarding potential increased carbon monoxide levels.
17. Concern about potential noise nuisance caused by the proposed recycling facilities.
18. Megastores with such bland and uniform design are considered to be a blight on the whole country.
19. Environmental concerns - it is considered to be neglect by Plymouth City Council to allow any more development in Transit Way that already draws increasing carbon footprint from hundreds, if not

20. Concern that the proposed new pedestrian walkway from Garrick Close will increase potential anti-social behaviour in this area which already experiences relatively high levels of crime and anti-social behaviour. Elderly residents would also be adversely affected by increased noise and rubbish and increased cyclists causing a hazard.
21. Concern about the safety of cyclists on the highway network and particularly around the revised junction. It is recommended that the road markings and layout be improved to improve cyclist and pedestrian safety.
22. Concern that the development with only one vehicular route in/out could create a transportation Health and Safety risk should an overturned lorry or vehicle fire block the road junction preventing emergency services access to the site. In addition it is considered on this basis that the development would make a prime target for a co-ordinated terrorist attack. It is recommended that the Emergency Planning Committee's advice be sought in this respect.
23. It is noted that the garden wall of a residential property adjoining the road junction has been knocked down by vehicles on several occasions and it is therefore suggested that Tesco be required to provide a safety barrier at the pavement edge to prevent vehicles breaching the pavement at this location.
24. It is stated that Community Noise levels within properties adjoining the Crownhill road junction already exceed World Health Organisation guidelines at peak times, and it is therefore suggested that Tesco should be required to install triple glazing and sound insulation to all residential properties within 250m of the road junction.
25. The proposed scale of the store is inappropriate and will not be in keeping with the role and function of the development as a District Centre. The proposal is therefore considered contrary to guidance contained within PPS6 and policy CS08.
26. The significant increase in size will have a significant detrimental impact on the vitality and viability of adjacent District Centres notably Crownhill and St Budeaux which have a smaller convenience offer.
27. Concern about potential noise nuisance caused by plant area locations in close proximity to neighbouring residential properties.
28. Concern about potential noise and disturbance caused by the construction works.
29. Objection as site is home to a breeding colony of House Sparrows within eaves of building and car park walkway shelters and the demolition of the structures will have irreparable damage to this endangered bird.
30. A civil covenant exists restricting the materials that may be used in this area.

Support can be summarised as:

1. The proposal presents a much needed development to cater for today's shopping needs.

Analysis

The key issues of the development are:

1. The Impact of the proposal on existing, committed and planned public and private investment in the centre and on any future new district centre in the catchment area of the proposal.
2. The impact of the development upon the highway network and adequacy of highway improvement measures;
3. The impact of the development upon the appearance and character of the area;
4. The impact of the development upon neighbouring properties.

Policy Context:

The application should be assessed primarily against adopted Core Strategy Policies CS01 (Sustainable Linked Communities); CS02 (Design); CS04 (Future Employment Provision); CS05 (Development of Existing Sites); CS08 (Retail Development Considerations), CS12 (Cultural / Leisure Development Considerations); CS13 (Evening/Night Time Economy Uses); CS18 (Plymouth's Green Space); CS19 (Wildlife); CS20 (Resource Use); CS21 (Flood Risk); CS22 (Pollution); CS28 (Local Transport Considerations); CS32 (Designing Out Crime); CS33 (Community Benefits/Planning Obligations); CS34 (Planning Application Considerations) and the emerging Derriford and Seaton Area Action Plan and Cushman Wakefield "Report On The Proposed New District Shopping Centre" (November 2009) .

Government guidance contained within PPS1 (Delivering Sustainable Development), PPS4 (Planning for Sustainable Economic Growth), PPS9 (Biodiversity and geological conservation), PPS12 (Local Development Frameworks), PPG13 (Transport), PPS22 (Renewable Energy), PPS23 (Planning & Pollution Control), PPG24 (Planning and Noise), and PPS25 (Development and Flood Risk) together with the adopted Planning Obligations, Design and Development Guidelines Supplementary Planning Documents are also of relevance.

The Impact of the proposal on existing, committed and planned public and private investment in the centre and on any future new district centre in the catchment area of the proposal.

The key issue for consideration in retail policy terms is the matter of retail impact and in particular the impact on adopted planning policy objectives and allocations at this time.

Paragraph EC14.6 of PPS4 deals with the impact on existing and planned centre and is directly relevant to the proposals. Policy CS08 of the Core Strategy also requires retail impact effects to be demonstrated to ensure that existing centres are adequately protected. It should be noted that the adopted Plymouth Core Strategy proposes a new District Centre at Derriford to create a new heart for Northern Plymouth. This will be a focus for considerable

public/private investment and would fall within the catchment area of the enlarged Tesco store at Transit Way.

In order to assess these considerations, a retail impact assessment of the impact of the proposal on the trade and turnover of existing centres and on existing, committed and planned public and private investment in Derriford is a material planning consideration. PPS4 also suggests that impact assessment should focus on the first five years after implementation and that the assessment should be “proportionate to the scale and nature of the proposal and its likely impact”. The applicant suggests that trading will commence from the proposed foodstore in 2014. This would suggest that up to 2019 would be a reasonable timeframe to understand possible impacts.

In line with paragraph EC14.6 of PPS4, the applicant has submitted an assessment of the impact on existing centres in terms of anticipated trade draw from them. The applicant did not consider it possible to undertake a full assessment of the proposal’s retail impact on planned centres such as Derriford.

The proposal for a new district centre at Derriford is defined in strategic terms in the adopted Plymouth Core Strategy (April 2007), Policy CS07. The detailed site location, mix of uses, floorspace requirements and implementation timetable will be defined in the Derriford and Seaton AAP, which is expected to be made available for pre-submission publication early in 2011. Without the certainty regarding the above matters, which would only be achieved upon the adoption of the AAP, there is no detailed information about the proposed Derriford district centre for the applicant to feed into an impact assessment.

Trade-draw assumptions and trading impact –

It is apparent that store location / convenience to home, coupled with ‘new store’ attractiveness is likely to significantly influence trade-draw patterns.

It is noted that some of the stores from which trade would be diverted are in out of centre locations, and thus not protected in planning policy terms. Looking at those stores that the proposal could be expected to divert expenditure from, it can be concluded that none, nor their host centres e.g Lee Mill (Tesco Extra), would suffer any harmful diversion of trade as a result of the proposal, in convenience goods terms.

In relation to comparison goods, it is not anticipated that the trade diversions will cause significant adverse impacts on existing centres. The only exception to this could be the comparison performance of the Tesco store at Roborough, however the applicant has confirmed that the future of that store would not be threatened.

Policy Impact

As noted above, given the lack of detailed information on the detailed form of the proposals for Derriford district centre as adopted policy at this stage, it has not been possible to assess the impact of the application on the proposed district centre. In terms of PPS4, the proposals for a Derriford district centre

are still at a relatively early stage in the Local Development Framework process.

Nevertheless, it is legitimate to consider the impact in broad terms of an enlarged Transit Way Tesco store on the Core Strategy's aim to create a new district centre at Derriford. The Council's retail consultants, Cushman and Wakefield LLP have therefore commented that the timing of the Tesco proposals, when considered against the potential timing of the delivery of a new district centre at Derriford, is such that the impact on the proposed Derriford district centre does not have sufficient weight to be a reason for refusal. Given this advice, your officers do not believe that Tesco's application will jeopardise the delivery of Derriford district centre.

Scale and form

It is considered that the foodstore of scale proposed will operate at a scale which serves the neighbourhoods in wider north and west Plymouth unlike a 'typical' district centre. Indeed, the applicant assumes that impact will be likely across a broad area of Plymouth (Saltash to Lee Mill). Although the overall scale of retail floorspace at the District Centre is likely to be comparable with other Centres, the foodstore itself will not be comparable.

It is considered that, in certain circumstances, the development proposal if implemented could change the character of the district centre to that of an out of centre retail development. Critical will be the overall range and blend of goods and services available to the public. It is noted that the applicant has confirmed that the Tesco store itself can be expected to include a pharmacy and optician.

The potential loss of the number of other retailing units at the Centre will mean that Transit Way may not serve the neighbourhood in a sustainable way (allowing 'joined up' shopping trips) and as intended by the definition of District Centres in PPS4 (which includes banks and restaurants for example). Therefore, it is important that suitable planning conditions are attached to the grant of any consent to ensure (so far as possible) that a more typical blend of goods and services for a District Centre emerges.

It is not clear, for example, how existing tenants are being handled within the proposals. The applicant provides for some non-foodstore retail floorspace throughout the construction phasing process (as indicated on plan). The intention would be to ensure that the Centre provides no lesser diversity of retailers than exists, as a minimum. Clearly, the preference would be for a much greater mix of retailers / service providers to provide a genuinely sustainable District Centre in accordance with Strategic Objective 7 (4). Conditions are recommended to ensure that no merging of the main foodstore with the smaller side units occurs; an A3 use restriction is applied to Unit 13 to ensure that at least one commercial food and drink use is retained, and a condition is imposed to restrict sub-division or merging of these units.

Other matters

In respect of PPS4's Policy EC15, a sequential site assessment is not appropriate in this case given that the proposal falls within an existing centre and also there is no distinction in the hierarchy of district centres in the Core Strategy policy. Retail development within district centres is generally encouraged in Strategic Objective 7 and Policy CS08.

In accordance with Policy EC10 of PPS4, consideration has been given to the likely positive impacts of the proposal. Transit Way falls within an area of Plymouth which is highly deprived. A report of Plymouth's Local Strategic Partnership (Plymouth 2020 Partnership Neighbourhood Renewal Index of Deprivation, 2007) shows that Transit Way falls within the 9th worst performing Neighbourhood (of 43 Neighbourhoods) of Honicknowle. Two adjacent Neighbourhoods – Whiteleigh and Ernesettle – are ranked 6th and 7th respectively.

The application forms state that there will be 593 jobs in total as a result of the application proposals. The covering letter submitted with the application states that the proposal will safeguard existing jobs and create 200 new full and part time jobs. This will be a relatively significant level of job creation. It is noted that it is Tesco's policy to seek local recruitment and local job development where possible.

Summary

It is concluded that it is not necessary for the applicant to have to demonstrate either a need for their proposal, or that there are not any sequential preferable sites. This is by virtue of the District Centre status of Transit Way and follows Government guidance set out in PPS4.

Retail impact remains a key consideration for the proposals. There is the potential for some significant diversion of trade from the Tesco store anchoring the district centre at Roborough, however the applicant has commented that the future of this store would not be threatened.

It is considered that the proposal needs to be weighed carefully against the Core Strategy objective to create new district centres at Derriford and Weston Mill. However, considering the policies on balance, it is considered in this instance that a retail impact reason for refusal could not be supported for this current proposal. Appropriate conditions are recommended to ensure that the potential impacts are managed and that the form of development continues to provide for the District Centre function as currently designated.

The impact of the development upon the highway network and adequacy of highway improvement measures

The application is accompanied by a 'Transport Assessment' (TA), a 'Design & Access Statement', and a 'Retail Assessment'; all of which provide further information relating to transport and highway impacts. The highway design proposals have been subject to a number of technical audits and revisions.

The Highway Authority does not raise any objections in principal to the proposal as it is considered that a satisfactory access/egress to serve the proposed development is provided. It is necessary that the application demonstrates that the proposal includes measures to sufficiently mitigate against the proposed intensification in the use and the associated increased vehicle trips.

In respect of highway alterations there are a number of considerations, but it is important to safeguard the functionality and public safety of the street and essential to balance the increased vehicle trips and movements with the need to encourage and facilitate more sustainable modes of travel. In this respect the latest proposed highway alterations would maintain and acknowledge the accepted order of priority of, walking, cycling, public transport, and private cars in accordance with this Authority's pedestrian strategy, which is a key component of the Local Transport Plan; also supporting Corporate Improvement Priority 11; Improving access across the city.

The development proposal allows for highway alterations and works, including; a redesign of the Crownhill Road signalised junction to increase the vehicular capacity; the redesign of the small roundabout at the south end of Transit Way; improved pedestrian crossing facilities, and pedestrian and cycle links to the south.

The necessary works in the public highway require technical approval from the City Council, and may only be carried out by way of a legal agreement between the developer and the City Council as Highway Authority in accordance with Section 278 of the Highways Act 1980. The essential off-site highway improvement works, including the highway Section 278 agreement, would need to be secured conditionally through the planning process and a condition is recommended accordingly.

Highway Capacity and layout

It is accepted that currently the signalised junction of Crownhill Road and Transit Way is unable to cope with the vehicular demand associated with the District Shopping Centre as a whole.

In respect of the proposed redevelopment of the District Centre, extensive modeling work has been carried out for the signalised junction and the roundabout to inform the proposed upgrading of the highway capacity to meet the increased demand associated with the redevelopment of the application site. This would include upgrading of CCTV traffic monitoring camera equipment, and an electronic processor upgrade of the proposed new traffic signals, to be secured conditionally, with Microprocessor Optimized Vehicle Actuation (MOVA) that would be expected to give efficiency gains and some extended capacity.

Section 5 of the Transport Assessment predicts a relatively small increase in vehicle attraction and peak period trips, and further suggests that, 'there is unlikely to be a significant increase in the quantum of traffic associated with

the proposed store redevelopment'. Also the development is conveniently located to benefit from cross shopping trips with the other surrounding retail outlets. It is also expected that developing the dot-com element of the business currently operating from the store may also result in some small reduction in private car trips to the site. Overall the proposal is expected to meet the modest increased vehicular demand associated with the new development.

Pedestrian facilities

The application site and the District Shopping Centre as a whole have good pedestrian permeability and links to the wider footway network and the surrounding residential conurbations; Crownhill Road and beyond to the north; Shakespeare Road and beyond to the south; and the local primary school and beyond to the west.

Controlled pedestrian crossing points would be provided at the Transit Way/Crownhill Road junction, with uncontrolled pedestrian refuge type crossing points in the vicinity of the roundabout at the south end of the road. It is considered that the proposed alterations to the roundabout design would further assist pedestrian ease of movement, where currently the vicinity of the roundabout is considered to be a poor pedestrian environment where pedestrians are likely to feel vulnerable.

Cycling facilities

Cycle storage facilities for cyclists would be provided for both staff and customers within the application site with provision of enhanced facilities for staff. It is intended that the access for cyclists from Shakespeare Road would be improved and this would be welcomed. Unfortunately there isn't any scope to significantly improve upon the current situation regarding access specifically for cyclists from Crownhill Road due to the restricted space available within the highway.

Bus provision

Setting-down and picking-up provision for bus passengers would be provided close to the main entrance to the proposed retail centre, with buses following a circulatory route through the frontage of the site, with roundabout type turning arrangement at either end of the layout. High level bus boarders would be conditionally required at the bus stops within the application site.

An integrated covered waiting area for bus passengers is indicated at the main entrance, and the application indicates that Real Time Passenger Information (RTPI) would be provided. This would be secured conditionally as a useful and worthwhile element in encouraging the use of public transport and to assist in achieving a real modal shift by providing real time information for bus passengers, with the comfort of a direct link and information indicating the frequency and reliability of the bus services at the shopping centre.

The applicant has entered into discussions with the bus operator in respect of the bus services. Consideration is being given to extending the bus timetable to give staff and customers the opportunity to travel to and from the shopping

centre by bus. It is understood that the enlargement of the Tesco store would attract the provision of a shoppers bus service, similar to that of other Tesco stores at Roborough and Ivybridge, and this would be welcomed and should be a feature of the Travel Plan condition. It is important that the applicant continues to work closely with the bus service operators.

Parking

Motor cycle parking is proposed and shown conveniently placed in relation to the entrance of the store, and shall be provided at the ratio of 1% of the overall parking level, in this case 8 spaces shall be sought. A condition to secure the delivery of this parking is recommended accordingly.

Car parking would be provided on two decks in a two storey car park structure. The number of car parking spaces has been revised and slightly reduced (by 168) in number from the original proposal and now proposes a total of 745 parking spaces including 29 parent and toddler spaces, along with 33 spaces for use by the disabled, and 683 for general use.

A car parking accumulation study indicates that the proposed level of car parking would be expected to meet the higher seasonal demands of the district centre.

Concern about car parking pressures on Shakespeare's Road, particularly apparent during school opening and closing times, is addressed by the recommended Section 106 clause requiring a financial payment in the form of a Negotiated Element of the Development Tariff. This will pay for new signage to restrict general parking on a limited number of residential parking areas on and around Shakespeare Road, Garrick Close, Denham Close, Milton Close and Ruskin Crescent, to enable the use of those parking spaces to be restricted to resident parking only.

Travel Plan

It is considered that the Travel Plan for the district centre needs to be particularly robust in order to achieve the necessary tangible, demonstrable, and measurable modal shift toward sustainable travel associated with the district centre, and much further details and work are required in this regard. Customer travel should also be considered with a view to promoting and encouraging site inclusive sustainable modes of travel.

It is considered that the current travel plan is not sufficiently robust or stretching enough to bring about a tangible and demonstrable shift toward sustainable modes of travel. Both the Highway Authority and the Highway Agency are very keen that the development should implement a robust and site inclusive travel plan, to emphasise and promote multi-modal sustainable means of travel, and secure travel patterns that would assist with easing congestion and improving air quality.

A condition is therefore recommended to ensure the submission and implementation of a suitable Travel Plan.

Health and Safety

Third party concerns regarding the existence of only one vehicular route providing access to the site area in terms of potential increased terrorist attack or impact on emergency services during a “blue light” emergency within the site is noted, however the proposed development is not considered to materially change the existing situation. The site is considered to have adequate pedestrian access/escape routes to enable adequate evacuation procedures to be carried out in the event of any such emergency or terrorist attack. Specific evacuation procedure is a matter covered under the Health & Safety at Work etc Act 1974. On this basis the development is considered to be acceptable.

Conclusion

There has been ongoing comment and exchanges of information in respect of the detail of the transport elements of the application that has resulted in a number of revisions to the highway proposals, forecasts and calculations, along with some alterations to the redesign of the road layout and junctions.

The Highway Authority considers that, on balance, the proposal would be acceptable and should provide a well balanced solution for all modes of travel whilst respecting the accepted travel mode priority.

It is considered that the redesign of the road layout and signalised junction of Transit Way and Crownhill Road with improved efficiency should sufficiently mitigate against the increase in vehicle attraction and trips associated with the redevelopment of the district centre, and the proposals would provide safe access, egress, circulation, parking, and also importantly improve pedestrian crossing facilities and pedestrian safety.

The need to achieve a tangible and measurable modal shift toward sustainable means of travel cannot be over emphasised, and in this regard robust sustainable travel plans and initiatives need to be secured by planning condition in order to assist in mitigating the result of the associated intensification of the application site and deliver a successful development in the long term.

The Highway Authority therefore supports the proposed car parking and access arrangements associated with the development and on this basis the development is considered to be acceptable and accords with adopted policies CS28, CS34 and relevant Central Government advice contained in PPG13.

The impact of the development upon the appearance and character of the area

The proposed siting, scale and design is considered to be in keeping with the appearance and character of this District Centre with the height of the building being broadly similar to that of the existing building.

The modern design incorporating the use of a hybrid timber and steel frame, larch timber/composite cladding and colour coated metal cladding together

with a curtain walling glazing systems, is considered to be acceptable, and in keeping with the existing “retail-park” character of the District Centre.

The design is therefore considered to be acceptable and is supported by Core Strategy policies CS01, CS02, CS34 and Government guidance contained in PPS1.

The impact of the development upon neighbouring properties

The siting and design of the development is not considered to have a significant adverse impact upon neighbouring properties. It is however considered necessary to impose hours of delivery restrictions, in addition to conditions to limit the potential noise levels associated with the impact of general car park use, from mechanical plant and regarding the proposed details of the sound mitigation measures to address potential noise from the service yard, in order to ensure that noise from the development is limited to an acceptable level with respect to the residential amenity of neighbouring properties.

Noise from Deliveries and Service Yard

Noise nuisance from the servicing of the store, in particular noise from Heavy Goods Vehicle (HGV) deliveries within the service yard at night (23:00hrs to 07:00hrs) has the potential to disturb residents in the vicinity. Deliveries up until the night time hours and in the early morning, also have the potential to cause disturbance.

The submitted Noise Impact Assessment considers the ambient background noise levels at the nearest residential properties to the proposed new service yard and concludes that the proposed night time deliveries will not unacceptably impact upon the amenities of nearby residential properties in terms of noise or sleep disturbance.

Independent night time monitoring, undertaken by the Public Protection Service at the two, albeit limited, locations used in the noise assessment, established similar background noise levels.

The Public Protection Service has considered the submitted information and notes that monitoring has not been undertaken during actual deliveries and therefore the delivery noise levels at the nearest noise sensitive locations carry only ‘predicted’ status.

It is therefore recommended that a six month temporary permission be granted for 24 hour deliveries at the store to enable the impact of the proposed 24 hour deliveries to be assessed on nearby noise sensitive properties at night, (23:00hrs to 07:00 hrs). In addition the amount of deliveries overnight during this period should be restricted to a maximum of two (two in and two out). This will be further assessed at the end of this period along with the effectiveness of the suggested management controls.

The assessment further recommends a series of management controls to limit any noise impact from delivery vehicles during the night time hours.

Should no significant noise nuisance be identified within this period, 24 hour deliveries at the premises will be permitted. Alternatively, if during this period, significant noise nuisance is identified, the permitted delivery hours will be restricted to the following hours: 07.00 to 23.00 Mondays to Saturdays, and 09.00 to 16.00 Sundays, in order 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 adopted Policies CS01, CS02, CS08, CS22 and CS34 and Government guidance contained in PPS1 and PPS4.

In order to control and limit noise generating activities from the servicing of the store and deliveries, it is recommended that a condition be imposed requiring the submission of a site specific Service Yard Management Plan prior to the commencement of development detailing all measures necessary to limit and control noise generating activities from the servicing of the store and deliveries.

Impact of the Proposed 24 hour use on neighbouring residential properties. The Public Protection Service has previously objected to the principle of 24-hour opening of the store largely through concerns about night-time disturbance arising from the car park. Similarly, a number of third party representations have been received by local residents on this issue.

Analysis of the acoustic report indicates that due to the drop of noise levels with distance, adjoining residents are unlikely to be disturbed by shoppers. The applicants have proposed a voluntary restriction whereby the upper deck of the car park will only be used during day time hours.

A condition is therefore recommended to enable the new foodstore to be opened on a 24 hour basis for a temporary six month period to allow the impact of the proposed 24 hour use to be assessed further by the Local Planning Authority. Should no significant noise nuisance be identified within this period, 24 hour use of the premises will be permitted. Alternatively, if during this period, significant noise nuisance is identified, the opening hours of the store shall be restricted to 07.00-23.00 hours Mondays to Saturdays inclusive and 10.00-17.00 hours on Sundays and Bank or Public Holidays.

The provision of a car park management plan is also required prior to commencement of development. The plan must describe the measures that will to be taken to prevent vehicles parking on the second deck of the car park at night, and mitigation measures to prevent or minimise noise from the car park in zones close to nearby existing noise-sensitive buildings and residential properties.

Upgraded Pedestrian Routes

It is noted that the area has been the subject of particularly high levels of anti-social behaviour, particularly during the evenings. A condition is therefore recommended to ensure that the existing pedestrian routes to the site, accessed over the stream from Shakespeare's Road, are re-designed with

improved lighting and lockable gates during the late evening to assist with reducing potential anti-social behaviour in the locality and in the interests of the residential amenity of neighbouring residents.

The applicant has also been requested to increase the extent of natural surveillance of the proposed staff car park and pedestrian route along the southern and eastern elevations of the building by maximising the extent of ground floor glazing along these elevations and revised plans have been received which are considered to more satisfactorily address this matter.

In terms of the impact on neighbouring properties, the development is therefore considered to be acceptable and accords with Core Strategy policy CS02 and CS34 together with Government advice contained in PPS1 and PPG24.

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 taking into account the site constraints and / or specific energy characteristics of the development and to ensure that the development accords with the requirements of Policy CS20 and Government advice contained within PPS22.

Other Matters

A third party representation reporting a covenant restricting the materials that can be used in the locality is a civil matter and not an over-riding material planning consideration.

Third party environmental concerns expressed regarding the potential increased carbon footprint generated by the development are considered unfounded on the basis that the new building will be designed so as to be more thermally and energy efficient than the existing building and on this basis would be expected to have a smaller carbon footprint.

As stated above under “Sustainable Resource Use”, a condition is recommended to ensure that appropriate on-site renewable energy systems are integrated into the development taking into account the site constraints and / or specific energy characteristics of the development and to ensure that the development accords with the requirements of Policy CS20 and Government advice contained within PPS22.

Regarding concerns about the impact of any demolition works on breeding colonies of House Sparrows reported to roost within the eaves of the building and car park walkway shelters, it is an offence under the Wildlife and Countryside Act to damage or destroy the nest of any wild bird while it is in use or being built and it is also an offence to disturb many species of wild bird

while nesting, an informative bringing this matter to the developer's attention is recommended accordingly.

Third party concerns regarding a possible increase in "Community Noise" levels within properties adjoining the Crownhill road junction" where levels are reported as already exceeding World Health Organisation guidelines at peak times are noted. Whilst it is recognised that community noise levels from road traffic at the existing junction have in fact been recorded as exceeding World Health Organisation noise guidelines, the proposed development is not considered to result in a significant increase in traffic related noise levels at the junction. It is not therefore considered justified to require the applicant to install triple glazing and sound insulation to all residential properties within 250m of the road junction as suggested. Such a proposal in the form of a planning condition would not be considered reasonable, necessary nor relevant to the development to be permitted and would therefore fail the general criteria for the validity of planning conditions as set out in Circular 11/95.

A Developer's Code of Construction condition is recommended to address any third party concerns regarding potential noise, vibration and general disturbance that may impact on neighbouring properties during the construction works.

Human Rights Act

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

Equalities & Diversities issues

The redevelopment of this site will provide upgraded shopping facilities to all age groups.

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

Pedestrian and disabled access to the site will be improved by the upgrade and improved accessibility of the existing public walkways from Shakespeare's Road.

Section 106 Obligations

The following community benefits and financial contributions are required in accordance with the adopted Planning and Obligations Supplementary Planning Document:

1. A financial contribution of £84,128 (eighty four thousand, one hundred and twenty eight pounds) towards the Plymouth Development Tariff broken down

as a Strategic Infrastructure Transport contribution to meet the strategic transport needs of Plymouth's population growth. This contribution to be payable upon commencement of development.

2. As part of a Negotiated Element to the Tariff, a financial contribution of £1,200 towards new signage to restrict general parking on a limited number of residential parking areas on and around Shakespeare Road, Garrick Close, Denham Close, Milton Close and Ruskin Crescent to enable the use of those parking spaces to be restricted to resident parking only. Payable upon commencement of development.

3. A Section 106 Obligation Management Fee of £4,266. Payable upon completion of the Legal Obligation.

The above obligations have been assessed against Regulation 122 of the Government's Community Infrastructure Levy (CIL) 2010, and it is considered that the financial obligations required by the Plymouth Development Tariff meet the 3 CIL tests and that the obligation is therefore considered 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 details have been agreed with the applicant.

Conclusions

In terms of the retail impact of the proposal, on balance, it is considered that the timing of this proposal against the likely timing of the Core Strategy objective of the delivery of a new district centre at Derriford and Weston Mill is such that the potential impact on the relevant Core Strategy Objective and Policy does not have sufficient weight to be a reason for refusal. The development is therefore considered to accord with Core Strategy Strategic Objective 7 and Policy CS08 together with Government advice contained in PPS4.

The proposed siting, scale and design is considered to be in keeping with the appearance and character of this District Centre and the impact of the development on the appearance and character of the locality is therefore considered to be acceptable and accords with Core Strategy Policies CS01, CS02 and CS34 together with Government advice contained in PPS1.

The siting and design of the development is not considered to have a significant adverse impact upon neighbouring properties. It is however considered necessary to impose conditions to ensure that noise from the development is limited to an acceptable level with respect to the residential amenity of neighbouring properties. On this basis the application is acceptable and accords with Core Strategy Policy CS02 and CS34 together with Government advice contained in PPS1, PPS4 and PPG24;

The impact of the development upon the highway network - The proposed redesigned junction, highway infrastructure and proposed car parking will enable the impact of the development on the highway network to be accommodated and will provide a well balanced solution for all modes of travel. On this basis the development is considered to have an acceptable impact on the highway network and therefore complies with Core Strategy Policies CS28 and CS34 together with Government advice contained in PPS4 and PPG13. On the basis of the above, the proposal is not considered to be demonstrably harmful.

Recommendation

Conditional approval subject to the satisfactory completion of the Section 106 Obligation. Delegated authority to refuse the application if the Section 106 obligation is not completed by 17th December 2010.

In respect of the application dated **21/11/2008** and the submitted drawings, **562904/17 (Location Plan), 1214 54 D (Proposed Site Layout Plan), 1214 49 P (Proposed Ground Floor Site Layout Plan), 1214 50 M (Proposed First Floor Site Layout Plan), 1214 53 C (Proposed Roof Plan), 1213 55E (Proposed Elevations), 1214 23 G (Context Plan), 1214 57 C (Proposed Buildings and Site Sections), 1214 60 B (Proposed Phasing Plan), 1214 61 (3D View 1 - Illustrative Purposes Only), 1214 62A (3D View 2 - Illustrative Purposes Only), Revised Design and Access Statement (Jan 2009), Landscape Supporting Statement (August 2008), Aboricultural Impacts Report (Jan 2010), Transport Assessment and Addendums, Planning & Retail Assessment, Ecological Report, Flood Risk Assessment, Sustainability Statement** , it is recommended to: **Grant conditionally subject to S106 Obligation, delegated authority to refuse if S106 not signed by 17 December 2010**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

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

Reason:

To comply with Section 51 and S91(b) of the Planning & Compulsory Purchase Act 2004.

ACCORD WITH PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 562904/17 (Location Plan), 1214 54 D (Proposed Site Layout Plan), 1214 49 P (Proposed Ground Floor Site Layout Plan), 1214 50 M (Proposed First Floor Site Layout Plan), 1214 53 C (Proposed Roof Plan), 1213 55E (Proposed Elevations), 1214 23 G (Context Plan), 1214 57 C (Proposed Buildings and Site Sections), 1214 60 B (Proposed Phasing Plan), 1214 61 (3D View 1 - Illustrative Purposes Only), 1214 62A (3D View 2 - Illustrative Purposes Only), Revised Design and Access Statement (Jan 2009), Landscape Supporting Statement (August 2008), Aboricultural Impacts Report (Jan 2010), Transport Assessment and

Addendums, Planning & Retail Assessment, Ecological Report, Flood Risk Assessment, Sustainability Statement and Ground Condition Survey.

Reason

To ensure that the development accords strictly with the submitted plans hereby approved in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CODE OF PRACTICE DURING CONSTRUCTION

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

Reason:

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

LAND QUALITY

(4) 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 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until point 4 has been complied with in relation to that contamination.

1.Site Characterisation

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

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

(ii) an assessment of the potential risks to:

human health,

property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

adjoining land,

groundwater's and surface waters,

ecological systems,

archeological sites and ancient monuments;

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

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

2.Submission of Remediation Scheme

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

3.Implementation of Approved Remediation Scheme

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

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

4.Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of point

1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of point 2, which is subject to the approval in writing of the Local Planning Authority.

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

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 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government guidance contained in PPS23.

SUSTAINABILITY

(5) Notwithstanding the submitted information, and unless otherwise agreed previously in writing with the Local Planning Authority, no work shall commence until the applicant has provided 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 approved on-site renewable energy production methods shall be provided in accordance with these details prior to the opening of the main foodstore to the public and thereafter retained and used for energy supply for the lifetime of the building hereby approved.

Reason:

To ensure that, taking into account the site constraints and / or specific energy characteristics of the development, the development incorporates, onsite renewable energy production equipment to off-set at least 15% of the 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 PPS1 & PPS22.

BIODIVERSITY

(6) Notwithstanding the submitted information, prior to any demolition or development taking place, updated bat surveys shall be undertaken of all the buildings and trees identified as having suitability as bat roosts in the Ecological Assessment (2008).

Building Surveys will be limited to one updated dawn survey and one updated dusk survey unless evidence of bats is found.

The results of the building surveys shall be submitted to and approved in writing by the Local Planning Authority prior to any works taking place.

Immediately prior to felling trees, dusk emergence and dawn swarming surveys shall be undertaken and a brief letter report submitted to the LPA detailing results and action taken.

Following the completion of the bat surveys and prior to any development taking place, an Ecological Mitigation and Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority. This should address how all the ecological receptors identified in the Ecological Assessment (2008) will be protected during construction (nesting birds, trees, hedgerows and watercourse) and shall provide full details of how the site will be enhanced for wildlife and demonstrate how net biodiversity gain has been achieved in accordance with adopted Core Strategy policy CS19 and CS34 and Government guidance contained in PPS9.

For the avoidance of doubt, net biodiversity gain should be demonstrated by means of a biodiversity assessment which compares the quantity and quality of habitats on site both before and after development.

The approved details shall be strictly adhered to during the course of development and thereafter so retained and maintained.

Reason

The bat surveys undertaken in 2007/2008 require updating in order to ascertain whether or not there are currently any roosting bats on the site. The proposed wildlife enhancement measures listed in the Ecological Assessment (2008) need to demonstrate that the provisions ensure that a net biodiversity gain will be achieved in accordance with Policy CS19 and CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government guidance contained in PPS9.

HABITAT AND EXCEEDANCE FLOOD FLOW ENHANCEMENTS

(7) Unless otherwise agreed previously in writing with the Local Planning Authority, no development shall commence until measures to undertake habitat and exceedance flood flow enhancements to the adjoining watercourse (including details of future management regime) have been submitted to and agreed in writing by the Local Planning Authority. Such agreed details shall be strictly adhered to during the course of development and completed prior to any use of the new foodstore commencing, and shall thereafter be so retained and maintained.

Reason

To enable the Local Planning Authority to consider suitable measures for habitat and exceedance flood flow enhancements to the adjoining watercourse in the interests of the prevention of flooding and biodiversity enhancement in accordance with Core Strategy policies CS01, CS02, CS21, CS34 and Government guidance contained in PPS9 and PPS25.

SURFACE WATER DRAINAGE

(8) No development approved by this permission shall be commenced until a detailed scheme for the provision of surface water drainage works including:-

overland flow routes, construction quality control procedure, a timetable of construction, and details for the maintenance and management of the scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the drainage during the construction phase to prevent pollution from the site. Prior to occupation 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, quality control procedure 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 by ensuring the provision of a satisfactory means of surface water disposal in accordance with policy CS21 and Government advice contained in PPS25.

IMPROVEMENT TO PEDESTRIAN ACCESSES

(9) Unless otherwise agreed previously in writing with the Local Planning Authority, prior to the opening of the proposed development to the public, the design of the two pedestrian accesses to the site over the stream accessed via Shakespeare Road to the south of the site shall be upgraded in accordance with details which shall have been previously submitted to and agreed in writing by the Local planning Authority such that they are fully accessible to persons with disabilities in accordance with the approved plans and to ensure they are compliant with the Disability Discrimination Act 2005 and are able to be securely gated and lockable. The development shall be carried out strictly in accordance with the approved details and unless otherwise agreed previously in writing with the Local Planning Authority, the two pedestrian accesses over the stream shall thereafter only be open to the public during the hours of 07.00 - 23.00 with the access gates being locked outside these times.

No work shall commence on the upgrading/improvement of the existing pedestrian accesses/routes and cycle links to the south of the site until details of the lighting have been submitted to and agreed in writing with the Local Planning Authority. The new lighting shall comply with BS5489. Such agreed details shall be implemented prior to the opening of the upgraded pedestrian accesses/routes and cycle links to the south of the site to the public.

Reason

In the interests of highway and pedestrian safety; to ensure the pedestrian access to the site accords with the Disability Discrimination Act 2005 and to help reduce anti-social behaviour within the site and locality, all in accordance with Core Strategy Policy CS02, CS28, CS32, CS34 and Government advice contained in PPS1, PPS4 and PPG 13.

ACCESS / HIGHWAY IMPROVEMENTS

(10) Unless otherwise agreed previously in writing with the Local Planning Authority, prior to the opening of the proposed development to the public, the proposed access and improvements to the existing highway shall have been completed in accordance with the approved plans, (with the requirement to

meet safety and technical approval). The developer shall enter into a Section 278 Agreement with the City Council to facilitate and implement the highway alterations on Transit Way and Crownhill Road, including the junction and roundabout, incorporating MOVA and existing bus priority facilities, pedestrian facilities, and all associated infrastructure requirements to the satisfaction of the City Council.

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.

PUBLIC TRANSPORT PROVISION

(11) Prior to opening of the new foodstore to the public, details of the proposed bus shelters, stops and other associated provisions shall have been approved in writing by the Local Planning Authority; and the building(s) shall not be occupied until such infrastructure provisions have been constructed in accordance with the approved plans.

Reason:

To improve access to the site by public transport, without which the proposed development would not be acceptable, as an alternative to the use of private cars in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

EXTERNAL MATERIALS

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

Reason:

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

SURFACING MATERIALS

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

Reason:

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

FURTHER DETAILS

(14) Notwithstanding the submitted information, no work shall commence on the proposed boundary treatment to the service yard and plant areas until details of the siting, design and method of construction of the proposed acoustic screen fence and any other sound attenuation structures required has been submitted to and agreed in writing by the Local Planning Authority.

The agreed details shall be strictly adhered to during the course of development, shall be put in place before the service yard and plant areas are brought into operation, and shall thereafter be so maintained and retained.

Reason

To enable the Local Planning Authority to consider the details of the proposed acoustic screen fencing in the interests of the appearance and character of the area and to ensure that adequate noise mitigation measures are incorporated to ensure that noise levels are maintained at an acceptable level in the interests of the residential amenity of neighbouring properties in accordance with Core Strategy policies CS02, CS22 and CS34 together with Government guidance contained in PPS1 and PPG24.

LANDSCAPE DESIGN PROPOSALS

(15) No development shall take place until full details of both hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, 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].

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

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 commencement of trading of the proposed main foodstore or in accordance with the programme agreed with the Local Planning Authority.

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policies CS18, CS32 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LANDSCAPE MANAGEMENT PLAN

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

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18, CS32 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

TREE PROTECTION DURING CONSTRUCTION

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

Reason:

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

EXISTING TREE/HEDGEROWS TO BE RETAINED

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

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

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

(c) The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with 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.

CAR PARKING PROVISION

(19) Prior to opening of the new foodstore to the public, space shall be laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for a maximum of 745 cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear.

The foodstore shall not be open to the public until a site specific Car Parking Management Strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall provide confirmation in relation to the control and management of the on-site car parking areas on the site, detail all measures necessary to limit and control noise generating activities for example the collection and stacking of trolleys and detail of all measures necessary to ensure the closure of the second floor car park deck within night time hours (23:00 to 07:00)..

Unless otherwise agreed previously in writing with the Local Planning Authority, the upper deck of the car park shall be closed to the public outside the hours of 2300 and 0700 Monday to Sunday.

Reason:

In the opinion of the Local Planning Authority, although some provision needs to be made, the level of car parking provision should be limited in order to assist the promotion of sustainable travel choices and to ensure the use of the car park does not cause unacceptable noise or disturbance to residents of neighbouring properties in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in PPS1, PPG13 and PPG24.

CYCLE PROVISION

(20)The development shall not be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for 61 bicycles to be parked (35 for staff and 26 for customers).

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.

MOTORCYCLE PROVISION

(21)The development shall not be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for 8 motorcycles to be parked.

Reason:

In order to promote motorcycling 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.

LOADING AND UNLOADING PROVISION

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

Reason:

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

USE OF LOADING AREAS

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

Reason:

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

TRAVEL PLAN DETAILS

(24) Unless otherwise agreed previously in writing with the Local Planning Authority, the uses hereby permitted shall be carried out in accordance with details of a site inclusive Travel Plan, which shall be submitted to and approved in writing by the Local Planning Authority prior to the development opening for trade. The Travel Plan shall include the following elements:-

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

Reason:

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

DEVELOPMENT PHASING

(25) Unless otherwise agreed previously in writing with the Local Planning Authority, the demolition and construction of the development shall be carried out on a phased programme strictly in accordance with the submitted plan number 1214 60 B.

Reason

In order to ensure that the development continues to serve the neighbourhood in a sustainable way by providing a suitable range of goods and services to maintain its District Centre character and to control the potential trading impact of the development on existing and new centres, in accordance with Policy CS01 and CS08 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in PPS4.

FLOORSPACE RESTRICTION

(26) The gross internal floorspace of the food store unit as shown on the submitted plans [drawings 1214 49P and 1214 50M] including any mezzanine floors shall not exceed 11,016 square metres.

Reason

In order to ensure that the development continues to serve the neighbourhood in a sustainable way by providing a suitable range of goods and services to maintain its District Centre character and to control the potential trading impact of the development on existing and new centres, in accordance with Policy CS01 and CS08 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government guidance contained in PPS4.

RESTRICTION ON SUBDIVISION OR MERGING OF UNITS 1-13

(27) Unless otherwise agreed previously in writing with the Local Planning Authority, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (and any Order revoking or re-enacting that Order), no merging of units contained within the non-food store commercial/retail units (Units 1 - 13 as detailed within drawings 1214 49P and 1214 50M) shall be carried out where this results in less than 7 (non-food store) commercial units available at any one time.

For the avoidance of doubt, the maximum floor area of any merged unit shall not exceed 550 square metres gross at any time.

Reason

In order to ensure that the development continues to serve the neighbourhood in a sustainable way by providing a suitable range of goods and services to maintain its District Centre character and to control the potential trading impact of the development on existing and new centres, in accordance with Policy CS01 and CS08 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government guidance contained in PPS4.

UNIT 13 A3 USE RESTRICTION

(28) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (and any Order revoking or re-enacting that Order with or without modification), the use of Unit 13 shall be restricted to Class A3 (Food and Drink) only. No change of use falling within Class A and C of Part 3 of Schedule 2 to that order shall be carried out without the consent in writing of the Local Planning Authority.

Reason

In order to ensure that the development continues to serve the neighbourhood in a sustainable way by providing a suitable range of goods and services to maintain its District Centre character and to control the potential trading impact of the development on existing and new centres, in accordance with Policy CS08 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government guidance contained in PPS4

RESTRICTION ON INTERNAL ALTERATIONS

(29) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (and any Order

revoking or re-enacting that Order), no merging of the main food store with the non-food commercial/retail units (as detailed within drawings 1214 49P and 1214 50M) shall occur at any time.

Reason

In order to ensure that the development continues to serve the neighbourhood in a sustainable way by providing a suitable range of goods and services to maintain its District Centre character and to control the potential trading impact of the development on existing and new centres, in accordance with Policy CS08 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government guidance contained in PPS4.

OPENING HOURS

(30) Twenty four hour use of the new food store is only permitted for a six month period following the new foodstore first being opened to the public. Following six months of trading commencing at the new Tesco Store, unless otherwise agreed previously in writing with the Local Planning Authority, the new Tesco Foodstore shall not be open to customers outside the following times: 07.00-23.00 hours Mondays to Saturdays inclusive and 10.00-17.00 hours on Sundays and Bank or Public Holidays.

Reason

To enable the impact of a 24 hour use of the building on nearby sensitive buildings to be assessed in order 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 adopted Policies CS01, CS02, CS08, CS22 and CS34 and Government guidance contained in PPS1 and PPS4.

HOURS OF DELIVERIES

(31) For a period of six months only, commencing from the date of the new foodstore opening to the public, a maximum of two deliveries (two in, two out) per night shall be permitted between the hours of 23:00 and 0700 on Monday to Sunday nights. Following six months of the new foodstore being open to the public, unless otherwise agreed previously in writing with the Local Planning Authority, service / delivering times at the development hereby permitted (including the loading of vehicles and movement of stock) shall be limited to the following hours: 07.00 to 23.00 Mondays to Saturdays, and 09.00 to 16.00 Sundays.

Reason:

To enable the Local Planning Authority to assess the impact of the proposed delivery hours in order to lessen the potential for noise nuisance and disturbance to surrounding residential amenity, by ensuring that any activities carried out under the development hereby permitted, that have the potential to cause unacceptable noise nuisance, do not take place at inappropriate hours, in accordance with Policies CS01, CS02, CS08, CS22 and CS34 and Government guidance contained in PPS1, PPS4 and PPG24.

RECYCLING UNIT HOURS OF OPERATION

(32) Unless otherwise agreed in writing with the Local Planning Authority, the "TOMRA" recycling unit should not be in use/operated outside of the hours of 0800 - 2000 Mondays to Saturdays inclusive and 10.00 - 17.00 on Sundays and Bank Holidays.

Reason:

To control the noise levels generated by the use of this facility, so as not to disturb the amenity of the nearby residents in accordance with policies CS01, CS02, CS08, CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CAR PARK NOISE

(33) Noise identified from the car park should not regularly exceed the average L_{max} levels of 67 dB as measured at the façade of the nearest neighbouring noise sensitive properties along Shakespeare Road, Garrick Close, Denham Close, Milton Close, Ruskin Crescent, Yeats Close and Carroll Road, during the hours of 2300 - 0700. If the noise levels are identified as exceeding this level during the stipulated hours, then additional noise mitigation measures shall be implemented on site within a month of the noise level recording, in accordance with details which shall have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of the nearby residents in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

MECHANICAL PLANT NOISE

(34) The rating level of noise emitted from the fixed plant and equipment on site shall not exceed L_{Aeq}(1hr) = 46dB during the daytime period of 07:00 hours to 23:00 hour, and L_{Aeq} (5mins) = 40dB during the night period of 23:00 hours to 07:00 hours as determined at the nearest noise sensitive premises. The measurements and assessment shall be made in accordance to BS 4142:1997. If the noise levels are identified as exceeding this level during the stipulated hours, then noise mitigation measures shall be implemented on site within a month of the noise level recording, in accordance with details which shall have been submitted to and agreed in writing by the Local Planning Authority.

Reason:

To control noise levels generated by the use hereby permitted, in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SERVICE YARD MANAGEMENT PLAN AND NOISE LEVELS

(35) A site specific Service Yard Management Plan (SYMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. The plan must detail all measures

necessary to limit and control noise generating activities from the servicing of the store and deliveries including measures to:

1. Prevent delivery vehicles from waiting or parking anywhere outside the curtilage of the service yard with their engines idling or their refrigeration units running.
2. A curfew must be introduced on the use of any warehouse or store tannoy system. Any such tannoy is not to be used from 23.00-07.00hrs.
3. Acoustic prevention measures will be introduced to the service yard gates. This includes installing cushioned chains and rubber pads to reduce noise from the operation of the gates.
4. A process of identifying and replacing defective roll cages is to be put in place and monitored. The movement of roll cages outside in the service yard shall be prohibited between 23.00hrs and 07.00hrs Monday - Sunday unless otherwise agreed previously in writing with the Local Planning Authority.
5. The SYMP shall set out in detail instructions to drivers and store staff from the vehicle journey to the service yard, the unloading process, and the exit procedure from the store. This must include measures such as ensuring fridges are switched off on arrival at the store, ensuring vehicle radios switched off in the service yard and keeping engine revs to a minimum.

The SYMP must detail how the noise control measures will be closely monitored by local and regional Tesco management.

In addition, a 24 hour hotline must be made available for the handling of any complaints from residents.

Noise from unloading/loading of vehicles and associated activities in the service yard should not exceed 5dB above the background level at the façade of any neighbouring property. The measurements and assessment shall be made in accordance to BS 4142:1997. If the noise levels are identified as exceeding this level during the stipulated hours, then noise mitigation measures shall be implemented on site within a month of the noise level recording, in accordance with details which shall have been submitted to and agreed in writing by the Local Planning Authority.

All measures necessary to limit and control noise generating activities from the servicing of the store and deliveries identified within the SYMP shall be implemented on site prior to the main foodstore opening to the public and shall thereafter be so retained and maintained unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of nearby residents in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

WINDOW DESIGN

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

Reason:

In order to maximise the extent of visibly active ground and first floor uses in the interests of the appearance and character of the building and locality and to maximise the level of natural surveillance of the surrounding car park and pedestrian routes in accordance with adopted Core Strategy policies CS01, CS02, CS32, CS34 and relevant Government advice contained in PPS1, PPS4 and PPG6.

INFORMATIVE: ADVERTISING

(1) This permission does not give or imply any consent for the advertising material shown on the approved plans. Such advertising is controlled under the Town and Country Planning (Control of Advertisements) Regulations 2007 and the applicants should obtain any necessary consent separately.

INFORMATIVE : CODE OF PRACTICE DURING CONSTRUCTION

(2) 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. The frequency, duration and means of operation involving demolitions, excavations, drilling, piling, and concrete production operations;

INFORMATIVE: NESTING SEASON

(3) It is noted that the site is home to a resident breeding colony of House Sparrows within the eaves of the current buildings and the car park walkway shelters. It is an offence under the Wildlife and Countryside Act to damage or destroy the nest of any wild bird while it is in use or being built and it is also an offence to disturb many species of wild bird while nesting.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: The retail impact of the proposal on existing, committed and planned public and private investment in a centre in the catchment area of the proposal. In this respect, on balance it is considered that the timing of this proposal against the likely timing of the Core Strategy objective of the delivery of a new district centre at Derriford and Weston Mill is such that the potential impact on the relevant Core Strategy Objective and Policy does not have sufficient weight to be a reason for refusal. The development is therefore considered to accord with Core Strategy Strategic Objective 7 and Policy CS08 together with Government advice contained in PPS4; The impact of the development on the appearance and character of the locality - The proposed siting, scale and design is considered to be in keeping with the appearance and character of this District Centre and is considered to be acceptable and accords with Core Strategy Policies CS01, CS02 and CS34 together with Government advice contained in PPS1; The impact of the development on neighbouring properties - The siting and design of the development is not considered to have a significant adverse impact upon neighbouring properties. It is however considered necessary to impose conditions to ensure that noise from the development is limited to an acceptable level with respect to the residential amenity of neighbouring properties. On this basis the application is acceptable and accords with Core Strategy Policy CS02 and CS34 together with Government advice contained in PPS1 and PPG24; The impact of the development upon the highway network - The proposed redesigned junction, highway infrastructure and proposed car parking will enable the impact of the development on the highway network to be accommodated and provide a well balanced solution for all modes of travel. On this basis the development is considered to have an acceptable impact on the highway network and therefore complies with Core Strategy Policies CS28 and CS34 together with Government advice contained in PPS4 and PPG13. On the basis of the above, 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) the identified policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Government Policy Statements and Government Circulars, as follows:

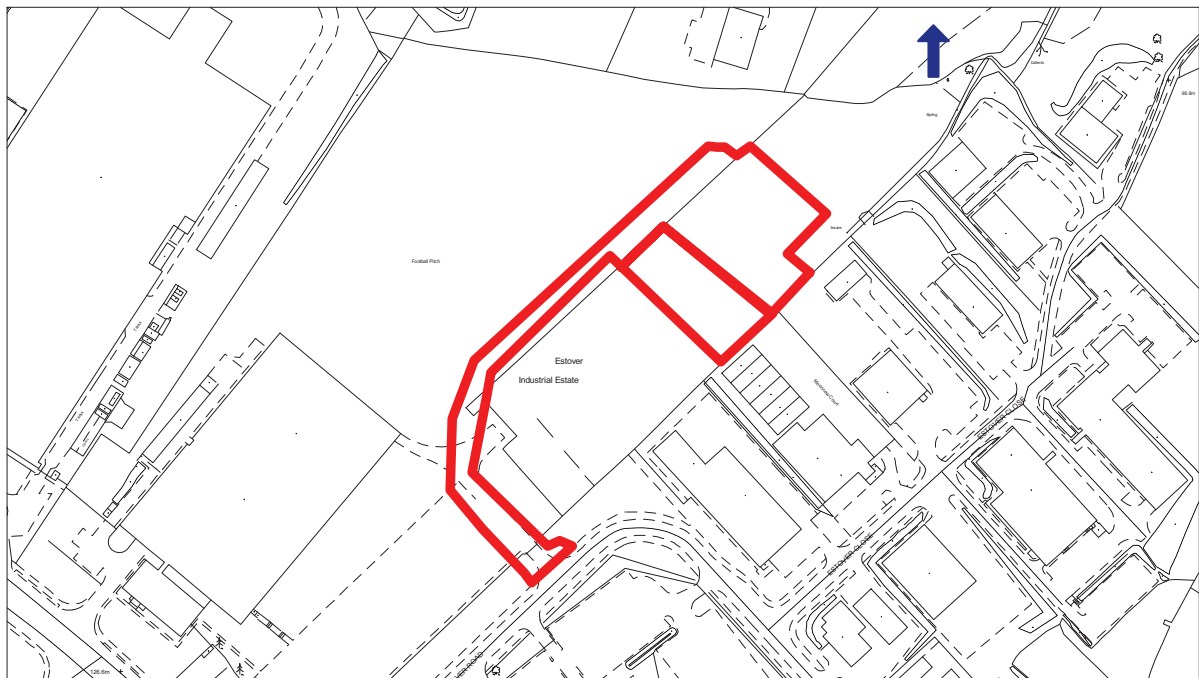
- PPG13 - Transport
- PPG24 - Planning and Noise
- PPS9 - Biodiversity and geological conservation
- PPS1 - Delivering Sustainable Development

PPS12 - Local Development Frameworks
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
CS07 - Plymouth Retail Hierarchy
CS08 - Retail Development Considerations
CS18 - Plymouth's Green Space
CS20 - Resource Use
CS21 - Flood Risk
CS05 - Development of Existing Sites
CS01 - Sustainable Linked Communities
CS02 - Design
PPS25 - Development and Flood Risk
PPS4 - Economic Growth

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ITEM: 03

Application Number:	10/01300/FUL
Applicant:	Unit Build Ltd
Description of Application:	Erection of building containing three units for light industrial office, industrial and warehouse purposes (use class B1 and B2 and B8) with associated parking and landscaping. Amendment to approved application 08/01725
Type of Application:	Full Application
Site Address:	SISNA PARK ROAD ESTOVER PLYMOUTH
Ward:	Moor View
Valid Date of Application:	23/08/2010
8/13 Week Date:	22/11/2010
Decision Category:	Major Application
Case Officer :	Janine Warne
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



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OFFICERS REPORT

Site Description

Sisna Park is an industrial estate located in the Estover area of the city. Phases 1 and 2 of the Sisna Park development have been constructed and are nearing complete occupation. Phase 3 is under construction. The application site comprises the final phase (known as 3.2), sited in the north-eastern corner of the estate.

Proposal Description

This application seeks consent for the erection of a building containing three units for light industrial office, industrial and warehouse purposes (use class B1, B2 and B8) with associated parking and landscaping. This application comprises an amendment to approved application 08/01725.

Relevant Planning History

02/01065/OUT - Outline application to develop land for light industrial / office, industrial and warehouse purposes (Use Classes B1, B2 and B8) – (granted)

06/01647/REM - 16 industrial units (for uses within Classes B1, B2, and B8) with associated access road, service yards and car parking areas – (withdrawn)

06/02069/REM - 16 industrial units (for use within Use Classes B1, B2 and B8) (approval of reserved matters) – (granted)

08/00532/FUL - Additional employment unit (for use in Classes B1, B2 and B8) (extension to previously approved scheme 06/01407) – (granted)

08/01725/FUL - Development of land for light industrial office, industrial and warehouse purposes (use class B1, B2 and B8) – (granted PS106)

09/01288/FUL - Erection of building comprising 2 units for light industrial office, industrial and warehouse purposes (use class B1, B2 and B8) Amendment to approved application 08/01725/FUL – (permitted)

10/00033/FUL - Conversion of units 24 and 25 to form a single unit (Use Class B1, B2 and B8) with associated parking and landscaping (amendment to previously approved scheme 08/01725/FUL) – (permitted)

10/00441/FUL – Unit 8 – Use within Use Class D1 (c) (provision of education) in addition to Use Classes B1, B2 and B8 – (withdrawn pending a Contamination Risk Assessment).

10/00652/FUL – Erection of building containing two units for light industrial office, industrial and warehouse purposes (use class B1, B2 and B8) with associated parking and landscaping. Amendment to approved application 08/01725 – (permitted).

10/00941/FUL – Unit 8 – Use within use class D1 (c) (provision of education) in addition to use class B1, B2 and B8 – (permitted).

Consultation Responses

Transport – No objections, subject to recommended conditions relating to car parking provision, cycle storage and a staff travel plan

Environmental Services – No objections, subject to a recommended condition relating to a code of practice during construction

Environment Agency – No objections, subject to recommended conditions relating to flood risk and land contamination

Plymouth City Airport – No objections

South West Water – No objection; observations made

Representations

No letters of representation have been received regarding this planning application.

Analysis

Introduction

The primary planning considerations in this case are the impact on the character and appearance of the area, the impact on trees, soft landscaping and wildlife, the impact on the highway and the risk of flooding. The policies relevant to this application are CS18, CS19, CS21, CS22, CS28, and CS34 of the City's adopted Core Strategy.

Under application no. 08/01725, the site benefits from planning approval for one large industrial unit measuring approximately 1395m² (with proposed future expansion of 465m²). The current proposal comprises an amendment to this scheme.

The proposal is for the erection of a single structure measuring approximately 1200m² in total. This building shall be subdivided into three units for light industrial office, industrial and warehouse purposes (use class B1, B2 and B8) with associated parking and landscaping. Specifically, unit 29a comprises a 730m² production area (with 195m² x2 ground- and first-floor office accommodation); unit 29b comprises a 218m² workshop and unit 29c comprises a 216m² workshop.

Visual Impact

The design deviates from that originally approved (app. no. 08/01725). The depth of the units has been reduced by approximately 12m and the length of the block has increased towards the south-eastern boundary by approximately 16m. The revised footprint facilitates the enlargement of the access/parking area in front of each unit.

The revised layout is deemed acceptable; it follows the established building line to the highway (created by the side – northwest – elevations of the units) and does not protrude beyond the established boundary to the southeast.

The front elevation of the premises has been redesigned. Industrial access doors, fenestration and signage are spread throughout the entire frontage; this helps to 'break-up' the space and add interest to the front façade. In addition, a two-storey glazed curtain wall has been proposed wrapping around the south-eastern corner of the building. Whilst this corner is not especially prominent, the glazed design feature promotes an active frontage and is supported by the Local Planning Authority. Therefore it is considered that the external appearance of this utilitarian building is both functional and attractive.

Trees

The land has already been leveled. At the closest point, the proposed development will be approximately 9m from the base of the hedge along the south-eastern boundary. Therefore a restrictive condition is recommended to ensure that protective fencing is erected to prevent any accidental damage to the trees roots and canopy during construction.

The soft landscaping shown on the plan shall be implemented once the development is complete. Therefore a restrictive condition is recommended to ensure that the original landscape plan, which covers the entire Sisna Park, (submitted under application no. 08/01725) is updated to reflect the amendment to this plot.

Wildlife

In respect of the possibility of protected species on the site, the developer should again be advised of his responsibilities under the Wildlife and Countryside Act, since these apply regardless of any planning control. This is recommended as an informative.

Highways/Parking etc

As noted above, the Transport Authority have raised no objections in principal to the proposal that would alter phase 3.2 of the overall previously approved development, to permit a substitution of the approved industrial building on the application site.

From a Transport perspective the proposed relatively minor changes and substitution of an alternative industrial building would make little difference, where all of the significant transport impacts such as access/egress, trips and traffic attraction, parking and servicing including deliveries etc, have been previously properly considered.

The application considers sustainable means of travel, but further details are required to be provided in respect of cycle and motorcycle storage facilities, and the maintenance of Staff Travel Plans. Therefore restrictive conditions are recommended in this regard.

Contaminated Land

Beyond the remit of this application, the applicant has carried out further ground investigations at Sisna Park and submitted findings to the Council's Public Protection Service for consideration. As a result, the Authority is satisfied that the development does not pose any risk to human health. However, the Environment Agency (EA) has not yet reviewed this additional information and therefore is unable to confirm, at this stage, that the proposed development does not pose a risk to controlled waters. Therefore, in accordance with the EA's recommendation the conditions attached to 08/01725 have been reiterated in this case.

Flood Risk

During the determination of the original application (08/01725), the Environment Agency (EA) recognised the site as being in an area where flooding is an issue. At that time, a Flood Risk Assessment and plans were submitted and it was agreed to catch surface water in an attenuation pond on the eastern boundary of the site (outlined in blue in the current application). This proposal is still accepted in principle. However, the EA has now recommended a restrictive condition (see condition (2) below) which differs from previous conditions recommended for applications on this site because the EA understands that the surface water drainage for the proposed development required some recalculation of surface water drainage rates from those contained in the Flood Risk Assessment dated December 2008 by Jubb Consulting.

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

In accordance with the Local Development Framework Planning Obligations and Affordable Housing Supplementary Planning Document adopted August 2010, no tariff is sought in this case. The associated Market Recovery Scheme 2010/11 confirms that B1/B2 uses benefit from up to 100 % discount on tariff for development. This is justified on the grounds of economic viability and the urgent need to support employment growth given the continuing fragility of the local and national economy. A viability assessment has not been requested in this case having regard to the planning history of the site. No financial contribution is therefore being sought.

Equalities & Diversities issues

The application confirms that the unit has 'level' access through the main entrance doors, which allows wheelchair accessibility to all areas and together with a wheelchair accessible toilet, the unit will accord with current legislation.

Conclusions

For the reasons discussed above, this application is recommended for conditional approval.

Recommendation

In respect of the application dated **23/08/2010** and the submitted drawings, **21376/100 Rev.A, 21376/01 Rev.D, 21376/02 Rev.F, accompanying Design and Access Statement and supporting information (Travel Plan and Renewable Energy Analysis; Contamination Risk Assessment dated August 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.

SURFACE WATER DRAINAGE

(2) No development approved by this permission shall be commenced until details of a scheme for the provision of surface water management have 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; and
- 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 in accordance with policies CS21, CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CAR PARKING PROVISION

(3) The development hereby permitted shall not be occupied until space has been laid out within the site in accordance with the approved plan and for the loading and unloading of vehicles, and for vehicles to turn so that they may enter and leave the site in a forward gear.

Reason:

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

STAFF TRAVEL PLAN DETAILS

(4) The uses hereby permitted shall be carried out in accordance with details of a Staff Travel Plan which shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. The Staff Travel Plan shall include the following elements:

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

Reason:

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

EXTERNAL MATERIALS

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

Reason:

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

SURFACING MATERIALS

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

Reason:

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

CYCLE STORAGE

(7) The secure areas for storing cycles shown on the approved plan shall be provided prior to the occupation of the development hereby permitted, and shall remain available for their 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.

OPEN STORAGE

(8) No goods, plant, machinery or trade refuse shall be stored in the open on the site, without the prior consent in writing of the Local Planning Authority.

Reason:

To safeguard the amenities of the area and the appearance of the site, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SOFT LANDSCAPE WORKS

(9) The units hereby permitted shall not be occupied until further details of soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The landscape works shown on drawing number 19244/370 (submitted under application 08/01725/FUL) shall be amended to reflect the development hereby permitted, and details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; the implementation programme. The landscaping shall be of a type that does not cause bird strikes to aircraft. The submitted scheme shall show that the wildlife value of the site has been enhanced.

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.

CONSTRUCTION PHASE MANAGEMENT PLAN

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

Reason:

In the interests of the residential and general amenity of the area and highway safety, from any harmful polluting effects during construction works to avoid conflict with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LIGHTING

(11) All lighting in the development hereby permitted shall be of flat glass, full cut-off design, with horizontal mountings such that there is no light spill above the horizontal.

Reason:

To ensure that the lighting does not confuse or distract pilots in the vicinity of the nearby aerodrome, in accordance with policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

TREE PROTECTION DURING CONSTRUCTION

(12) 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 any 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.

LAND QUALITY

(13) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 14 to 16 have been complied

with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 17 has been complied with in relation to that contamination.

Reason:

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

SITE CHARACTERISATION

(14) An investigation and risk assessment, in addition to any assessment provided with the planning application, 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 report of the findings must include:

- (i) a desk study characterizing the site and identifying potential risks from contamination;
- (ii) a survey of the extent, scale and nature of contamination;
- (iii) an assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
- (iv) an appraisal of remedial options, and proposal of the preferred option(s)

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

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 off-site receptors, in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SUBMISSION OF REMEDIATION SCHEME

(15) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be

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

Reason:

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

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

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

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in Planning Policy Statement 23 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 off-site receptors, in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

REPORTING OF UNEXPECTED CONTAMINATION

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

Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the

approval in writing of the Local Planning Authority in accordance with condition 16.

Reason:

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

INFORMATIVE - CONSTRUCTION PHASE MANAGEMENT PLAN

(1) With regard to condition 10 of this permission, the management plan shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web pages, and shall include sections on the following:

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

All sensitive properties surrounding the site boundary should be notified in writing of the nature and duration of works to be undertaken and the name and address of a responsible person, to whom an enquiry/complaint should be directed.

INFORMATIVE - WILDLIFE

(2) The applicant's attention is drawn to the requirements of the Wildlife and Countryside Act 1981. It is an offence to disturb wildlife habitats, and should habitats be found on site, it is recommended that Natural England are consulted for further advice, and all requirements of the act are met. The applicant's attention is drawn in particular to the existence of what appears to be either badger setts or fox dens on the site. It is strongly recommended that these features be properly surveyed and that appropriate mitigation proposals are produced before any work commences on site.

INFORMATIVE - SURFACE WATER DRAINAGE

(3) The applicant is advised that the wording of condition (2) above differs from previous conditions for applications on this site because the Environment Agency consider that the surface water drainage for the proposed development requires some recalculation of surface water drainage rates from those contained in the Flood Risk Assessment dated December 2008 by Jubb Consulting.

Statement of Reasons for Approval and Relevant Policies

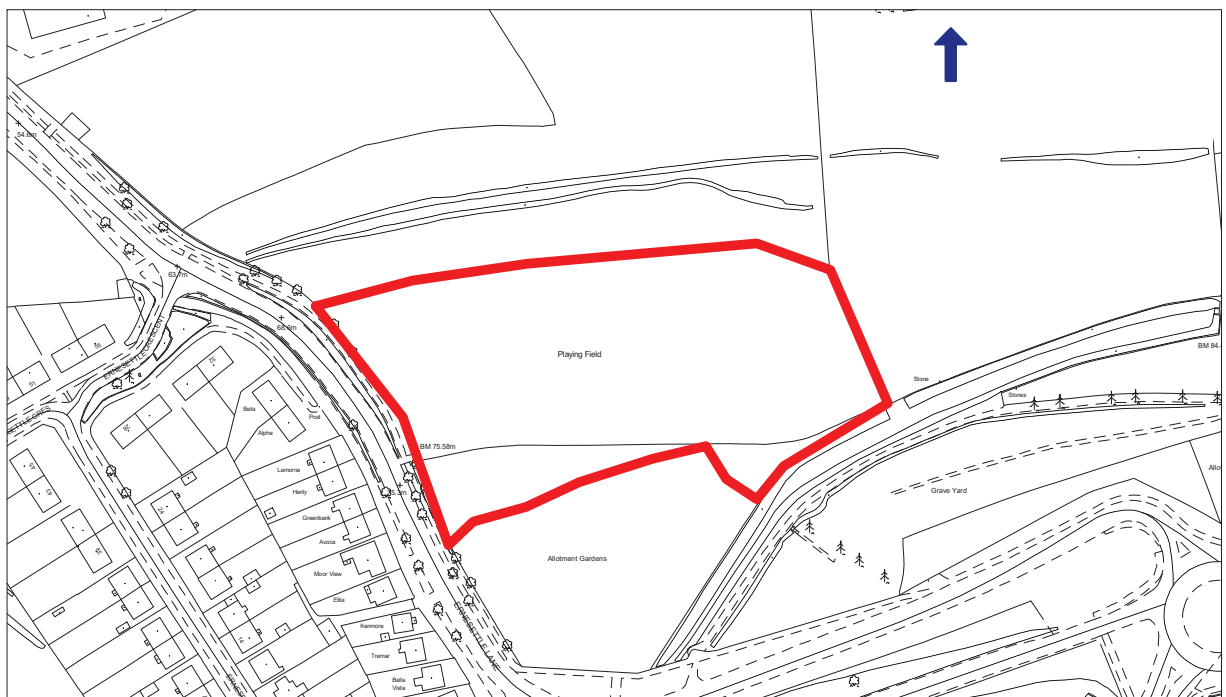
Having regard to the main planning considerations, which in this case are considered to be: wildlife, flood risk, impact on trees, visual impact, impact on surrounding area, aircraft safety and highways/parking issues, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

- CS28 - Local Transport Consideration
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS18 - Plymouth's Green Space
- CS19 - Wildlife
- CS21 - Flood Risk

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ITEM: 04

Application Number:	10/01170/REM
Applicant:	St Budeaux Congregation of Jehovah Witnesses
Description of Application:	Reserved matters application (landscaping, layout, scale) for religious meeting hall with associated car parking
Type of Application:	Reserved Matters
Site Address:	LAND AT ERNESETTLE LANE PLYMOUTH
Ward:	Honicknowle
Valid Date of Application:	28/07/2010
8/13 Week Date:	27/10/2010
Decision Category:	Major Application
Case Officer :	Carly Francis
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



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OFFICERS REPORT

Site Description

The site covers 1.89 hectares and is located within the St Budeaux area of the city with access off Ernesettle Lane. This is a greenscape area that is bounded to the south by dense overgrowth which has established itself over the earth embankment which forms a scheduled ancient monument. The northern and eastern boundaries are lined with hedges. To the western boundary is Ernesettle Lane, which is fenced off and lined with clusters of small trees, following this are the dwellings of Ernesettle Crescent.

Proposal Description

Reserved matters application (landscaping, layout, scale) for religious meeting hall with associated car parking.

Relevant Planning History

09/00669 Outline application to develop land by the erection of buildings to provide a religious meeting hall, and a nursing home with associated car parking and landscaping area; with details of means of access to site-GRANTED CONDITIONALLY.

Consultation Responses

Transport Service- no objections however refer to the conditions suggested at outline stage restricting hours, requesting a construction management plan and a travel plan.

Public Protection Service- no objections.

Environment Agency- no objections.

English Heritage- do not wish to comment in detail but state that the detailed landscaping scheme is acceptable in terms of its impact upon the setting of the adjacent Scheduled Monument and the application is therefore broadly acceptable to English Heritage.

Police Architectural Liaison Officer- not opposed to the granting of planning permission providing there is a robust boundary treatment to prevent unauthorised access into the site and providing the car park is well lit to ensure maximum natural surveillance.

Access Officer- no comments.

Representations

1 letter of representation objecting on the following grounds:

- A large building so close to the road would make the area appear out of perspective, it should be as far from the road as possible to lesson the impact on residents.

- The double line of trees will block views of the countryside.
- The entrance to the site should be the existing entrance to the allotments.
- Was there any need for the fence that has been erected already ahead of construction?

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 policies relevant to this planning application are CS01, CS03, CS12, CS18, CS19, CS21, CS27, CS28, CS31, CS32, CS33 and CS34 from the adopted Core Strategy.

The principle of developing this site with a nursing care home and religious meeting hall has already been accepted through the granting of outline planning permission. The access was also agreed at outline stage. Therefore the purpose of this application is to deal with the reserved matters of landscaping, layout and scale for the religious meeting hall. This application is not seeking to discharge the reserved matter 'appearance'; this and the reserved matters for the nursing home will be the subject of future planning applications.

For the purposes of assessing the reserved matters relating to this application, each of the reserved matters will be taken in turn.

Landscaping

Impact on the existing landscape has always being a leading concern and therefore the applicant commissioned a 'Concept Landscape Appraisal' before submitting the outline application. The Appraisal stated that the site contains some important landscape features, which not only include key planted areas but also views and vistas into and out of the site, including between nearby historical forts and views down to the Tamar. It concluded that a proper understanding of these issues combined with careful design would enable an acceptable development to be brought forward. Based on the conclusions of that report the overall site concept was developed to provide a scheme that would create a development that would not only protect the key landscape areas but also enhance these and the overall setting of the site.

This careful design includes the creation of a planting bund along the north and north-east boundary of the site. This was advised at pre-application stage, its purpose being to screen the development from views from other sites to the north-west and long distance views from the Tamar Valley and from Cornwall. The existing hedge will therefore be reinforced along this line

and further enhanced with tree planting. To aid the effectiveness of the planting screen, an earth bund will be formed behind the hedge on which to plant the next tree belt. The bund is proposed to be shaped sympathetically to contour of the site and designed to provide an attractive visual enhancement to the site.

Further along the site boundary, the dense planting bund will merge into a more informal level of tree and shrub planting. The purpose of the more informal planting to this area will be to retain some openness between the site and the nearby Agaton Fort. This is historically important as such views were afforded from the Fort across to the 'scheduled ancient monument' to the south of the site. Therefore the new development will ensure that such views are retained.

Tree planting shall be formed within the site to further break up views and minimise the effect of the car park on the landscape. Such planting shall be further enhanced with low level shrub planting. The species of plants and trees detailed are considered to be acceptable.

To encourage wildlife, large areas of landscape shall be sown with meadow mix. Using a variety of mixes, the design will attract a range of new wildlife. Rockeries and reptile basking areas are also proposed to further encourage wildlife.

To ensure an inclusive landscape design, planting zones are to be created right up to the building face. This will help to break up the mass of the future elevations and link the landscape design across the site.

Hard landscaping proposals include the use of gate posts/walls and an entrance threshold across the access road to create a formal entrance into the site and a mixture of roadway surfaces and materials are proposed to break up massing. Roads shall be formed in tarmac and paving around the building shall be formed in a formal block pattern. The parking bays in the main parking area shall be formed in permeable block paving and the parking area for the occasional 'event parking' shall be softer and include further landscape buffers.

A carefully considered landscaping scheme is proposed that would be sensitive to its surroundings and enhance the existing greenscape and ecology; it is therefore considered that the proposal would comply with Policies CS18 and CS19.

Layout

Although the layout was not a matter detailed at outline stage, the layout of the proposed buildings on this site has been discussed since pre-application submission stage and the layout reflects the advice given.

The new development has been designed to create a street frontage along Ernesettle Lane. Although the position of the building is raised as a concern in the letter of representation received, it is important that the building

contributes towards a positive street frontage. This street frontage will provide a strong boundary distinction between the public and private realms and enable the 'density of the site' to be focused along established development zones (the road). Setting the building further back into the site would cut their relationship to the existing built environment and have a negative impact on the other constraints across the site, such as being closer to the ancient monument.

The parking areas are located to the rear of the building and will be screened by the building and proposed planting; this area will therefore be largely out of public view. The mid part of the site will be used as regular parking for the hall and the hard landscaping will indicate formal parking areas incorporating landscape planting zones. The area further east at the very rear of the site shall be used for occasional 'event' parking (as described in the outline planning application). The far end of the site/ perimeter adjoins the Scheduled Ancient Monument/ open fields and as such is given over to well landscaped areas with a 'nature walk' for site visitors.

The proposed layout is considered to be acceptable and would comply with policies CS34.

Scale

The new Kingdom Hall complex is proposed to be single storey. It has been designed with the scale of properties along Ernesettle Lane in mind and therefore would have minimal impact on existing dwellings.

The scale of this building allows clear views to the Scheduled Ancient Monument to the east to be maintained and with effective planting it will appear from key views from the North West into the site that land is largely undeveloped.

Overall the proposed scheme is considered to be in scale and context with the existing environment and would accord with policies CS02 and CS34.

Section 106 Obligations

Nil.

Equalities & Diversities issues

This application will provide accommodation for Jehovah's Witnesses from five local congregations within the City of Plymouth.

Conclusions

The details submitted for the reserved matters of 'landscaping', 'layout' and 'scale' for the religious meeting hall are deemed acceptable and therefore it is recommended that these matters are approved.

Recommendation

In respect of the application dated **28/07/2010** and the submitted drawings, **001, PKHC/RMA/101, L01 C, L02 C, 050 C, 051 C, 052 C, 080 C, 081 C and accompanying Design and Access Statement and Landscape and Ecology Statement** , it is recommended to: **Grant Conditionally**

Conditions

LANDSCAPE WORKS IMPLEMENTATION

(1) 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.

MAINTENANCE SCHEDULE

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

Reason:

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

DETAILS OF BOUNDARY TREATMENT

(3) 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, scale and materials of boundary treatment to be erected. The boundary treatment shall be completed before the building is first occupied. 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.

INFORMATIVE: OUTLINE CONDITIONS

(1) The applicant's attention is drawn to the conditions attached to the substantive outline planning permission (ref. 09/00669/OUT - copy of decision notice attached) and the need to adhere to them in the implementation of this reserved matters approval. The applicant must also discharge the outstanding reserved matter 'appearance'.

Statement of Reasons for Approval and Relevant Policies

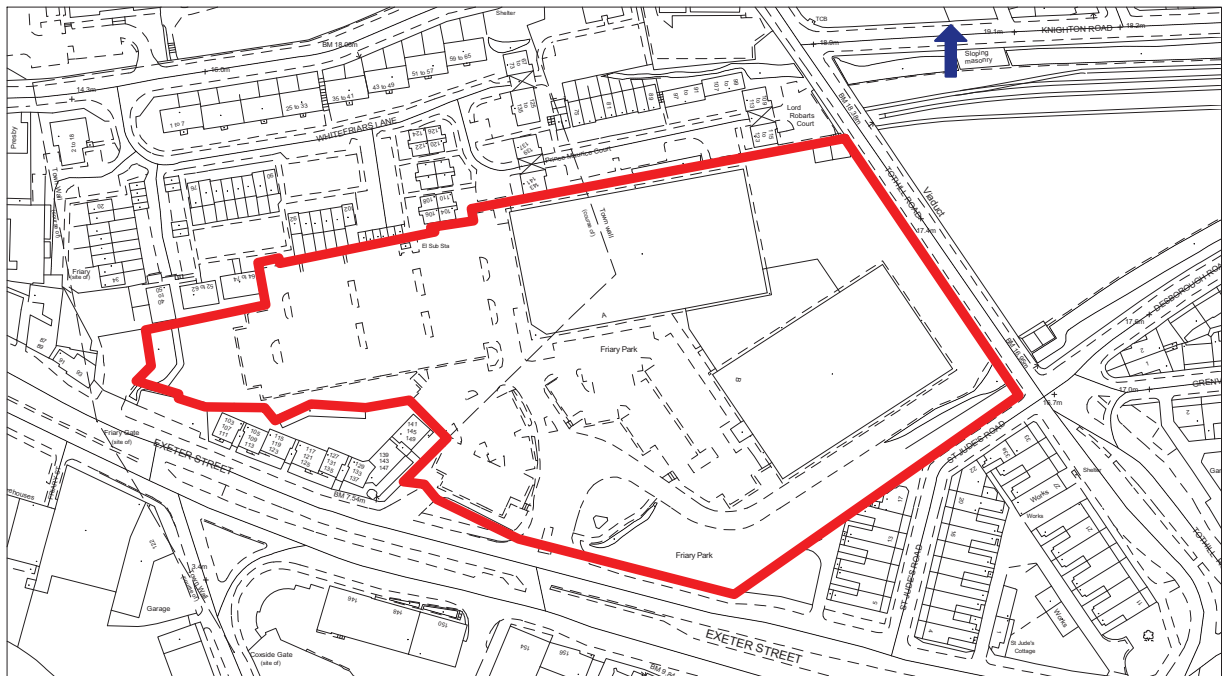
Having regard to the main planning considerations, which in this case are considered to be: the acceptability of the layout, scale and landscaping proposals for the Religious Meeting Hall, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, 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 (until this is statutorily removed from the legislation) 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
- CS18 - Plymouth's Green Space
- CS19 - Wildlife
- CS21 - Flood Risk
- CS03 - Historic Environment
- CS01 - Sustainable Linked Communities
- CS12 - Cultural / Leisure Development Considerations
- CS31 - Healthcare Provision
- CS27 - Supporting Strategic Infrastructure Proposals

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ITEM: 05

Application Number:	10/01160/FUL
Applicant:	AXA P&C co AXA Real Estate Investment Managers (UK)
Description of Application:	Erection of 2,449 square metres mezzanine level (shops tradable area) within existing building
Type of Application:	Full Application
Site Address:	WICKES UNIT (BLOCK B), FRIARY RETAIL PARK EXETER STREET PLYMOUTH
Ward:	St Peter & The Waterfront
Valid Date of Application:	25/08/2010
8/13 Week Date:	24/11/2010
Decision Category:	Major Application
Case Officer :	Jeremy Guise
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



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OFFICERS REPORT

Site Description

The application site is a large warehouse type retail shop situated in the north east corner of the Friary Park retail estate. Friary Park is located to the north of Exeter Street and west of Tothill Road Viaduct on the main approach into Plymouth city centre from the east.

Residential accommodation in Prince Maurice Court and Lord Roberts Court is located to the north and older Victorian terraced properties in St Judes Road adjoin the site to the south east.

Proposal Description

Planning permission is sought for the erection of 2,449 square metres mezzanine level (shops tradable area) within existing building.

Relevant Planning History

- Ref 86/01699/OUT - Outline application to redevelop railway goods yard with (1) non food retail stores, a garden centre, 400 car parking spaces (8 acres) & (2) residential. 16th September 1987.
- Ref:- 06/00706/EXDE - Installation of internal steelwork forming part of a mezzanine floor (2,449sqm total) - Lawful Development Certificate ISSUED (Planning permission not required) 12th July 2006.

Consultation Responses

Highway Authority – The applicant has submitted a Transport Assessment in support of the application which indicated that the increase in retail floor space will not proportionately increase the number of vehicle trips to site. The proposal will merely offer a wider range of stock to predominantly existing customers. Any increase will be accommodated within the space capacity of the junction to Exeter Street.

A car parking survey has been conducted which concludes that the existing facilities on-site have more than enough capacity to cater for any potential increase in demand.

The site is accessible by public transport and also has a good connection to other National Cycle Network, which runs along Exeter Street.

Due to the increase in size of the retail unit and the potential for the mezzanine floor to be used by a third party within the same use class it is possible that the number of staff could be increased. As such a draft Travel Plan has been submitted within the TA.

It is intended to promote non car based travel and travel awareness of staff and customers alike. To this end the applicant is proposing to provide public transport display information, cycle facilities and mobility impaired facilities.

The applicant has stated that cycle stands can be provided. It is suggested that whilst these are suitable for short staying customers they will not be an attractive option for staff. As such in addition, the applicant should provide secure and covered cycle storage for staff with lockers for personal equipment.

The Travel Plan is a working document and by appointment of a travel Plan co-ordinator will be reviewed periodically. A condition should be attached to any grant of consent to ensure that the applicant enforces the Travel plan and contact should be made with the City Council travel plan officer to formalise and agree the plan.

The Highway Authority recommends a green travel plan condition is attached to any permission.

Public Protection Service – No comment.

Police Architectural Liaison Officer (PALO) – The Devon & Cornwall constabulary are not opposed to granting planning permission from the application.

Representations

Neighbours have been notified of the application in accordance with Council guidelines and two site notices posted. This has resulted in one letter of representation (LOR) raising concerns about the application on the following grounds:-

As a nearby resident, we have seen a significant increase of noise, rubbish and odour from the back of the converted retail unit backing onto our estate. One of the newly built delivery doors is very close to our properties and as I sometimes work nights as an NHS professional I do not appreciate being woken up by noisy staff/fork lift trucks. The sound travels across and is accentuated by the high walls. In addition to this we have had an increase in anti social behaviour from teenagers from the flats in Exeter Street which back onto the retail park. They have on several occasions taken items from several retail units and used them as objects to be thrown at our properties leaving them strewn about our estate. As they climb over the fence near the railway bridge. My concerns is this: if there is an increase in cars visiting the upgraded Wicks unit, surely there will be an increase in car numbers and associated pollution, noise reduced traffic flow around this area. What will the Wickes management do to reduce the potential effect of this so as not to inconvenience or reduce our quality of life?

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 impact of the additional retail floor space upon the city's shopping hierarchy (Policies CS01 and CS07 of the Adopted Core Strategy)
- The adequacy of the proposed parking and impact of the proposal upon the surrounding road network (Policies CS28 of the Adopted Core Strategy)
- The impact upon the amenities of surrounding property (Policy CS32 and CS34 of the Adopted Core Strategy)
- Community contributions (Policy CS33 of the Adopted core Strategy)

The impact of the additional retail floor space upon the city's shopping hierarchy

Shopping provision in relation to retail parks is set out in Policy CS07/6 (Plymouth Retail Hierarchy) which states:-

"Laira Embankment area. To deliver a new retail destination of appropriate scale, quality and accessibility, which delivers improvements to this city centre location and enables the delivery of strategic transport measures on Plymouth's eastern corridor. This will be part of a wider mixed use regeneration initiative for the East End. The development will involve the closure of the existing Friary retail park and abandonment of existing retail warehousing planning consents in the Laira Bridge area."

This proposal would expand and consolidate the existing Friary retail park and is, on the face of it, contrary to Policy CS07. But given the existence of a Certificate of Lawful Development for similar quantum of development - that acts as a significant 'fallback' position in any assessment - it is not considered that there are sufficient grounds to withhold planning permission and that an exception to Policy CS07/6 should be made.

The nature of the retailer, 'Wicks' a hardware shop, means that it will not be in direct competition with city centre retail functions. To ensure that that neither the city centre's role as the primary comparison shopping and retail destination is weakened by the proposed development or that the site attracts the volumes of traffic and ancillary uses associated with food retail it is proposed to impose a condition restricting the goods on sale to DIY home improvement products.

The adequacy of the proposed parking and impact of the proposal upon the surrounding road network

The nature of the use is not likely to attract significant additional traffic. Existing access and parking arrangements are adequate to cope with any additional demand generated by this development.

The impact upon the amenities of surrounding property

Friary Retail Park is relatively self-contained, with its own access, and the proposed additional floor space is located within an existing building. The

impact will be minimal. Whilst disturbance to shift workers from deliveries is regrettable, it would not be reasonable to try and control deliveries to this floor space during the hours of the normal working day. Distinguishing between deliveries of goods for sale at this floor space, and goods being delivered for sale at the existing floor space would be impossible, making any such condition unenforceable and therefore not sound.

Community contributions / Section 106 Obligations

Given the extant certificate of Lawfulness there is no scope for seeking a tariff contribution from this application.

Equalities & Diversities issues

None

Conclusions

The extant Certificate of Lawful development is a significant material consideration which distorts the assessment of this planning application. It frustrates the application of Policy CS07 in its' objective to secure the closure of the existing Friary Retail Park and acts as a brake on the collection of community benefits (tariff) that would otherwise be due. Some solace can be derived from the fact that the use to which the additional floor space is to be put, additional DIY home improvement sales area, is in line with the general nature of the current business activity and is unlikely to attract much more vehicle movement into the retail park, or have a major impact upon the city's existing retail hierarchy.

Recommendation

In respect of the application dated **25/08/2010** and the submitted drawings, **10/0572-TP101 & 10752-HP001 - A** , it is recommended to: **Grant Conditionally**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

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

Reason:

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

RESTRICTION ON SALES

(2) The floor space hereby approved shall be used only for the sale of the following DIY home improvement products: building materials; kitchens; gardens; tiles and floors; bathrooms; tools, electrical and plumbing; doors and windows; and decorating and interiors; unless otherwise agreed in writing by the Local Planning Authority.

Reason:

The Local Planning Authority has had regard to Policy CS07 (Plymouth Retail Hierarchy) of the Adopted Core Strategy and wishes to ensure that that neither the city centre's role as the primary comparison shopping and retail destination is weakened by the proposed development or that the site attracts the volumes of traffic and ancillary uses associated with food retail.

Statement of Reasons for Approval and Relevant Policies

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

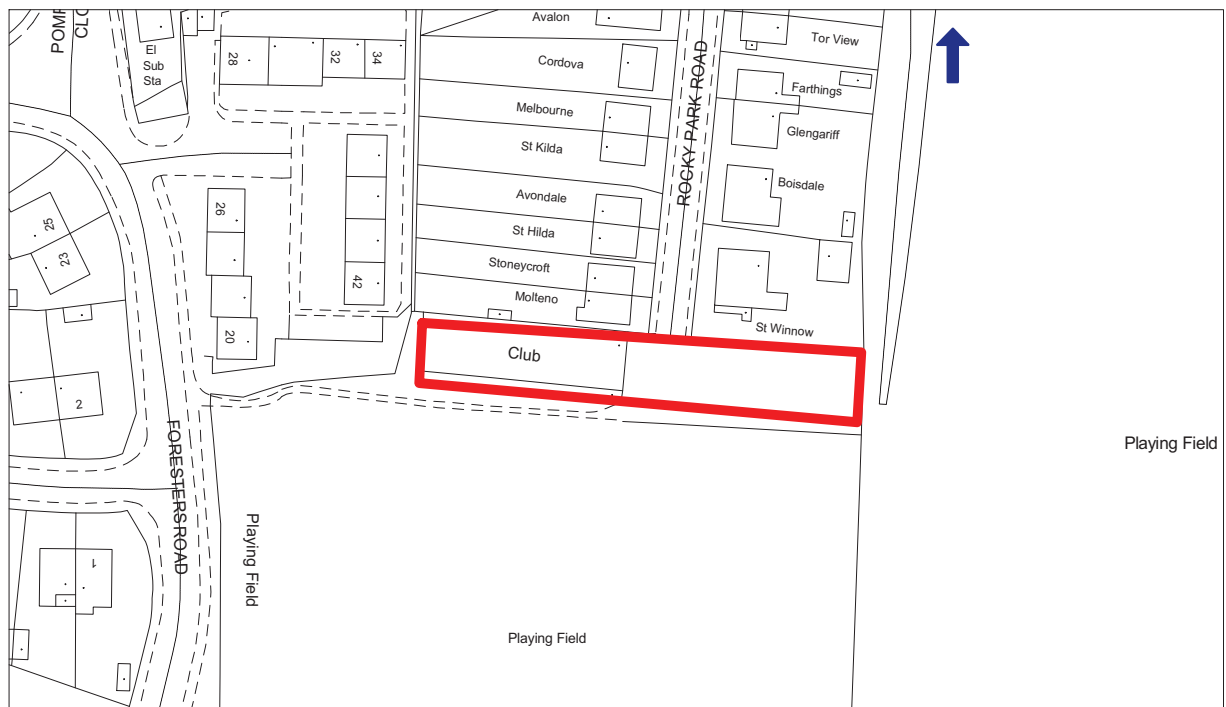
- The impact of the additional retail floor space upon the city's shopping hierarchy
- The adequacy of the proposed parking and impact of the proposal upon the surrounding road network
- The impact upon the amenities of surrounding property
- Community contributions

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 (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

- PPS1 - Delivering Sustainable Development
- CS28 - Local Transport Consideration
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS07 - Plymouth Retail Hierarchy
- CS08 - Retail Development Considerations
- CS01 - Sustainable Linked Communities
- PPS4 - Economic Growth

ITEM: 06

Application Number:	10/01431/FUL
Applicant:	Plymouth Judo Club
Description of Application:	Develop land at south end of Rocky Park Road by erection of building for use as martial arts club, including rooms in roofspace
Type of Application:	Full Application
Site Address:	ROCKY PARK ROAD PLYMOUTH
Ward:	Plymstock Radford
Valid Date of Application:	17/08/2010
8/13 Week Date:	12/10/2010
Decision Category:	Member Referral
Case Officer :	Stuart Anderson
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



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OFFICERS REPORT

This application is being reported to committee due to referral by Councillor K Foster, Ward Member, whose concerns include the height of the building, overdevelopment of the site and parking problems.

Site Description

The site of the proposed development is at the south end of Rocky Park Road, a residential street in the Plymstock area of the city. To the south and east of the site are playing fields. To the north and west of the site are residential properties. One of these properties (St Winnow, Rocky Park Road) is used as a care home.

The eastern part of the site, where the martial arts club would be built, is currently made up of rough ground and is used for car parking. The western part of the site, where car parking is proposed, used to be the site of a gym, which it is understood recently burned down, and is also made up of rough ground.

Proposal Description

Develop land at south end of Rocky Park Road by erection of building for use as martial arts club with rooms in the roofspace.

The proposed building would measure 29.2 metres by 13.4 metres, with a 7 metre height to the ridge of the pitched roof. It would be single-storey, with a room being housed in the roofspace. The ground floor of the building would have a large area of mats used for Judo, with a public viewing area. An office, store, toilets and changing rooms, and kitchen would be provided. With regard to the roofspace, the main area is labelled 'function room' on the plans, but the applicant has explained that it is actually intended to be used by the Judo club as ancillary space for use for training, mat storage, etc, with additional toilets, store and kitchen areas.

The proposed use would operate from 18:00 to 23:00 hours on Mondays to Fridays and from 12:00 to 23:00 on Saturdays.

On the opposite side of the site there would be a car parking area for 20 cars, and an area reserved for turning.

An additional plan and accompanying Transport statement were received at a later stage, and neighbours, objectors and consultees have been notified of this. Any further representations and responses received in respect of these will be reported to committee in an addendum report.

Relevant Planning History

10/00997/FUL – Positioning of shipping container, for storage of sports equipment (pending consideration)

Consultation Responses

Devon and Cornwall Constabulary – no objections

Public Protection Service – recommending Construction Phase Management Plan condition

Transport Officer – recommended refusal on the grounds of lack of turning provision and lack of information; further comments awaited following receipt of additional information and plan

Representations

26 letters of representation have been received, all of which object to the proposal. A further letter of representation has been received in response to the additional plan that has been submitted. A petition of objection, with 65 signatures, has also been received.

Briefly summarised, the objections are on the grounds of:

1. Poor road access,
2. Lack of visibility when exiting Rocky Park Road,
3. Lack of car parking,
4. Lack of access for emergency vehicles,
5. Additional traffic up and down a road which is already congested with cars,
6. Lack of turning facilities,
7. Proposed site for car park is contaminated,
8. Noise and disruption,
9. Restriction of access to the Dean Cross football field,
10. Cedar cladding is out of character with surrounding buildings,
11. Proposed building is larger than the old Foresters gym – large and unsightly,
12. Not in keeping with the building line,
13. Would shatter the peace and quiet of people in St Winnow care home,
14. Would cast St Winnow house and garden into shadow,
15. Function room would cause annoyance to residents,
16. No need for function room,
17. Upstairs function room does not cater for wheelchair access,
18. Rocky Park Road properties are all on cess pits/septic tanks, but the plans state that the building will connect to external drainage,
19. Youths congregating,
20. Anti-social behaviour,
21. Would affect view,
22. Loss of value to properties.

Points 1 – 20 are addressed in the following report. Point 21 is not a material planning consideration as the view in question is from a private dwelling, not a public viewpoint. Point 22 is also not a material planning consideration.

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 CS22, CS28, CS30, and CS34 of the Core Strategy. The relevant issues are discussed below.

HIGHWAYS/PARKING ISSUES

The Transport Officer notes that Rocky Park Road is narrow and constrained by the presence of vehicles parked along its length; the access to the site is therefore poor. Also, there is poor visibility upon exiting Rocky Park Road. Access for emergency vehicles might be slightly restricted (points 1, 2, and 4 of the letters of representation).

However, it is important to note that a similar use existed here previously (the gym). The gym is likely to have had similar characteristics to the proposed Judo club in terms of the amount of trips generated, and level of required car parking. The Judo club have stated that 'traffic would be at a maximum probably 10-15 cars', and that they only operate between 7 and 10pm, whereas the gym was used from 9.30am until 9pm 'and there was considerably more traffic'. The Judo club believe that the football club uses the car park all day Saturday and some of Sunday and generates much more traffic than the Judo club would. It is noted that there is a free car park accessed off Dean Cross Road, which is larger than the site which is the subject of this planning application, and is more conveniently placed for users of the football club.

It is also understood that there would be limited deliveries to the Judo club, and post would go to the home address of the proprietor of the Judo club.

From observation it appears that the existing site functions as both a public car park for users of the playing field, as well as providing turning space for residents and service vehicles etc. The proposal would not result in the loss of these facilities, as an alternative parking and turning area would be provided on the opposite part of the site. It is recommended that a condition is used in order to secure the provision of this parking and turning area prior to the use of the club, with a further stipulation that the car parking/turning area is kept open for public use, and not solely for the use of the Judo club. This would prevent any loss of parking/turning from occurring.

As required by policy CS30, the site is accessible by sustainable transport modes. The number 2 bus runs a frequent service, stopping at nearby Foresters Road, which is approximately 2 minutes walk from the site.

VISUAL IMPACT

Points 10-12 of the letters of representation are noted. The use of Cedar cladding is considered to be an attractive feature, which would add visual

interest to the building. It is not agreed that the building would be unsightly. The proposed building comes forward of the building line on the east side of the road to a small extent, but the site is at the end of the road and the effect on the streetscene would be acceptable. Although the building is large in length and width, the first floor has been created in the roofspace in order to lessen the overall height of the building. The height to eaves would be just 3 metres. It is considered that the proposed building would be acceptable in its visual impact.

IMPACT ON RESIDENTIAL AMENITY

Many of the letters of representation refer to the proposed function room in the roofspace as being unnecessary and detrimental to residential amenity (points 8, 13, 15 and 16 of the letters of representation). There are concerns that the club might apply for an alcohol licence, leading to noise and disturbance. The club have provided written information to address this issue. They state that 'function room' is actually a misnomer, as there is no intention to have parties, wedding receptions etc there. The room is needed for training of officials and for storage of mats which are used to run the club's annual open Judo championships at the Kitto Centre. In the words of the club 'as for trying to apply for a liquor licence this is a complete nonsense as we have survived since 1955 with tea, coffee and soft drinks for the youngsters. We are a sports organisation intent on the development and well being of young people which does not include alcohol'.

It is recommended that the use of the rooms in the roofspace is controlled by a condition, prohibiting the use of the rooms for parties etc, and restricting their use to the Judo club.

A Judo club falls within Class D2 of the Use Classes Order. It is recommended that a condition is added restricting the use of the premises to a Judo club, and not allowing the building to change to any other D2 use. This is needed in order to prevent the building from being used for any other D2 use, which could be more harmful to residential amenity. The use of the building for any other use would have to be made the subject of a further planning application.

With regard to the issue of youths congregating and anti-social behaviour (points 19 and 20 of the letters of representation) the Judo club have explained that if youths were to congregate outside the club they would encourage the youths to come into the club and join in with the Judo sessions. On this issue it is noted that the police have no objections.

The proposed building would come close to the neighbouring property to the north 'St Winnow'. The proposed building would be within the line of sight of two south-facing windows on this property (point 14 of the letters of representation). However, the single-storey nature of the proposed building and the pitch of the roof would mean that the loss of light would not be severe.

A restriction on the hours of operation of the club is also recommended, in the interests of residential amenity. Although the applicants intend to restrict their

use to evenings on Mondays to Fridays and afternoon and evening on Saturdays, there would be no planning justification for preventing use from 09:00 hours onwards and the recommended condition reflects this.

OTHER ISSUES

It is important to note the community benefits that would arise as a result of this proposal. The Judo club have a policy of equal opportunities, and are committed to the development and well being of young people. The proprietor/applicant has said that the club would encourage local youths and residents at the St Winnow care home to join in with the Judo sessions. It appears that the club would be positive and useful to the community. These community benefits should be given weight accordingly.

With regard to point 7 of the letters of representation (that the proposed car park site is contaminated), it is understood that the writer's concern is that asbestos could become airborne. This is noted, but Public Protection Service has not raised an issue in this respect and there is alternative legislation for dealing with any asbestos problem.

Point 9 of the letters of representation (restriction of access to the football field) is noted. There is an existing gap in the hedge that would be restricted by the proposed building. However, there is an alternative gap in the hedge nearby, so the proposed development would not prevent access to the football field.

With regard to point 17 of the letters of representation (that the upstairs room does not cater for wheelchair access), planning permission could not be refused for this reason and the whole ground floor area will be accessible.

Point 18 (sewerage/drainage) of the letters of representation is noted. However, the application states that foul sewage is to be disposed of by mains sewer, with surface water being disposed of by a soakaway. There is no reason to doubt that this can be achieved.

Due to the site's proximity to residential properties, it is recommended that the construction phase management plan condition recommended by the Public Protection Service is added.

Section 106 Obligations

None

Equalities & Diversities issues

As stated above, the Judo club have a policy of equal opportunities, and are committed to the development and well being of young people.

Conclusions

It is recommended that planning permission is granted, with conditions, subject to the consideration of any further issues arising from the later additional plan and Transport Statement.

Recommendation

In respect of the application dated **17/08/2010** and the submitted drawings, **drawing number 2, site plan showing car park and turning area, Transport Statement, and accompanying Design and Access Statement**, it is recommended to: **Grant Conditionally**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

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

Reason:

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

CONSTRUCTION PHASE MANAGEMENT PLAN

(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.

Reasons:

In the interests of highway safety, and to protect the residential and general amenity of the area from any harmfully polluting effects during construction works, in accordance with policies CS22, CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SPECIFIED USE RESTRICTION

(3) The premises shall be used as a martial arts club only, and for no other purposes including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason:

The Local Planning Authority considers that, in the particular circumstances of the case, the use of the premises for the purpose specified is appropriate but that a proposal to use the building for any other purposes would need to be made the subject of a separate application to be considered on its merits in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

USE RESTRICTION (ANCILLARY)

(4) The use of the rooms in the roofspace of the building shall be ancillary to the use of the ground floor and such uses shall not be exercised independently of one another, i.e. the rooms in the roofspace shall only be

used for purposes ancillary to the martial arts club use and shall not be used for any other activities.

Reason:

Whilst the proposal for such ancillary use is acceptable to the Local Planning Authority, the independent use of different parts of the premises would be likely to produce conditions unacceptable to the Local Planning Authority and contrary to Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, namely noise and disruption and impact on residential and general amenity.

HOURS OF OPERATION

(5) The martial arts club use hereby permitted shall not operate outside the following hours of opening: 09:00 to 23:00 hours Mondays to Fridays inclusive and 09:00 to 23:00 hours on Saturdays. There shall be no operation of the use at all on Sundays.

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.

CAR PARKING AND TURNING PROVISION

(6) The building shall not be occupied until the car parking and turning 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 and turning of vehicles. The parking spaces and turning area shall be kept available for general public use at all times.

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.

CONSTRUCTION PHASE MANAGEMENT PLAN

(1) With regard to condition 2 of this grant of planning permission, the management plan shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web-pages, and shall include sections on the following:

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

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

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

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

CS28 - Local Transport Consideration

CS34 - Planning Application Consideration

CS22 - Pollution

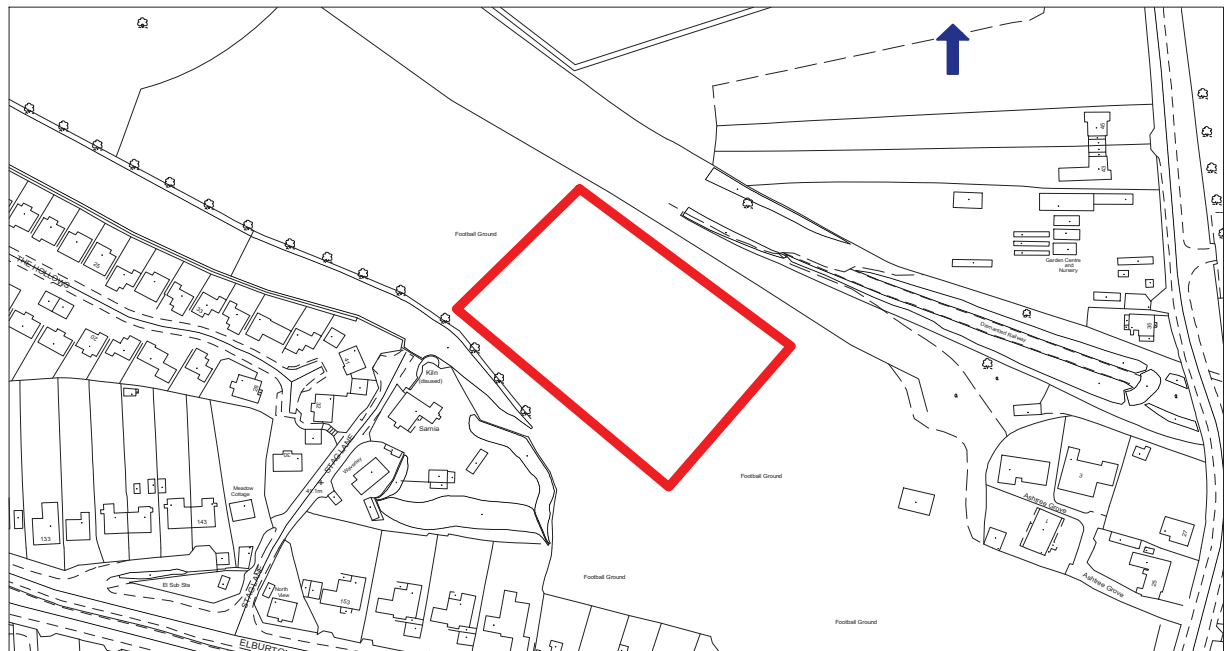
CS30 - Sport, Recreation and Children's Play Facilities

SPD1 - Development Guidelines

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ITEM: 07

Application Number:	10/01267/FUL
Applicant:	Elburton Villa FC
Description of Application:	Variation of condition 2 of planning permission 06/01737/FUL, to allow floodlights at pitch no 2 to operate until 2200 hours
Type of Application:	Full Application
Site Address:	ELBURTON VILLA FOOTBALL CLUB, HAYE ROAD ELBURTON PLYMOUTH
Ward:	Plymstock Dunstone
Valid Date of Application:	12/08/2010
8/13 Week Date:	11/11/2010
Decision Category:	Major Application
Case Officer :	Stuart Anderson
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



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OFFICERS REPORT

Site Description

Elburton Villa Football Club is accessed from Hays Road. The site comprises three training pitches, a clubhouse and associated car parking.

The site is bounded by residential properties to the south, and Moorcroft Quarry to the north. Pitch 2 is bounded by the other training pitches to the east and west.

Proposal Description

Variation of condition 2 of planning permission 06/01737/FUL, to allow floodlights at pitch no 2 to operate until 2200 hours.

Condition 2 of 06/01737/FUL requires that the floodlights are turned off at 2100 hours.

Relevant Planning History

06/01737/FUL - Covered spectator stands (with associated re-grading works) and installation of floodlights, at pitch number 2 – granted

96/00262/FUL – Erection of 5.5m high fences comprising 1.8m green wire mesh with green netting above – granted

88/02234/FUL – Formation of football pitches with associated car park and erection of changing rooms and showers - granted

Consultation Responses

Transport Officer – no comments

Public Protection Service – regard must be had to the guidance notes for the reduction of obtrusive light. Consideration must be had for the design and direction of floodlights to reduce the potential for obtrusive light. In particular the direction of floodlights should seek to reduce the potential for light spill that may impact on local residential properties. Also, floodlights must be turned off no later than 2200 hours. Artificial light during night-time periods will have a more significant potential to cause annoyance or nuisance to people living in the vicinity of the ground.

Representations

Three letters of representation have been received. These are from persons living in the nearby residential streets, The Hollows, and Elburton Road. Two of the letters object to the proposal, on the following grounds:

1. Noise, shouting and bad language from the football pitch,
2. The extended playing time would further extend the nuisance created by this club,
3. Impact on privacy and security,
4. Noise from generators,

5. The letter notifying neighbours of the development does not seem to have been targeted at those closest to the football ground,
6. Light pollution.

Point 1 is not a material planning consideration, other than in respect of noise generally. Point 3 is not considered to be applicable to this application. With regard to point 5, the letters that have been sent are consistent with those sent on 06/01737/FUL and meet the requirements of the Council's Publicity Code. The other points are addressed in the following report.

The other letter writes in support of the proposal, stating that the club runs a number of teams including youth teams and is a valuable asset in the community.

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 CS22 and CS34 of the Core Strategy. The issue on the case is whether the proposal to allow the floodlights to operate an extra hour, until 2200 hours, would cause disturbance to the residential properties near to the site.

The floodlights have not yet been installed. There would be six floodlighting columns, one being situated in each of the four corners of the pitch, and the remaining two being situated on the southern and northern sides of the pitch. The columns would be 16 metres in height.

The reason for putting this proposal forward is that the Football League would not be able to support a 21:00 hours curfew for the lights, as the Football Association competitions department are very clear that light curfews should be 22:00 hours. Midweek games must kick off at 19:45 hours with extra time available.

The nearest residential properties to pitch 2 are Sarnia, in Stag Lane, and 41 The Hollows. These properties are approximately 20 metres from the pitch edge, and are at a lower ground level. In the report for application 06/01737/FUL, it is noted that these dwellings would be shielded from direct light, and that the floodlights are designed to direct the light towards the pitch. The proposal was not considered to be harmful in terms of light pollution.

The representations on noise and nuisance from players, noise from generators, and light pollution are noted. However, the grant of planning permission reference 06/01737/FUL has found floodlights to be acceptable

here in principle. Due mainly to the separation distance between the pitch and the residential properties, it is considered that it would be difficult to argue that the floodlights would be harmful to residential amenity through operation for an additional hour. This stance is supported by the absence of concern from Public Protection Service in their consultation response.

On the basis of these observations, it is considered that it is acceptable for the floodlights to operate until 2200 hours, but no later.

Section 106 Obligations

None

Equalities & Diversities issues

None

Conclusions

The proposal is recommended for approval.

Recommendation

In respect of the application dated **12/08/2010** and the submitted drawings, **as submitted in application 06/01737/FUL** , it is recommended to: **Grant Conditionally**

Conditions

FLOODLIGHT HOURS

(1) Condition 2 of planning permission 06/01737/FUL is hereby varied to read "The floodlights hereby permitted shall be turned off by no later than 2200 hours every day, and shall not be turned on before 1500 hours on any day."

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, using, and leaving the facility, and to avoid conflict with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: impact on residential and general amenity, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified 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 (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

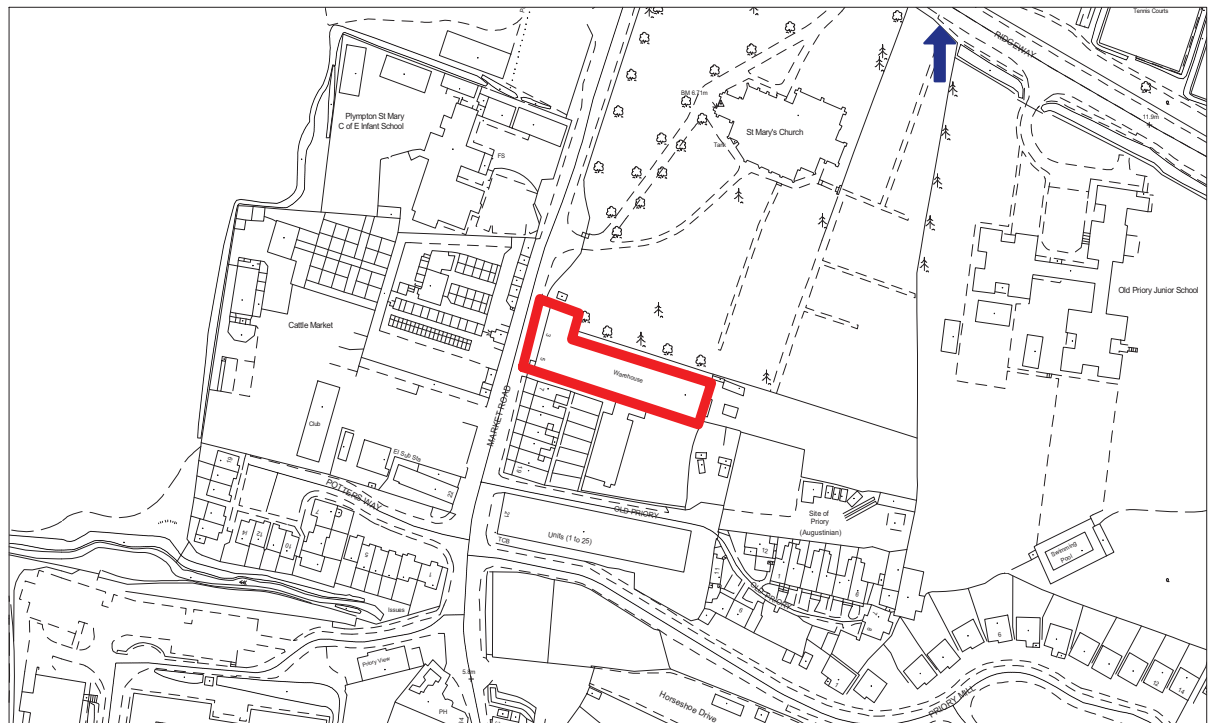
PPS23 - Planning & Pollution Control

CS34 - Planning Application Consideration
CS22 - Pollution

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ITEM: 08

Application Number:	10/01544/FUL
Applicant:	Mr T Walke
Description of Application:	Continue use of warehouse for temporary general industrial use (vehicle repair garage) until 14 February 2012
Type of Application:	Full Application
Site Address:	3 TO 5 MARKET ROAD PLYMOUTH
Ward:	Plympton Erle
Valid Date of Application:	10/09/2010
8/13 Week Date:	05/11/2010
Decision Category:	Member Referral
Case Officer :	Jon Fox
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



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OFFICERS REPORT

This application is being considered by Planning Committee as a result of a Member referral by Councillor Terri Beer. This Ward Councillor is concerned about the health implications of spray fumes reaching nearby properties and car parking as the site is near to a school.

Site Description

The site consists of an old warehouse building situated on the eastern side of Market Road, just to the south of the grounds of St. Mary's Church and north of 7 Market Road. The land behind 7 Market Road includes an open courtyard area, which is used by a number of commercial operators and is connected to the warehouse. The courtyard is accessed from Market Road via Old Priory.

Proposal Description

Continue use of warehouse for temporary general industrial use (vehicle repair garage) until 14 February 2012. The proposals include the provision of eight car parking spaces in the courtyard at the rear of the premises and six parking spaces within the warehouse building. Another six spaces are proposed in the narrow lane on the side of the building.

The use of the building commenced following a fire at the applicant's business premises in the Colebrook area of Plympton. The proposals include an MOT bay and three hoists.

Relevant Planning History

10/00767 - Continue use of warehouse for temporary general industrial use (vehicle repair garage) until 14 February 2012. A plan showing six car parking spaces situated inside the building was submitted following concerns raised about relying on the use of the narrow lane on the southern side of the building for parking purposes. This application was refused for the following reason:

"Inadequate provision has been made for the parking of cars of both customers visiting and staff working at the car repair garage. Vehicles used by such persons therefore have to stand on the public highway giving rise to conditions that 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 policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and to Plymouth's Development Guidelines Supplementary Planning Document."

Consultation Responses

Highway Authority

The six internal parking spaces, and the eight spaces proposed in the rear yard, are considered acceptable to meet the needs of the use but the sale of cars from the premises is considered unacceptable because of the spaces these cars take up and the traffic that they would generate in themselves. There is also no space for loading/unloading of such cars.

Public Protection Service

No objections. An informative on land quality is recommended.

Representations

One letter has been received, which objects on the grounds that:

1. Market Road is already busy.
2. There is only room for working on one motor home.
3. The drawings are out of scale.
4. What would be the impact of five or six cars parked within the building?
5. Is there a drop off point for clients to be picked up and dropped off when delivering their vehicles?
6. Parking for cars? The road becomes impassable at times due to drop off and pick up of school children and clients. The road also becomes blocked when large vehicles are driven into the building.
7. There is no scope for parking in the yard to the rear and will prove impractical due to the distance by road being over 300 yards.
8. The use should take place in Valley Road where there are suitable premises, rather than this residential area.
9. Cars are not being supervised at all times as they come in and out of the garage, which causes a danger to school children whose route is passed the site.
10. The cars are being washed in the street on a daily basis, which leaves silt on the road that is washed into the drains.
11. Where is the extraction taking place, is it towards the primary schools or residents' back gardens?
12. Cars are being sold from the site and this is creating more parking issues.

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 CS22 and CS28 of the Core Strategy of Plymouth's Local Development Framework 2007 and the main issues are the impacts on highway safety and convenience and neighbours' amenities.

With regard to the proposed car parking facilities on site, the area for car parking is a yard at the rear/south of the premises, which is accessed off Old Priory. Parking would be at the eastern end of the yard. This yard is currently used for parking by others; mostly Taurus van hire vehicles and some activities associated with a motorcycle repair place. The area for the proposed eight car parking spaces is currently used for parking and storage of skips. The plans show six car parking spaces inside the building. This makes a total of 14 car parking spaces, which is considered sufficient. The additional 6 spaces in the narrow lane do not meet acceptable standards and are not being relied upon in assessing the acceptability of the application.

The street outside the premises is often congested and with cars and it is vital that the use of the building does not exacerbate existing parking problems. To this end the applicant has been asked to provide a scale plan of the rear yard with the eight proposed car parking spaces drawn to scale on the plan; confirmation that the eight parking spaces in the rear yard will be constantly available for exclusive use of the transport repair garage and a statement on what impact the use of the eight parking spaces would have on existing users of the rear yard, i.e. where would existing users of these spaces go to? The agent has also been asked to provide written confirmation from Taurus Van Hire as to what effect the use of the eight spaces would have on their operation, i.e. would they lose any parking/manoeuvring or storage space?

Parts of the site are being used for the sale of cars. There are three spaces just off the highway that are being used for car sales and another car is situated in the narrow lane on the south side of the warehouse building. It is considered that there should be no sale of cars from the premises because sale cars take up space within the site and also attract traffic in their own right.

The neighbour letter raises the issue of fumes being extracted from the premises. Some paint spraying does take place in the far end of the building and the associated extract filter is on north side of warehouse wall adjacent to the church graveyard. The extraction unit is not within environmental permit regulations and the Public Protection Service advice is that the way the extractor is being managed is acceptable. It is considered that the extractor is unlikely to cause a nuisance.

Section 106 Obligations

None

Equalities & Diversities issues

None

Conclusions

It is considered that, providing the site has 14 usable off-street car parking spaces, the continued use of the building as a car repair garage would not be

prejudicial to highway safety and convenience and that the extract facilities would not prove harmful to neighbours. However, the use is not one that is considered sustainable over the long term in an area that has become even more residential in recent times, e.g. the new houses being constructed across the road. Therefore, while the use of the building is not in conflict with policies CS22, CS28 and CS34 of the Core Strategy, it is recommended that planning permission be granted only for the specified period, i.e. until 14 February 2012 and that the permission is made personal to the applicant.

Recommendation

In respect of the application dated **10/09/2010** and the submitted drawings, **OS location plan and site layout plan**, it is recommended to: **Grant Conditionally**

Conditions

TEMPORARY USE - REINSTATEMENT

(1) The use hereby permitted shall be discontinued and the building and land cleared of all facilities, machinery and equipment relating to the use on or before 14 February 2012 in accordance with a scheme of work previously submitted to and approved in writing by the Local Planning Authority.

Reason:

In the opinion of the Local Planning Authority the temporary use to which this permission relates will by the said date have fulfilled its required purpose. This condition is imposed to comply with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PERSONAL LIMITATION

(2) The use hereby permitted shall be carried on only by Mr. T. Walke.

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

CAR PARKING PROVISION

(3) Within 14 days of this decision notice, space shall have been laid out within the site in accordance with the approved plan for (a) 6 cars to be parked within the building, (b) 8 cars to be parked within the yard to the rear of the premises and (c) vehicles to turn within the yard to the rear of the premises so that they may enter and leave the site in forward gear; in accordance with details previously submitted to and approved in writing by the Local Planning.

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 PROVISION

(4) The car parking spaces and turning space referred to in condition 3 shall not be used for any purpose other than the parking and turning of vehicles attending or visiting the premises that are the subject of this application.

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.

NO SALE OF CARS OR OTHER VEHICLES

(5) There shall at no time be any sale of cars or other vehicles from the premises and no use of any part of the premises as an office for the sale of cars and other 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.

INFORMATIVE - LAND QUALITY

(1) The Council's Environmental Protection Officer (Land Quality), Public Protection Service, advises that the site and adjacent land has been subject of a number industrial activities and there is the possibility of contamination of the site as a result. It is therefore recommended that appropriate assessments and site investigations are carried out and, depending on the results, appropriate measures put into place to remediate any contamination affecting the 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: the impact of the use of the building on highway safety and convenience and that of the extract fan on neighbours' amenities, 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 (until this is statutorily removed from the legislation) 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
SPD1 - Development Guidelines

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PLANNING COMMITTEE

Decisions issued for the following period: 24 September 2010 to 10 October 2010

Note - This list includes:

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

Item No 1

Application Number: 07/02211/OU **Applicant:** Health Properties (Plymouth) Lt

Application Type: Outline Application

Description of Development: Development of a centre of clinical excellence (private hospital) 14,500 sqm building, 250 parking spaces and associated landscaping

Site Address PLOT D410 PLYMOUTH INTERNATIONAL MEDICAL AND TECHNOLOGY PARK TAVISTOCK PLYMOUTH

Case Officer: Jeremy Guise

Decision Date: 08/10/2010

Decision: Grant Subject to S106 Obligation - Outline

Item No 2

Application Number: 09/01606/FUL **Applicant:** Mr Michael Terrell

Application Type: Full Application

Description of Development: Single storey extension to form ancillary accommodation including private motor garage (existing garage and shed to be removed)

Site Address 1 ERNESETTLE ROAD HIGHER ST BUDEAUX PLYMOUTH

Case Officer: Olivia Wilson

Decision Date: 24/09/2010

Decision: Refuse

Item No 3

Application Number: 10/00157/FUL **Applicant:** CityLease Limited
Application Type: Full Application
Description of Development: Continue use of part of ground floor as tattoo parlour (sui generis) and retention of associated access doors
Site Address 92 NORTH HILL PLYMOUTH
Case Officer: Jon Fox
Decision Date: 24/09/2010
Decision: Grant Conditionally

Item No 4

Application Number: 10/00340/FUL **Applicant:** Mr Andrew Collier
Application Type: Full Application
Description of Development: Continue use of ground-floor flat as training facility (use class D1(c)) and retention of smoking shelter to rear
Site Address 5A CORPORATION ROAD PLYMOUTH
Case Officer: Janine Warne
Decision Date: 30/09/2010
Decision: Refuse

Item No 5

Application Number: 10/00809/FUL **Applicant:** Millfields Trust
Application Type: Full Application
Description of Development: Change of use of part of hospitality building to brewery
Site Address CITY COLLEGE PLYMOUTH, KINGS ROAD DEVONPORT PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 29/09/2010
Decision: Grant Conditionally

Item No **6**

Application Number: 10/00841/FUL **Applicant:** Mr Carl Robson
Application Type: Full Application
Description of Development: Continue use of part of former kitchen/builders showroom as boxing gymnasium
Site Address CARLS BOXING STABLE, COLEBROOK COMPLEX,
 GALILEO CLOSE PLYMOUTH
Case Officer: Jon Fox
Decision Date: 01/10/2010
Decision: Grant Conditionally

Item No **7**

Application Number: 10/00929/FUL **Applicant:** Longcause School
Application Type: Full Application
Description of Development: Provision of 25 vehicle parking spaces
Site Address LONGCAUSE SCHOOL, LONGCAUSE PLYMOUTH
Case Officer: Jon Fox
Decision Date: 27/09/2010
Decision: Grant Conditionally

Item No **8**

Application Number: 10/00961/FUL **Applicant:** Mrs J Burridge
Application Type: Full Application
Description of Development: Retention of use of premises as office (Use Class A2) from previous use as shop (Use Class A1)
Site Address 3 DEVONPORT ROAD PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 24/09/2010
Decision: Grant Conditionally

Item No 9

Application Number: 10/00963/FUL **Applicant:** Mr Jason Pepper
Application Type: Full Application
Description of Development: Retain alterations and continue use of part of public house to form hot food take-away (Use Class A5)
Site Address THE CHERRYTREE PUBLIC HOUSE 291 HAM DRIVE
PLYMOUTH
Case Officer: Janine Warne
Decision Date: 07/10/2010
Decision: Grant Conditionally

Item No 10

Application Number: 10/00973/FUL **Applicant:** Mr C Hayman
Application Type: Full Application
Description of Development: Single storey rear extension and formation of parking area
Site Address 92 BEAUMONT ROAD PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 30/09/2010
Decision: Grant Conditionally

Item No 11

Application Number: 10/01047/FUL **Applicant:** Wharfside Regeneration (Devon
Application Type: Full Application
Description of Development: Erection of a multi-storey carpark for 627 spaces, B1 Offices, retail units entrance foyer, temporary access and widening of Morlaix Drive. (Amended scheme of planning permission 08/01418)
Site Address NORTH WEST QUADRANT, DERRIFORD ROAD
PLYMOUTH
Case Officer: Robert McMillan
Decision Date: 27/09/2010
Decision: Grant Conditionally

Item No 12

Application Number: 10/01052/FUL **Applicant:** Mr and Mrs Stephen Shirley
Application Type: Full Application
Description of Development: First-floor rear extension and re-locate existing balcony; part two-storey, part-single storey side extension including swimming pool, plant room and gym (existing garage to be removed)
Site Address LAKE HOUSE, 78 RADFORD PARK ROAD PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 24/09/2010
Decision: Grant Conditionally

Item No 13

Application Number: 10/01053/FUL **Applicant:** Mr Keith Cowan
Application Type: Full Application
Description of Development: Alterations to rear tenement, and partial rebuilding, replacement windows and increased pitch on conservatory roof, and rebuilding of rear wall on original rear boundary and formation of pedestrian doorway opening
Site Address 54 EXMOUTH ROAD STOKE PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 28/09/2010
Decision: Grant Conditionally

Item No 14

Application Number: 10/01054/CA **Applicant:** Mr Keith Cowan
Application Type: Conservation Area
Description of Development: Demolition works in connection with alterations and rebuilding works to tenement, conservatory, rear wall and pedestrian doorway opening
Site Address 54 EXMOUTH ROAD PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 05/10/2010
Decision: Grant Conditionally

Item No 15

Application Number: 10/01055/FUL **Applicant:** Billacombe Motors Ltd
Application Type: Full Application
Description of Development: Change of use of former petrol filling station to use for car sales
Site Address SUGAR MILL BUSINESS PARK, BILLACOMBE ROAD
PLYMOUTH
Case Officer: Jon Fox
Decision Date: 08/10/2010
Decision: Application Withdrawn

Item No 16

Application Number: 10/01063/FUL **Applicant:** Mr Michael Timmins
Application Type: Full Application
Description of Development: Two-storey side extension to form granny flat, and replacement of flat roof on existing rear extension with pitched roof
Site Address 203 ELBURTON ROAD PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 28/09/2010
Decision: Refuse

Item No 17

Application Number: 10/01112/FUL **Applicant:** Mr Richard Webber
Application Type: Full Application
Description of Development: Change of use, conversion and alteration of public house to form a house in multiple occupation (6 bedrooms)
Site Address 18 OCTAGON STREET PLYMOUTH
Case Officer: Janine Warne
Decision Date: 04/10/2010
Decision: Grant Conditionally

Item No 18

Application Number: 10/01130/FUL **Applicant:** Mr W Dellenty
Application Type: Full Application
Description of Development: Hardstanding for car with retaining wall to the side of property
Site Address 22 WINCHESTER GARDENS WHITLEIGH PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 24/09/2010
Decision: Grant Conditionally

Item No 19

Application Number: 10/01132/FUL **Applicant:** Mrs Joanne Harvey
Application Type: Full Application
Description of Development: Two-storey side extension
Site Address 64 MADDOCK DRIVE PLYMPTON PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 27/09/2010
Decision: Refuse

Item No 20

Application Number: 10/01134/FUL **Applicant:** Mr P Rump
Application Type: Full Application
Description of Development: Change of use from offices to house in multiple occupation for students (7 bedrooms)
Site Address 14 GILWELL STREET PLYMOUTH
Case Officer: Jon Fox
Decision Date: 29/09/2010
Decision: Grant Conditionally

Item No 21

Application Number: 10/01140/FUL **Applicant:** The Lozenge LLP
Application Type: Full Application
Description of Development: Erection of student accommodation for 123 students organised around 16 communal dining/living spaces in two blocks and associated access, parking and landscaping: minor material amendments to the application granted on appeal, refs 09/01400, APP/N1160/A/10/2121534
Site Address LAND BOUNDED BY PLYMBRIDGE LANE, DERRIFORD ROAD AND HOWESON LANE DERRIFORD PLYMOUTH
Case Officer: Robert McMillan
Decision Date: 27/09/2010
Decision: Grant Conditionally

Item No 22

Application Number: 10/01155/24 **Applicant:** Telefonica 02
Application Type: GPDO PT24
Description of Development: Determination as to whether prior approval is required for siting and appearance of replacement of 3 existing antennas for 3 new shroud antennas and placement of a spitfire ground based cabinet
Site Address ADJ 422 TAVISTOCK ROAD PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 30/09/2010
Decision: Prior approval not req PT24

Item No 23

Application Number: 10/01157/FUL **Applicant:** Plymouth Community Homes
Application Type: Full Application
Description of Development: Installation of railings
Site Address 10-37 WOODSTOCK GARDENS ST BUDEAUX PLYMOUTH
Case Officer: Janine Warne
Decision Date: 07/10/2010
Decision: Grant Conditionally

Item No 24

Application Number: 10/01176/FUL **Applicant:** Miss L Evans
Application Type: Full Application
Description of Development: Single-storey rear extension (existing bathroom extension to be removed)
Site Address 217 EGGBUCKLAND ROAD PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 24/09/2010
Decision: Grant Conditionally

Item No 25

Application Number: 10/01185/FUL **Applicant:** Mrs H Kennett
Application Type: Full Application
Description of Development: Retention of raised rear decking and associated fencing
Site Address 62 EARLS MILL ROAD PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 06/10/2010
Decision: Grant Conditionally

Item No 26

Application Number: 10/01190/FUL **Applicant:** Mr Stuart Walker
Application Type: Full Application
Description of Development: Continue use of property as house in multiple occupancy (5 bedrooms)
Site Address 41 COTEHELE AVENUE PRINCE ROCK PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 06/10/2010
Decision: Grant Conditionally

Item No 27

Application Number: 10/01223/FUL **Applicant:** Mr & Mrs C Jewel
Application Type: Full Application
Description of Development: Part two-storey, part single-storey, extension on Church Road elevation (existing garage to be removed)
Site Address HAZELCROFT,2 CHURCH ROAD PLYMSTOCK PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 08/10/2010
Decision: Application Withdrawn

Item No 28

Application Number: 10/01237/FUL **Applicant:** Dr M Boorer
Application Type: Full Application
Description of Development: Retention of rear timber decking, with balustrading and steps
Site Address 2 MOSTYN AVENUE PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 05/10/2010
Decision: Grant Conditionally

Item No 29

Application Number: 10/01243/FUL **Applicant:** College Road Primary School
Application Type: Full Application
Description of Development: Extension to school hall to provide extended dining facilities, and a kitchen extension
Site Address COLLEGE ROAD PRIMARY SCHOOL, COLLEGE ROAD PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 28/09/2010
Decision: Grant Conditionally

Item No 30

Application Number: 10/01244/FUL **Applicant:** Mr Christopher Burch
Application Type: Full Application
Description of Development: Formation of rooms in roofspace including front and rear dormer, rear rooflight and formation of walkway from rear dormer to garden with glass balustrade
Site Address 8 CRABTREE VILLAS, PLYMOUTH ROAD PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 30/09/2010
Decision: Grant Conditionally

Item No 31

Application Number: 10/01250/LBC **Applicant:** Mr J. Kiely
Application Type: Listed Building
Description of Development: Internal alterations to flat including secondary glazing, additional insulation and alterations to ceiling
Site Address FLAT 1A, EVANS COURT,6 CRAIGIE DRIVE PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 29/09/2010
Decision: Grant Conditionally

Item No 32

Application Number: 10/01253/LBC **Applicant:** Hoare Lea
Application Type: Listed Building
Description of Development: Fitting out of internal space to create meeting rooms and storage and insertion of metal framed glazed doors behind the existing loading doors
Site Address UNIT 19-20 MILLS BAKERY, ROYAL WILLIAM YARD
STONEHOUSE PLYMOUTH
Case Officer: Robert McMillan
Decision Date: 01/10/2010
Decision: Grant Conditionally

Item No 33

Application Number: 10/01270/FUL **Applicant:** English Cities Fund
Application Type: Full Application
Description of Development: Change of use of Quay from commercial use to public use incorporating construction of new pedestrian access routes, associated surfacing works and landscaping, construction of seating and information boards (temporary 5 year consent)
Site Address CLYDE QUAY PLYMOUTH
Case Officer: Mark Evans
Decision Date: 24/09/2010
Decision: Grant Conditionally

Item No 34

Application Number: 10/01273/FUL **Applicant:** Mr Lee Perks
Application Type: Full Application
Description of Development: Enlargement of vehicle hardstanding to accommodate second vehicle
Site Address 121 KIT HILL CRESCENT PLYMOUTH
Case Officer: Adam Williams
Decision Date: 01/10/2010
Decision: Grant Conditionally

Item No 35

Application Number: 10/01275/FUL **Applicant:** Prince Rock Primary School
Application Type: Full Application
Description of Development: Single-storey extension to dining area and replacement of existing fire escape
Site Address PRINCE ROCK PRIMARY SCHOOL PRINCE ROCK
PRIMARY SCHOOL, EMBANKMENT ROAD PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 24/09/2010
Decision: Grant Conditionally

Item No 36

Application Number: 10/01278/OU **Applicant:** Mr J Battle & Mr D Wills
Application Type: Outline Application
Description of Development: Outline application for 1 commercial unit and 14 flats with 12 car parking spaces and cycle parking (renewal of permission 08/00340/OUT)
Site Address STONEHOUSE BUSINESS CENTRE, WATERLOO CLOSE PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 29/09/2010
Decision: Application Withdrawn

Item No 37

Application Number: 10/01284/FUL **Applicant:** Mr D Bradbury
Application Type: Full Application
Description of Development: Detached private motor garage to front, with driveway and vehicular access
Site Address 3 KITTER DRIVE PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 28/09/2010
Decision: Grant Conditionally

Item No 38

Application Number: 10/01294/FUL **Applicant:** University Of Plymouth
Application Type: Full Application
Description of Development: Retention of two portacabins
Site Address UNIVERSITY OF PLYMOUTH DIVING AND MARINE CENTRE, ARTILLERY PLACE PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 28/09/2010
Decision: Grant Conditionally

Item No 39

Application Number: 10/01303/FUL **Applicant:** Mr Paul Todd
Application Type: Full Application
Description of Development: Two-storey rear extension and single-storey lean-to to side
Site Address 33 GRANTHAM CLOSE PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 24/09/2010
Decision: Refuse

Item No 40

Application Number: 10/01313/FUL **Applicant:** Mr Brett Newitt
Application Type: Full Application
Description of Development: Two storey side extension
Site Address 44 RINGMORE WAY PLYMOUTH
Case Officer: Adam Williams
Decision Date: 24/09/2010
Decision: Grant Conditionally

Item No 41

Application Number: 10/01320/FUL **Applicant:** Mr T Roberts
Application Type: Full Application
Description of Development: Change of use and conversion of hotel to form three self-contained flats
Site Address 9-10 OSBORNE PLACE, LOCKYER STREET PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 27/09/2010
Decision: Grant Conditionally

Item No 42

Application Number: 10/01322/FUL **Applicant:** Mr and Mrs Dunstan
Application Type: Full Application
Description of Development: Part two-storey, part single-storey rear extension, single-storey front extension and alterations (existing structures at front and side to be removed)
Site Address BURROW FARMHOUSE 102 CHURCH ROAD
PLYMSTOCK PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 28/09/2010
Decision: Grant Conditionally

Item No 43

Application Number: 10/01324/LBC **Applicant:** Mr and Mrs Dunstan
Application Type: Listed Building
Description of Development: Part two-storey, part single-storey rear extension, single-storey front extension and alterations (existing structures at front and side to be removed)
Site Address BURROW FARMHOUSE 102 CHURCH ROAD
PLYMSTOCK PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 08/10/2010
Decision: Grant Conditionally

Item No 44

Application Number: 10/01325/FUL **Applicant:** Spectrum Housing Group
Application Type: Full Application
Description of Development: Erection of 8 houses and 4 flats with associated car parking court
Site Address 1 CARLTON TERRACE WESTON MILL PLYMOUTH
Case Officer: Carly Francis
Decision Date: 01/10/2010
Decision: Application Withdrawn

Item No 45

Application Number: 10/01326/FUL **Applicant:** Mr B Smith
Application Type: Full Application
Description of Development: Single storey rear extension, formation of rooms in roofspace of extended dwelling, with rear first floor window and side rooflights, and change of front hip to gable, and rear external decking area (revised version of 10/00261/FUL)
Site Address 4 FIRST AVENUE BILLACOMBE PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 30/09/2010
Decision: Refuse

Item No 46

Application Number: 10/01327/FUL **Applicant:** Dr V Raman
Application Type: Full Application
Description of Development: Two storey side extension (including private motor garage) and two storey rear extension (existing conservatory and garage to be removed)
Site Address 27 WARLEIGH CRESCENT PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 27/09/2010
Decision: Grant Conditionally

Item No 47

Application Number: 10/01328/ADV **Applicant:** Gilletts (Callington) Ltd
Application Type: Advertisement
Description of Development: Retention of illuminated fascia, projecting sign, side sign (approved), 3 window signs and 1 wall sign (2 intermediate wall signs to be removed)(Refused)
Site Address 46 NORTH HILL PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 28/09/2010
Decision: Advertisement Split Decision

Item No 48

Application Number: 10/01334/FUL **Applicant:** Mr Nick Bishop
Application Type: Full Application
Description of Development: Erection of detached dwellinghouse, with off street parking
Site Address LAND ADJ TO 21 MUTLEY ROAD PLYMOUTH
Case Officer: Janine Warne
Decision Date: 28/09/2010
Decision: Grant Conditionally

Item No 49

Application Number: 10/01337/FUL **Applicant:** Mr Ian Hosking
Application Type: Full Application
Description of Development: Change of use and conversion and alteration of public house to form a house in multiple occupation (10 bedrooms) and formation of vehicle parking to rear
Site Address THE GOLDMINE, 50 BUTT PARK ROAD PLYMOUTH
Case Officer: Janine Warne
Decision Date: 27/09/2010
Decision: Refuse

Item No 50

Application Number: 10/01347/FUL **Applicant:** Mr Paul Roach
Application Type: Full Application
Description of Development: Side conservatory
Site Address 54 LINKETTY LANE WEST PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 27/09/2010
Decision: Grant Conditionally

Item No 51

Application Number: 10/01351/FUL **Applicant:** Trelawney Partnership
Application Type: Full Application
Description of Development: Change of use, conversion and alteration of public house to form four commercial units (2 x A4 - 'drinking establishment'; 1 x A3 - 'Resturants and cafes' and 1 x A5 - 'Hot food takeaway') and three self contained flats at first floor
Site Address TRELAWNEY HOTEL,642 WOLSELEY ROAD PLYMOUTH
Case Officer: Janine Warne
Decision Date: 30/09/2010
Decision: Refuse

Item No 52

Application Number: 10/01355/FUL **Applicant:** Mr Paul Henry
Application Type: Full Application
Description of Development: Retention of vehicle hardstanding
Site Address 296 TAUNTON AVENUE PLYMOUTH
Case Officer: Adam Williams
Decision Date: 30/09/2010
Decision: Grant Conditionally

Item No 53

Application Number: 10/01358/FUL **Applicant:** Mr and Mrs J Draper
Application Type: Full Application
Description of Development: Single storey rear extension
Site Address 40 ROCKINGHAM ROAD PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 29/09/2010
Decision: Grant Conditionally

Item No 54

Application Number: 10/01360/ADV **Applicant:** Co-operative Group
Application Type: Advertisement
Description of Development: Illuminated fascia signs
Site Address 34 HORNCHURCH ROAD PLYMOUTH
Case Officer: Adam Williams
Decision Date: 30/09/2010
Decision: Grant Conditionally

Item No 55

Application Number: 10/01366/FUL **Applicant:** Mr A Grayson
Application Type: Full Application
Description of Development: Single-storey rear extension and front porch
Site Address 44 DOVEDALE ROAD PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 01/10/2010
Decision: Grant Conditionally

Item No 56

Application Number: 10/01368/FUL **Applicant:** Mr & Mrs Rob Simister
Application Type: Full Application
Description of Development: Erection of single storey workshop and store room to rear of property
Site Address 22 KEDLESTONE AVENUE PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 01/10/2010
Decision: Grant Conditionally

Item No 57

Application Number: 10/01369/FUL **Applicant:** The Leverton Trust
Application Type: Full Application
Description of Development: Development of site by erection of 4 dwellings, with new access road and improvements to the existing highway and protection and enhancement of surrounding landscapes as a biodiversity site
Site Address LITTLE ASH FARM, NORMANDY HILL PLYMOUTH
Case Officer: Carly Francis
Decision Date: 01/10/2010
Decision: Refuse

Item No 58

Application Number: 10/01370/FUL **Applicant:** Mr & Mrs Trestrail
Application Type: Full Application
Description of Development: Single-storey rear extension and front porch
Site Address 49 GOODWIN AVENUE PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 01/10/2010
Decision: Grant Conditionally

Item No 59

Application Number: 10/01371/FUL **Applicant:** Pagent Ltd
Application Type: Full Application
Description of Development: Change of use of first and second floors from offices to house in multiple occupation (8 student bedrooms) with associated bin and cycle storage at ground level
Site Address 52 MUTLEY PLAIN PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 05/10/2010
Decision: Grant Conditionally

Item No 60

Application Number: 10/01373/FUL **Applicant:** Mr J Luke
Application Type: Full Application
Description of Development: Two storey side extension
Site Address 1 HENLEY DRIVE PLYMOUTH
Case Officer: Adam Williams
Decision Date: 30/09/2010
Decision: Grant Conditionally

Item No 61

Application Number: 10/01376/FUL **Applicant:** Plymouth Community Homes
Application Type: Full Application
Description of Development: Erection of fence and gate
Site Address LAND ADJACENT TO, ST MAURICE ROAD PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 01/10/2010
Decision: Grant Conditionally

Item No 62

Application Number: 10/01377/FUL **Applicant:** MR P M Phillips
Application Type: Full Application
Description of Development: Single storey rear extension, with external balconies and steps
Site Address 37 DEAN HILL PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 30/09/2010
Decision: Grant Conditionally

Item No 63

Application Number: 10/01378/TPO **Applicant:** Mr Gareth Kagan
Application Type: Tree Preservation
Description of Development: Horse chestnut - reduce crown to below broke branch
Site Address 25 LOPWELL CLOSE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 28/09/2010
Decision: Grant Conditionally

Item No 64

Application Number: 10/01379/FUL **Applicant:** Mr J Hardwick
Application Type: Full Application
Description of Development: Single storey rear extension and double private motor garage (existing garage to be removed) and associated roof terrace
Site Address 135 WEMBURY ROAD PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 01/10/2010
Decision: Grant Conditionally

Item No 65

Application Number: 10/01380/LBC **Applicant:** Amber Initiatives
Application Type: Listed Building
Description of Development: Insallation of security grilles to lower ground floor windows
Site Address 9A THE CRESCENT PLYMOUTH
Case Officer: Adam Williams
Decision Date: 30/09/2010
Decision: Grant Conditionally

Item No 66

Application Number: 10/01381/LBC **Applicant:** Rio-Real Ideas Organisation
Application Type: Listed Building
Description of Development: To install a timber boarded floor over existing limestone slabs in office B.04 to achieve a level floor
Site Address DEVONPORT GUILDHALL, KER STREET PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 29/09/2010
Decision: Grant Conditionally

Item No 67

Application Number: 10/01382/FUL **Applicant:** Sutton Harbour Co.
Application Type: Full Application
Description of Development: Use of unit 4 (ground floor) as D2 (indoor fitness suite)
Site Address UNIT 4, 62 EXETER STREET PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 28/09/2010
Decision: Grant Conditionally

Item No 68

Application Number: 10/01387/FUL **Applicant:** Honicknowle and District Garde
Application Type: Full Application
Description of Development: Single-storey side extension to allotment building
Site Address ALLOTMENT GARDENS, COOMBE PARK LANE SOUTH PLYMOUTH
Case Officer: Janine Warne
Decision Date: 06/10/2010
Decision: Grant Conditionally

Item No 69

Application Number: 10/01388/FUL **Applicant:** Mr C Dawe
Application Type: Full Application
Description of Development: Demolition of garage/store and wall and construction of 2no 1 bed dwellings
Site Address 2,4, 6, ALBERT ROAD PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 06/10/2010
Decision: Refuse

Item No 70

Application Number: 10/01389/FUL **Applicant:** Mr Richard Harris
Application Type: Full Application
Description of Development: Develop land by erection of detached dwelling with integral private motor garage
Site Address LAND ADJACENT TO 40 WARLEIGH CRESCENT
PLYMOUTH
Case Officer: Janine Warne
Decision Date: 06/10/2010
Decision: Grant Conditionally

Item No 71

Application Number: 10/01391/LBC **Applicant:** Rio-Real Ideas Organisation
Application Type: Listed Building
Description of Development: Siting of 2 no notice boards to the front and rear elevations
Site Address DEVONPORT GUILDHALL, KER STREET PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 06/10/2010
Decision: Grant Conditionally

Item No 72

Application Number: 10/01392/TPO **Applicant:** Mr Logon
Application Type: Tree Preservation
Description of Development: Crown lift sweet chestnut and maple by 2-3 metres
Site Address 2 RAMSEY GARDENS PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 05/10/2010
Decision: Grant Conditionally

Item No 73

Application Number: 10/01393/TPO **Applicant:** Mrs Simmonds
Application Type: Tree Preservation
Description of Development: 4 London Plane Trees - selective pruning
1 Layland Conifer - remove
Site Address 22 CONQUEROR DRIVE PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 01/10/2010
Decision: Grant Conditionally

Item No 74

Application Number: 10/01394/TPO **Applicant:** Mrs Rosemary Orr
Application Type: Tree Preservation
Description of Development: Prune 2 Oak trees
Site Address 17 BROMHEAD COURT PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 01/10/2010
Decision: Grant Conditionally

Item No 75

Application Number: 10/01395/FUL **Applicant:** Mr Ian Welsh
Application Type: Full Application
Description of Development: Formation of room in roofspace including rear dormer and front
rooflight (renewal of planning permission 05/01187)
Site Address 32 FARINGDON ROAD PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 30/09/2010
Decision: Grant Conditionally

Item No 76

Application Number: 10/01398/FUL **Applicant:** Nando's Chickenland Ltd
Application Type: Full Application
Description of Development: Change of use from A2 and A1 to restaurant (A3)
Site Address 15-19 OLD TOWN STREET PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 30/09/2010
Decision: Grant Conditionally

Item No 77

Application Number: 10/01402/ADV **Applicant:** Nando's Chickenland Ltd
Application Type: Advertisement
Description of Development: 2 illuminated fascia signs (granted) and 1 illuminated projecting sign (refused) - note split decision
Site Address 15-19 OLD TOWN STREET PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 07/10/2010
Decision: Advertisement Split Decision

Item No 78

Application Number: 10/01403/FUL **Applicant:** Nando's Chickenland Ltd
Application Type: Full Application
Description of Development: Alterations to shop front
Site Address 15-19 OLD TOWN STREET PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 07/10/2010
Decision: Grant Conditionally

Item No 79

Application Number: 10/01410/TPO **Applicant:** Mrs Karen Finn
Application Type: Tree Preservation
Description of Development: Prune Hawthorn Tree to encourage re-growth
Site Address 64 GREAT WOODFORD DRIVE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 06/10/2010
Decision: Grant Conditionally

Item No 80

Application Number: 10/01415/LBC **Applicant:** Plymouth Hospitals NHS Trust
Application Type: Listed Building
Description of Development: Change of use and conversion of ground floor cloakroom within the Guildhall to static digital mammography unit for NHS care, condensing unit on flat roof, ducting and two ventilation inlets/outlets
Site Address THE GUILDHALL, ROYAL PARADE PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 28/09/2010
Decision: Grant Conditionally

Item No 81

Application Number: 10/01419/FUL **Applicant:** Mr Roger Knight
Application Type: Full Application
Description of Development: Retention of revised single-storey rear extension (amendment to previously approved scheme)
Site Address WEARN, 13 FURZEHATT AVENUE PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 30/09/2010
Decision: Grant Conditionally

Item No 82

Application Number: 10/01423/FUL **Applicant:** Mr Terry Pearse
Application Type: Full Application
Description of Development: Single-storey rear extension (existing rear extension to be removed)
Site Address 11 LANG GROVE PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 30/09/2010
Decision: Grant Conditionally

Item No 83

Application Number: 10/01426/ADV **Applicant:** CO-OPERATIVE PHARMACY
Application Type: Advertisement
Description of Development: Two internally illuminated fascia signs and one internally illuminated projecting sign
Site Address KNOWLE HOUSE SURGERY, 4 MEAVY WAY PLYMOUTH
Case Officer: Adam Williams
Decision Date: 04/10/2010
Decision: Grant Conditionally

Item No 84

Application Number: 10/01428/FUL **Applicant:** Mr P Anderson
Application Type: Full Application
Description of Development: First floor side extension and formation of rooms in roofspace of extended dwelling including provision of gable end, rear dormer, two front rooflights ,and Juliet balcony
Site Address 9 BEAUMONT AVENUE PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 06/10/2010
Decision: Application Withdrawn

Item No 85

Application Number: 10/01430/ADV **Applicant:** New Look Group PLC
Application Type: Advertisement
Description of Development: Illuminated fascia sign
Site Address 49 - 49A THE BROADWAY PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 08/10/2010
Decision: Grant Conditionally

Item No 86

Application Number: 10/01439/PR **Applicant:** Mr K Foalle
Application Type: LDC Proposed Develop
Description of Development: Loft conversion with rear dormer (including Juliet balcony) and changing existing hipped roof to gable
Site Address 45 STADDON PARK ROAD PLYMSTOCK PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 08/10/2010
Decision: Issue Certificate - Lawful Use

Item No 87

Application Number: 10/01441/PR **Applicant:** Mr Steve Demuth
Application Type: LDC Proposed Develop
Description of Development: Loft conversion with rear dormer, new velux windows and alterations to rear tenement
Site Address 20 WEMBURY PARK ROAD PLYMOUTH
Case Officer: Adam Williams
Decision Date: 27/09/2010
Decision: Issue Certificate - Lawful Use

Item No 88

Application Number: 10/01442/ADV **Applicant:** Rio-Real Ideas Organistation
Application Type: Advertisement
Description of Development: Hanging of 2 no vertical banners on the rear wall of the portico to east elevation
Site Address DEVONPORT GUILDHALL, KER STREET PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 04/10/2010
Decision: Grant Conditionally

Item No 89

Application Number: 10/01443/FUL **Applicant:** Mr & Mrs Hawke
Application Type: Full Application
Description of Development: Single-storey front extension
Site Address 34 BARN FIELD DRIVE PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 30/09/2010
Decision: Grant Conditionally

Item No 90

Application Number: 10/01444/FUL **Applicant:** Mrs Joy Weaving
Application Type: Full Application
Description of Development: Change of use, conversion and alteration of existing retail unit and guesthouse to form seven self-contained flats including third floor extension and insertion of additional windows and doors including removal of existing shopfront
Site Address 15 GARDEN CRESCENT PLYMOUTH
Case Officer: Jeremy Guise
Decision Date: 29/09/2010
Decision: Grant Conditionally

Item No 91

Application Number: 10/01447/FUL **Applicant:** Mr Paul Jordan
Application Type: Full Application
Description of Development: Continue use of property as house in multiple occupation (7 bedrooms)
Site Address 51 PRINCE MAURICE ROAD PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 07/10/2010
Decision: Grant Conditionally

Item No 92

Application Number: 10/01448/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 PLYMOUTH
Case Officer: Adam Williams
Decision Date: 01/10/2010
Decision: Grant Conditionally

Item No 93

Application Number: 10/01456/FUL **Applicant:** Mr and Mrs Carron
Application Type: Full Application
Description of Development: Single storey extension at rear of property
Site Address 14 LULWORTH DRIVE PLYMOUTH
Case Officer: Adam Williams
Decision Date: 05/10/2010
Decision: Grant Conditionally

Item No 94

Application Number: 10/01464/FUL **Applicant:** Mr & Mrs Anscombe
Application Type: Full Application
Description of Development: Single-storey side extension (to rear of garage), and alterations to existing windows and doors
Site Address 14 MADDOCK CLOSE PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 08/10/2010
Decision: Grant Conditionally

Item No 95

Application Number: 10/01465/FUL **Applicant:** Mr and Mrs R Fay
Application Type: Full Application
Description of Development: Single-storey rear extension (to side of rear tenement) and single-storey store (to rear of rear tenement)
Site Address 69 OLD LAIRA ROAD PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 29/09/2010
Decision: Grant Conditionally

Item No 96

Application Number: 10/01470/TC **Applicant:** Mr S Sutherland
Application Type: Trees in Cons Area
Description of Development: 6 holm oak - fell
4 holm oak - pollard to 3-4m
Site Address ASTOR HALL, DEVONPORT ROAD PLYMOUTH
Case Officer: Jane Turner
Decision Date: 06/10/2010
Decision: Grant Conditionally

Item No 97

Application Number: 10/01471/TC **Applicant:** Silvanus
Application Type: Trees in Cons Area
Description of Development: Lime - Reduction by 2-3m
Cherry - Reduce by 5m
Site Address EGLINGTON, MANNAMEAD AVENUE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 06/10/2010
Decision: Grant Conditionally

Item No 98

Application Number: 10/01478/FUL **Applicant:** Plymouth Community Homes
Application Type: Full Application
Description of Development: Single storey rear extension
Site Address COMMUNITY HALL, WESTON MILL DRIVE PLYMOUTH
Case Officer: Adam Williams
Decision Date: 04/10/2010
Decision: Grant Conditionally

Item No 99

Application Number: 10/01489/TPO **Applicant:** Richard Prowse
Application Type: Tree Preservation
Description of Development: Various tree works
Site Address 2 STOTT CLOSE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 06/10/2010
Decision: Grant Conditionally

Item No 100

Application Number: 10/01580/TC **Applicant:** Richard Prowse Arborists
Application Type: Trees in Cons Area
Description of Development: Reduce Birch tree by 20%
Site Address BROADCASTING HOUSE , SEYMOUR ROAD
MANNAMEAD PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 30/09/2010
Decision: Grant Conditionally

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Application Number **09/01590/FUL**
 Appeal Site **LELANT NURSING HOME, GLEN ROAD MANNAMEAD PLYMOUTH**
 Appeal Proposal Extension to nursing home by erection of three two storey buildings to south to provide six self contained apartments with provision of a covered link to existing nursing home (removal of two existing garages)
 Case Officer Jeremy Guise

Appeal Category
 Appeal Type Written Representations
 Appeal Decision Dismissed
 Appeal Decision Date 15/09/2010
 Conditions
 Award of Costs Awarded To

Appeal Synopsis

Planning permission for six self contained assisted care units for the elderly was refused on the grounds of: adverse impact on the character and appearance of the conservation area, unacceptable living conditions for future occupants and highway safety. The applicants appealed this decision and sought costs on the grounds that pre-application advise had created an expectation that planning permission would be granted.

The Planning Inspector considered the generous grounds of the original Victorian villa (now nursing home) to be an important feature of the Mannamead conservation area. In his opinion the assisted care units would be visible from the public realm and reduce existing tree cover. He agreed with the Council's view that this would be contrary to policies CS02 and CS03 of the Core Strategy which require development to safeguard and contribute positively to the identity and character of historic environments.

In relation to living conditions for proposed residents the Inspector noted the use of obscure glazing to a number of the side windows and doors suggests a layout that is not ideal and that the light received to the main south facing window of one of the units would be compromised by a retained tree. He agreed that the living conditions failed to accord with the requirements of Policy CS34.

Finally, the Inspector supported the contention of the Highway Authority that the proposal would lead to an intensification in the use of the home encouraging more vehicular activity without sufficient compensatory works to improve both parking and servicing facilities and that this would be contrary to policies CSD28 and CS34.

Despite agreeing with all three of the Council's refusal reasons in relation to the substantive issue the Inspector, nevertheless, considered that the council had acted unreasonably in relation to the positive pre-application advise it had given and its subsequent explanation as to why that was not followed. He awarded partial cost to the appellant in relation to the appeal.

Application Number **10/00543/FUL**
 Appeal Site **21 FIRST AVENUE BILLACOMBE PLYMOUTH**
 Appeal Proposal Formation of enlarged rooms in roofspace including rear dormer
 Case Officer Kate Saunders

Appeal Category REF
 Appeal Type Informal Hearing
 Appeal Decision Dismissed
 Appeal Decision Date 20/09/2010
 Conditions
 Award of Costs Awarded To

Appeal Synopsis

The inspector concluded that the dormer would cause a loss of privacy to neighbouring properties in First Ave as well as being a dominating and overbearing structure. In addition the inspector considered that the dormer together with the other roof alterations resulted in material harm to the character and appearance of the area. The inspector considered the use of obscure glass in the dormer and concluded that whilst this would overcome privacy matters it would not deal with other aspects of concern and would create a poor quality living environment for future occupiers.

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