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PLANNING COMMITTEE

DATE: THURSDAY 10 FEBRUARY 2011
TIME: 1 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.

Please note that, unless the Chair agrees, mobile phones should be switched off and speech, video and photographic equipment should not be used during meetings.

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 - 12)

The Committee will be asked to confirm the minutes of the meetings held on 13 and 20 January 2011.

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 13 - 14)

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.

6.1 114 UNDERWOOD ROAD, PLYMOUTH. 10/01909/LBC (Pages 15 - 18)

Applicant: Mrs F Banks
Ward: Plympton Erle
Recommendation: Refuse

6.2 39 GLENFIELD ROAD, PLYMOUTH. 10/02070/FUL (Pages 19 - 22)

Applicant: Mr. Kevin Cross
Ward: Moor View
Recommendation: Grant Conditionally

- 6.3** STONEMASONS ARMS, 142 ALBERT ROAD, PLYMOUTH. **(Pages 23 - 34)**
10/01374/OUT
- Applicant: Crisplane Ltd.
Ward: Devonport
Recommendation: Grant Conditionally subject to section 106 agreement to be signed by 7 March 2011.
- 6.4** NORTH PROSPECT SCHEME, WOODHEY ROAD, **(Pages 35 - 74)**
PLYMOUTH. 10/02026/FUL
- Applicant: Barratt Homes
Ward: Ham
Recommendation: Grant Conditionally subject to section 106 obligation to be signed by 22 February 2011.
- 6.5** NORTH PROSPECT, FOLIOT ROAD, PLYMOUTH. **(Pages 75 - 102)**
10/02065/OUT
- Applicant: Barratt Homes
Ward: Ham
Recommendation: Grant Conditionally subject to section 106 obligation to be signed by the 21 February 2011.
- 6.6** CARLTON TERRACE, WESTON MILL, PLYMOUTH. **(Pages 103 - 114)**
10/02071/FUL
- Applicant: Mr Craig Francis
Ward: Ham
Recommendation: Grant Conditionally subject to section 106 obligation to be signed by 2 March 2011.
- 6.7** 33 WHITLEIGH VILLAS AND ADJACENT LAND, **(Pages 115 - 124)**
CROWNHILL, PLYMOUTH. 10/01880/REM
- Applicant: Messrs James and Adam Fritzsche
Ward: Eggbuckland
Recommendation: Grant Conditionally
- 6.8** PLOT G, LAND AT MILLBAY ROAD, PLYMOUTH. **(Pages 125 - 154)**
10/02131/FUL
- Applicant: English Cities Fund
Ward: St Peter and The Waterfront
Recommendation: Grant Conditionally subject to section 106 agreement to be signed by the 15 March 2011.
- 6.9** ROYAL INSURANCE BUILDING, ST ANDREWS CROSS, **(Pages 155 - 168)**
PLYMOUTH. 10/02081/FUL
- Applicant: Citimark Partnership Ltd
Ward: St Peter and The Waterfront

Recommendation: Grant Conditionally subject to section 106 obligation to be signed by the 8 March 2011.

6.10 LAIRA BRIDGE ROAD, PLYMOUTH. 10/02050/FUL (Pages 169 - 176)

Applicant: Aviva Investors Property Trust
Ward: Sutton and Mount Gould
Recommendation: Grant Conditionally

7. PLANNING APPLICATION DECISIONS ISSUED (Pages 177 - 214)

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 3 to 30 January 2011, 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 215 - 220)

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 13 January 2011

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: Paul Westrope (Lead Planning Officer), Mark Lawrence (Lawyer), Ross Jago (Democratic Support Officer)

The meeting started at 1.00 pm and finished at 3.20 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.

68. DECLARATIONS OF INTEREST

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

Name	Minute No. and Subject	Reason	Interest
Councillor Browne	6.7 Area 1B Cliffatford Road, Southway, Plymouth 10/01965/FUL	Ward Councillor.	Personal
Councillor Roberts	6.7 Area 1B Cliffatford Road, Southway, Plymouth 10/01965/FUL	Ward Councillor.	Personal
Councillor Lock	6.8 Dorsmouth, Drunken Bridge Hill, Plymouth. 10/01814/OUT	Applicant was known to Councillor.	Personal
Councillor Mrs Foster	6.8 Dorsmouth, Drunken Bridge Hill, Plymouth. 10/01814/OUT	Applicant was known to Councillor.	Personal
Councillor Mrs Stephens	6.8 Dorsmouth, Drunken Bridge Hill, Plymouth.	Applicant was known to Councillor.	Personal

	10/01814/OUT		
Councillor Stevens	6.8 Dorsmouth, Drunken Bridge Hill, Plymouth. 10/01814/OUT	Spoken to applicant previously.	Prejudicial

69. **MINUTES**

Agreed the minutes of the meeting held on 16 December, 2010.

70. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

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

There were no questions from members of the public.

72. **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 72.1, 72.6 and 72.8.

72.3 RIVER VIEW, PLYMOUTH 10/01680/FUL

(Sanctuary Housing Group)

Decision:

Application **GRANTED** conditionally subject to S106 obligation, delegated authority to refuse if S106 not signed by the 1 February 2011.

In reviewing samples under condition 10, planning officers would pay due regard to the committee's requirement for a suitable red brick to be used as the ground floor external material.

(Councillor Browne's proposal that under condition 10 Planning Officers shall require that a suitable red brick should be used on the ground floor of the building, having been seconded by Councillor Mrs Foster, was put to the vote and declared carried.)

72.2 6 PERSEVERANCE COTTAGES, BORINGDON HILL, PLYMOUTH 10/02054/FUL

(Mr and Mrs O'Connor)

Decision:
Application **GRANTED** conditionally.

**72.3 CHELSON MEADOW RECYCLING PARK, THE RIDE,
PLYMOUTH 10/02029/FUL**

(Plymouth City Council)
Decision:
Application **GRANTED** conditionally.

**72.4 135 ELBURTON ROAD, ELBURTON, PLYMOUTH
10/02023/PRDE**

(Mr G Evel)
Decision:
Issue of Lawful Use Certificate (PRO) **GRANTED**.

72.5 LAND AT ERNESETTLE LANE, PLYMOUTH 10/01533/REM

(The Trustees of St Budeaux Congregation of Jehova)
Decision:
Application **GRANTED** conditionally.

**72.6 PLUMER HOUSE, TAILYOUR ROAD, PLYMOUTH
10/02066/OUT**

(Land Registry)
Decision:
Application **DEFERRED** for consultation period, delegated
authority to refuse.

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

**72.7 AREA 1B CLITTAFFORD ROAD, SOUTHWAY, PLYMOUTH
10/01965/FUL**

(Taylor Wimpey)
Decision:
Application **GRANTED** conditionally, subject to S 106
obligation. Delegated authority to refuse if obligation not signed
by the 8 February 2011.

(Councillors Brown and Roberts declared a personal interest in
respect of the above application.)

**72.8 DORSMOUTH, DRUNKEN BRIDGE HILL, PLYMOUTH
10/01814/OUT**

(Mrs Maureen Lawley)
Decision:
Application **GRANTED** conditionally, subject to a further
condition dealing with issues of ground and surface water.

(Councillor Stevens, having declared a prejudicial interest in
respect of the above item, withdrew from the meeting.)

(Councillors Lock, Mrs Stephens and Mrs Foster declared personal interests in respect of the above item.)

(At the invitation of the Chair the committee heard from Councillor Beer, ward member speaking against the application.)

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

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

73. **PLANNING APPLICATION DECISIONS ISSUED**

The Committee received a report of the Assistant Director of Development (Planning Services) on decisions issued for the period 6 December 2010 to 3 January 2011, including –

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

74. **APPEAL DECISIONS**

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

75. **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 – 13 January 2011
SCHEDULE OF VOTING

Minute No. & Application		Voting For	Voting Against	Abstained	Excluded from voting due to Interest Declared	Absent
72.1	River View, Plymouth 10/01680/FUL	Councillor Lock, Roberts, Mrs Foster, Mrs Stephens, Stevens, Browne, Delbridge, Bowyer, Thompson, Tuohy and Vincent.	Councillor Wheeler			
72.2	6 Perseverance Cottages, Boringdon Hill, Plymouth 10/02054/ful	Unanimous				
72.3	Chelson Meadow Recycling Park, The Ride, Plymouth 10/02029/FUL	Unanimous				
72.4	135 Elburton Road, Elburton, Plymouth 10/02023/PRDE	Unanimous				
72.5	Land at Ernesettle Lane, Plymouth 10/01533/REM	Unanimous				
72.6	Plumer House, Tailyour Road, Plymouth 10/02066/OUT	Unanimous				
72.7	Area 1b Cliffaford Road, Southway, Plymouth 10/01965/FUL	Councillor Lock, Roberts, Mrs Foster, Mrs Stephens, Stevens, Browne, Wheeler, Bowyer, Thompson, Tuohy and Vincent.				Councillor Delbridge.
72.8	Dorsmouth, Drunken Bridge hill, Plymouth 10/01814/OUT	Councillor Lock, Roberts, Mrs Foster, Mrs Stephens, Browne, Wheeler, Delbridge, Bowyer, Thompson, Tuohy and Vincent.			Councillor Stevens.	

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Planning Committee

Thursday 20 January 2011

PRESENT:

Councillor Lock, in the Chair.

Councillor Roberts, Vice Chair.

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

Apologies for absence: Councillors Stevens and Delbridge.

Also in attendance: Paul Barnard (Lead Planning Officer), Julie Rundle (Lawyer), Ross Jago (Democratic Support Officer).

The meeting started at 1.10 pm and finished at 4.15 pm.

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

76. DECLARATIONS OF INTEREST

Name	Minute No. and Subject	Reason	Interest
Councillor Mrs Foster	79.1 Plymstock Quarry, The Ride, Plymstock, Plymouth 07/01094/OUT	Ward Councillor	Personal
Councillor Wheeler	79.1 Plymstock Quarry, The Ride, Plymstock, Plymouth 07/01094/OUT	Member of the Local Access Forum	Personal

77. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

78. QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no questions from members of the public.

79. 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 79.1. The case officer referred to a late letter of representation received from ATLAS (Advisory Team for Large Applications) commending the proposed S106 package.

**79.1 PLYMSTOCK QUARRY, THE RIDE, PLYMSTOCK,
PLYMOUTH 07/01094/OUT**

(Persimmon Homes)

Decision:

Application **GRANTED** conditionally subject to the following:

1. The completion of a S106 with the applicants, based on the scale and nature of provision and the requirements as indicated in Documents 2 and 3 detailed in the committee report. These requirements are seen as essential to adequately reflect local planning policies, the Plymouth City Council Core Strategy and NPAAP planning policies and proposals as indicated in this report.
2. The planning conditions (as outlined in document one) including an additional condition regarding the extent of the proposed Devon Bank and associated tree planting at the eastern end of the site.
3. Delegated authority to refuse if the S106 is not completed within six months of 20 January 2011.

(Councillor Mrs Stephen's proposal regarding the Devon Bank and associated planting, seconded by Councillor Browne, was put to the vote declared carried.)

(Councillor Mrs Foster and Councillor Wheeler declared a personal interest in the above item.)

(At the invitation of the Chair the committee heard from Councillor Leaves, ward member, in support of the application.)

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

(At the invitation of the Chair the committee heard from the applicants agent.)

(The attention of Committee Members was also drawn to the confidential report referred to in minute 81 below.)

80. **ANNUAL MONITORING REPORT 2010**

The committee received a presentation on the Annual Monitoring Report 2010.

Agreed to note the report.

81. **EXEMPT BUSINESS**

The case officer submitted a written report on planning obligations, providing further details on section 106 financial arrangements, for noting.

(See also minute 79.1 above).

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

PLEASE NOTE

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

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PLANNING COMMITTEE – 20 January 2011

SCHEDULE OF VOTING

Minute number and Application.	Voting for	Voting against	Abstained	Absent due to interest declared	Absent
5.1 Plymstock Quarry, The Ride, Plymstock, Plymouth 07/01094/OUT	Unanimous				

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PLANNING APPLICATIONS FOR CONSIDERATION

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

Addendums

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

Public speaking at Committee

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

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

- Ward Member
- Objector
- Supporter

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

Committee Request for a Site Visit

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

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

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

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

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

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

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

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

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

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

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

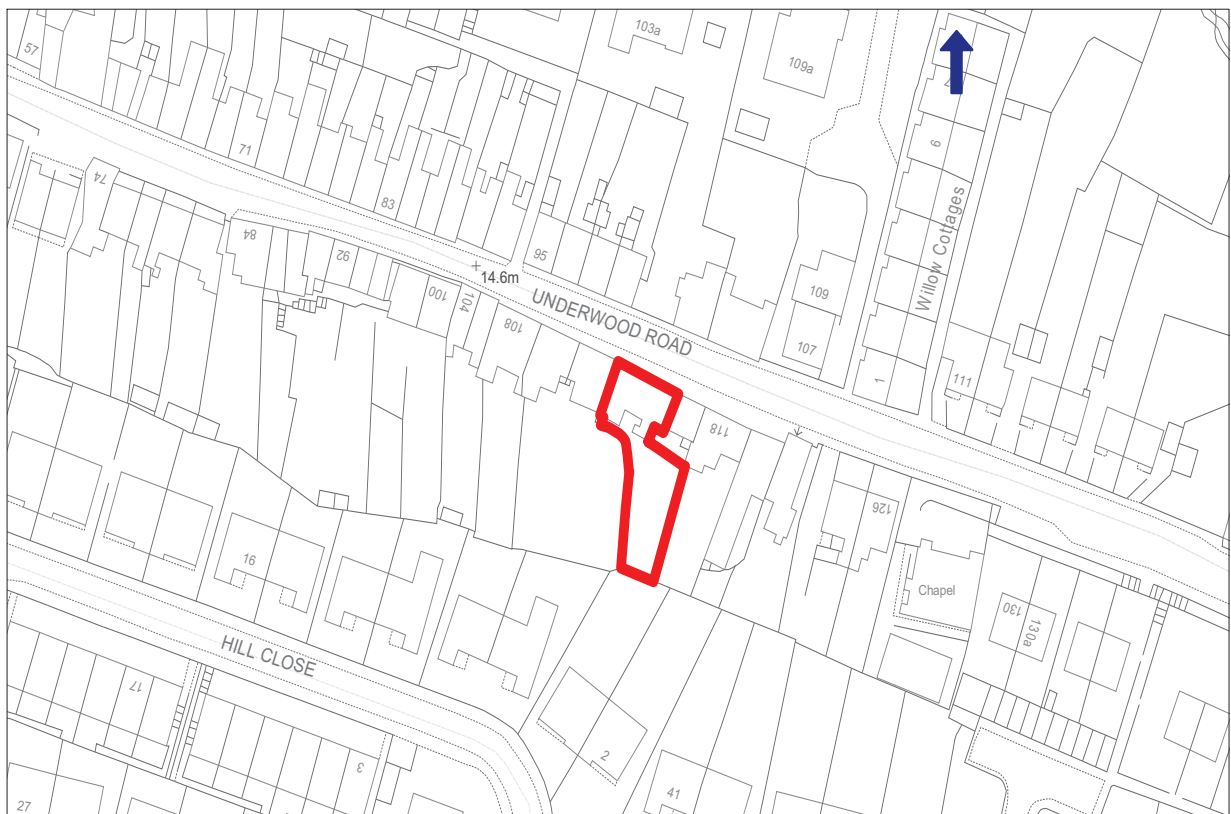
Decisions contrary to Officer recommendation

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

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

ITEM: 01

Application Number:	10/01909/LBC
Applicant:	Mrs F Banks
Description of Application:	Replace timber single-glazed windows with timber double-glazed windows
Type of Application:	Listed Building
Site Address:	114 UNDERWOOD ROAD PLYMOUTH
Ward:	Plympton Erle
Valid Date of Application:	08/11/2010
8/13 Week Date:	03/01/2011
Decision Category:	Member/PCC Employee
Case Officer :	Kate Saunders
Recommendation:	Refuse
Click for Application Documents:	www.plymouth.gov.uk



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OFFICERS REPORT

This application is brought before Planning Committee as the applicant is employed by Plymouth City Council.

Site Description

114 Underwood Road is a small cottage dating from approximately 1600, and is Grade II listed. The property is situated on a busy, single-width road in the Plympton area of the City. The street is comprised of a variety of housing styles.

Proposal Description

This is an application for listed building consent to replace timber single-glazed windows with timber double-glazed windows.

Relevant Planning History

83/01702/LBC – Alterations to dwellinghouse – Granted

96/00325/LBC – Retention of internal alterations – Granted

Consultation Responses

No external consultations requested or received

Representations

No letters of representation received

Analysis

The main issue to consider with this application is the effect on the character and fabric of the listed building.

The proposal involves the replacement of existing front and rear, single-glazed, timber windows with double-glazed timber windows.

The application states that the windows will be a 'like for like' replacement for the existing, with the only difference being the installation of double glazing. In fact, the proposed new windows do not replicate the existing in terms of function (bottom opening as opposed to top opening) or design (more complex sections and finish details for the proposed windows are shown on the submitted drawings and photographs). They can therefore be considered as new designs, and are of an undistinguished modern design which is completely inappropriate to a building of this type and date.

The proposed new windows will be double glazed, with the section measuring approximately 28mm. This depth of the window unit is completely unacceptable in a Listed Building, introducing, in particular, the matt mirrored effect that is so noticeable in double glazing, and which has such a

deleterious effect on the character and appearance of modest vernacular historic buildings of this type and date.

It is considered that the proposed replacement windows would not enhance or improve the character of this Listed Building, and the addition of double glazing will only add to this negative effect.

Your officers recommend that any replacement windows will need to be high quality timber windows of either casement or sliding sash type of a design more appropriate to the building. These can then be weather stripped which will improve their thermal efficiency (and this can be further improved by the use of secondary glazing) and made, or part-made, in hardwood which will improve their longevity.

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 be detrimental to the character and fabric of the listed building and is therefore recommended for refusal.

Recommendation

In respect of the application dated **08/11/2010** and the submitted drawings, **Location plan, Proposed elevations, Existing photos, Window specification, Window sections, Window plan, and accompanying Design and Access Statement** , it is recommended to: **Refuse**

Reasons –

DETRIMENTAL TO LISTED BUILDING

(1) The Local Planning Authority considers that the proposed replacement windows, by virtue of their form and design, are inappropriate and will be detrimental to the character and fabric of the listed building. The windows are of a modern design which is unsuitable for a building of this age and style. The double-glazed units will be heavy compared to traditional single-glazed units and will introduce the matt-mirrored effect which is often evident with double-glazing and will have a harmful effect on the character and appearance of the listed building. This is contrary to PPS5 "Planning for the Historic Environment" and to Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006 -2021) 2007.

Relevant Policies

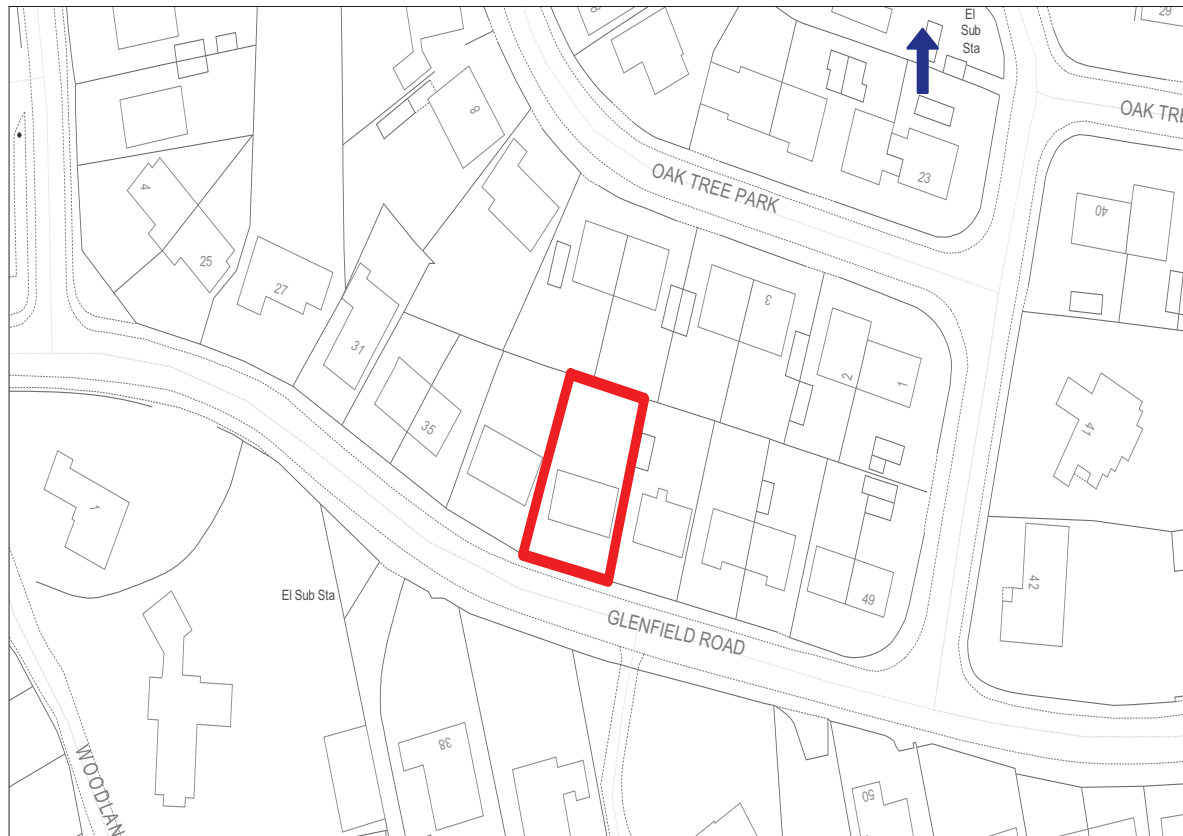
The following (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, were taken into account in determining this application:

CS03 - Historic Environment

PPS5 - Planning for the Historic Environment

ITEM: 02

Application Number:	10/02070/FUL
Applicant:	Mr Kevin Cross
Description of Application:	Garage conversion, first floor side extension and single storey rear extension
Type of Application:	Full Application
Site Address:	39 GLENFIELD ROAD PLYMOUTH
Ward:	Moor View
Valid Date of Application:	07/12/2010
8/13 Week Date:	01/02/2011
Decision Category:	Member/PCC Employee
Case Officer :	Adam Williams
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



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OFFICERS REPORT

This application is to be presented to Planning Committee on the basis that the agent is a Plymouth City Council Employee

Site Description

39 Glenfield Road is a detached bungalow located within the Glenholt area of Plymouth City. The property is built on a sloping gradient which slopes from the west at the highest point to east at the lowest point. To the rear of the property lies some high hedging.

Proposal Description

Garage conversion, first floor side extension and single storey rear extension. The first floor element will be built above an existing side garage/kitchen.

Relevant Planning History

None.

Consultation Responses

Transport – Recommended refusal due to the following reasons:-

- Loss of car parking
- Glenfield road is a bus route and therefore on-street car parking should be discouraged
- Low level bus service therefore reliance on the car is greater

Representations

No letters of representation were received

Analysis

This application turns upon Policy CS34 of the City of Plymouth Core Strategy 2006-2021 and supplementary planning document 'Development Guidelines'. The primary planning considerations are the impact on neighbour amenities and the impact on the character and visual appearance of the area as detailed below.

Design

The proposal of a first floor extension does not raise any key objections, the sloping roof proposal to the front to match the existing house is welcome and this design choice ensures the impact is kept to a minimum within the neighbouring streetscene. In addition the rear roof slope will match the gradient of the adjacent dormer window. Usually rear extensions need to demonstrate a set down in the ridge height in order for the extension to appear subordinate; however this would appear incongruous next to this dormer.

The construction of this first floor extension will cause the property to have a tall blank west facing wall, which from a visual perspective is unwelcome. This was brought to the attention of the agent who later proposed a change to this

elevation which involved the placement of two obscure glazed windows on the first floor. This is considered acceptable, and acts to break up the otherwise blank appearance of this elevation.

The flat roof on the single storey element of the extension ('sunroom') to the rear whilst normally not desirable, is considered acceptable in this case as the flat roof will be to the rear of the property and completely unseen from public vantage points.

Neighbouring amenity

The impact is limited with regards to the neighbouring amenity of No 37 Glenfield Road as there are no windows proposed in the side elevation at first floor level. With regards to sunlight the properties are orientated to face the south, therefore the gardens face north. This means the properties cast their own shadows which leads to the gardens being shaded most of the day, this was apparent on site. It is considered the increasing of the side of this property to have two storeys will not cause additional harm to the neighbouring dwelling.

Privacy is usually a concern for these types of extensions, particularly when windows are situated on the side which face neighbouring gardens. However, the property currently has a rear dormer and the view from this dormer was assessed on site. Overlooking is already apparent from these windows to all the adjacent surrounding properties and the provision of a side facing window will not add to this significantly. It was noted on site that the largest degree of overlooking exists window closest to No 35 Glenfield Road and the window farthest away (close to where the proposed side facing window will be situated) a lessened degree of overlooking existing due to a large shed in the neighbouring garden.

In terms of the conversion of the garage into living accommodation, whilst it is recognised Glenfield Road is a bus route and the conversion will result in the loss of one parking space, it is seen that the conversion is covered within general permitted development and therefore considered acceptable. It was apparent upon visiting the site, on street parking is already taking place however there is still an acceptable level of car parking available on street along this road and additionally the property has an adequate sized driveway for the parking of one vehicle.

The juliet balcony proposed for the first floor side elevation is proposed to be removed from the proposals and a tall window situated in its place. The reasoning behind this was to prevent occupiers from walking out of the Juliet balcony onto the flat roof created by the new single storey rear extension.

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed

against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equalities & Diversities issues

None

Conclusions

Recommended for approval

Recommendation

In respect of the application dated **07/12/2010** and the submitted drawings, **01, 02, 03, 04, 05A & 06A** , 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.

APPROVED PLANS

The development hereby permitted shall be carried out in accordance with the following approved plans: (01, 02, 03, 04, 05A & 06A)

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

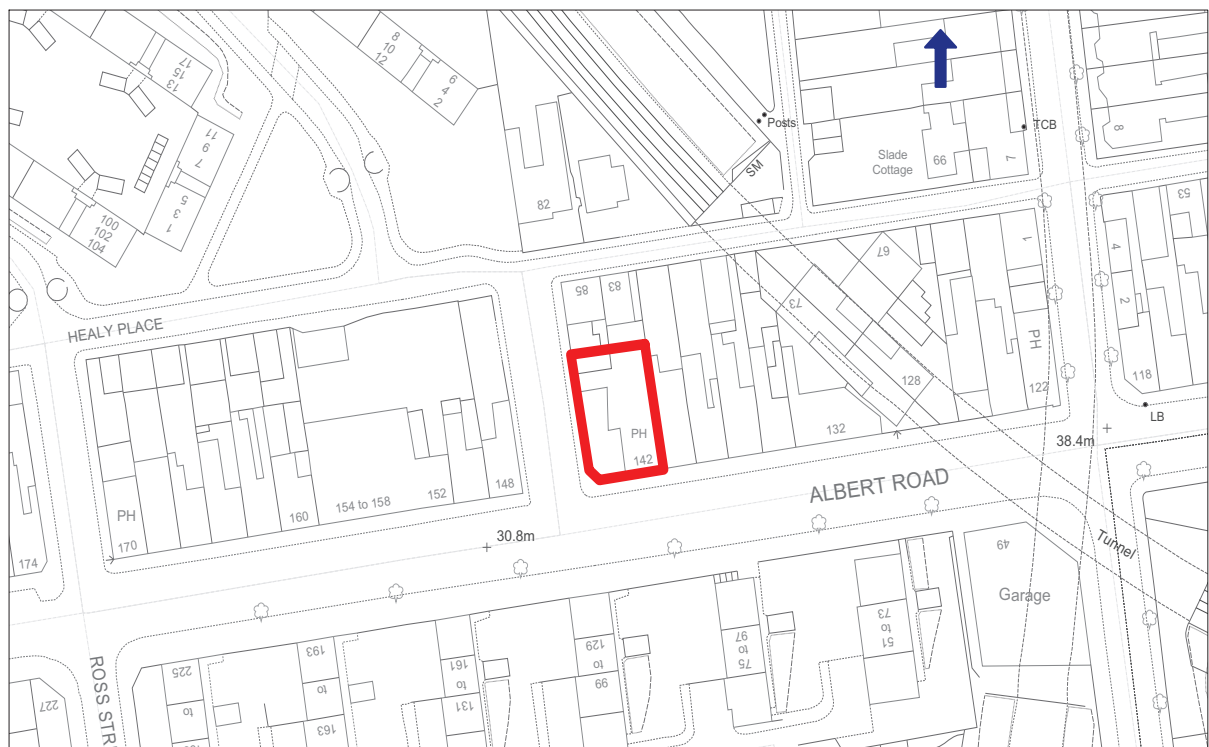
Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the impact on neighbour amenities and the impact on the character and visual appearance of the area, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified 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: 03

Application Number:	10/01374/OUT
Applicant:	Crisplane Ltd
Description of Application:	Renewal of outline application to redevelop the site with the erection of 11 flats with associated car parking, cycle and bin store
Type of Application:	Outline Application
Site Address:	STONEMASONS ARMS, 142 ALBERT ROAD PLYMOUTH
Ward:	Devonport
Valid Date of Application:	01/11/2010
8/13 Week Date:	31/01/2011
Decision Category:	Major Application
Case Officer :	Karen Gallacher
Recommendation:	Grant Conditionally Subject to Section 106, agreement to signed by 7 th March 2011
Click for Application Documents:	www.plymouth.gov.uk



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OFFICERS REPORT

Site Description

The site is occupied by a former public house (The Stonemasons), which has been shut for a considerable period of time, with staff living accommodation above. The site is located at the corner of Albert Road and Healy Place and is occupied by a building arranged over three storey at the front of the site and diminishing to two storey at the rear of the site. There is an area of open land around the perimeter that was used as a beer garden.

Proposal Description

Demolish existing buildings and erect a new building containing 11 flats consisting of 7 two bedroom units and 4 one bedroom units. There are proposed to be 4 off road parking spaces, there is space within the building to provide covered cycle parking.

Relevant Planning History

06/00960 – Erection of building with 12 flats – REFUSED

06/01641/OUT – Outline application to redevelop the site with the erection of 11 flats with associated car parking, cycle and bin store. – GRANTED

08/00816/REM – Reserved matters in association with above - GRANTED

Consultation Responses

Highway Authority – No objections subject to conditions.

Environmental Services – Object to lack of information in respect of contamination.

Representations – None

Analysis

This is an application to renew a previous outline application (06/01641/OUT). The details for consideration at this outline stage are the siting/layout, access and scale.

The main considerations are the likely impact that the scale, layout/siting and access would have on neighbouring property, visual amenity, highway safety, infrastructure, and contamination. As the application is a renewal there is a presumption that the application will be determined in line with the previous decision unless there have been material changes on site or in policy terms. There would not appear to be significant changes on site, but the policy background has changed significantly with the adoption of the core strategy and significant development plan documents.

Impact on neighbours

The illustrative plans show that a building could rise to four storey along the Albert Road frontage and descend to one storey at the rear of the site and still have an acceptable impact on neighbouring property. The critical part of the scheme is the relationship with the two houses at the rear of the site, numbers 83 and 85 Healy Place. There will be an impact to both properties as the new building would be erected on the south side of both houses. The relationship with 83 is acceptable as the largest part of the building is shown along the frontage with Albert Road and the scale matches that which exists next to the site. The main property affected is number 85 as building is proposed where there was none before. There would be a distance of just over 10 metres between the side of number 85 and the two storey element of the new development, the building then slopes upwards to a third then final fourth storey. There will be an impact to the garden and some limited living accommodation but this has to be balanced against the provision of new homes in a sustainable location and providing a run down parcel of land with a positive development opportunity. On balance it is considered that an acceptable form of development, as shown on the illustrated plans, could be achieved that would comply with policies CS15 and CS34 in terms of neighbours' amenity.

Visual amenity

The illustrative plans show a layout/siting that offers a very positive solution and proposes development to the sides of the boundaries of the site and provides a degree of natural surveillance. At this stage, however, the submitted plans showing the appearance of the building are not for consideration and only provide an indication of scale. The scale, siting and layout are, however, considered to meet the requirements of policy CS02, CS34, the sustainable design guidelines SPD and the development guidelines SPD.

Infrastructure

In 2006 there was no request for this development to meet infrastructure requirements. Under the current policy in the core strategy the scheme for 11 flats would be required to make a contribution towards the impact of the development, as outlined by the tariff and subject to CIL Regulation. The applicant has agreed the following heads of terms to mitigate the impact of the development.

Primary schools. The development provides for family accommodation which will generate a demand for school places. The Council's Children's Services have provided evidence that there is likely to be a deficiency of school places in the locality from 2012/13 given projected population growth. The development will therefore generate an impact that needs to be mitigated. The estimated cost of mitigating this impact is £11,291.

Playing Pitches. The development is in a location that is deficient in terms of access to playing pitches. There is therefore an impact

on infrastructure requirement that arises as a result of the development, namely the provision of improved access to playing pitches. The estimated cost of mitigating this impact is £6754.

Local green space. The development is in a location that is deficient in terms of access to green space. There is therefore an impact on infrastructure requirement that arises as a result of the development, namely the provision of improved access to green space. The estimated cost of mitigating this impact is £3723.

Local play space. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact on existing play facilities, most specifically an additional pressure on its management. The estimated cost of mitigating this impact is £1733.

Strategic green space. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the quality of environmental sites protected by legislation, particularly through increased recreational demands. The Council has a legal obligation through the Habitats Regulations Assessment of the LDF Core Strategy and relevant Development Plan Documents to seek mitigation for such cumulative impacts. The estimated cost of mitigating this impact is £8305.

European Marine Site. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the environmental quality of European Marine Site particularly through increased recreational demands. The Council's has a legal obligation through the Habitats Regulations Assessment of the LDF Core Strategy and relevant Development Plan Documents to seek mitigation for such cumulative impacts. The estimated cost of mitigating this impact is £196.

Strategic sports facilities. By reason of the increased population facilitated by the development and the increased demand for use of sports facilities, it will contribute to the cumulative impact of development on the city's sports infrastructure. The estimated cost of mitigating this impact is £5307.

Strategic transport. By reason of the increased population facilitated by the development and the increased demand for journeys, it will contribute to the cumulative impact of development on the city's strategic transport infrastructure. This will bring the likelihood of increased congestion and pollution unless there is adequate mitigation. The estimated cost of mitigating this impact is £27,449.

Strategic public realm. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the City Centre's public realm. This is because there will be a greater level use of the City Centre which itself generates extra pressure on the existing infrastructure. The estimated cost of mitigating this impact is £629.

The application would also generate a management fee of £1,674.

Highway safety

The site is considered to be in a sustainable location and the level of parking for cars and bikes shown on the illustrative plans is considered to be acceptable for 11 flats. Transport is satisfied that a turning area and adequate visibility could be provided and that there would be no conflict with CS28. There has also been a request for highway improvements to be included in the S106 agreement, but as these were not requested at the time of the original application it is not considered reasonable to include them in this renewal application.

Contamination

Public Protection Service recommends refusal of the proposed development because there is insufficient information to demonstrate that the risk of contaminated land or that the risk of pollution to controlled waters is acceptable. However, the policy on this issue has not changed since the last application and it is not therefore advisable to refuse the application on these grounds, when it was considered to be acceptable previously. We recommend, in the circumstances, that planning conditions should be used to deal with this issue.

Renewable energy

The applicant has agreed to provide a report identifying how a minimum of 15% of the carbon emissions for which the development is responsible will be off set by low carbon production methods. The development is therefore considered to comply with CS20.

Lifetime homes

The applicant has agreed that at least 20% of the units will be built and subsequently maintained to lifetime homes standard. The application complies with CS15 in this respect.

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

These are outlined in the report above.

Conclusions

This renewal application has been assessed against the current polices and it is recommended that the application be granted with delegated authority to refuse if the section 106 agreement is not signed by 7th March 2011.

Recommendation

In respect of the application dated **01/11/2010** and the submitted drawings, **Site plan, 454 - 021/b, 022/a, 023/b, 024/a and accompanying design and access statement.** , it is recommended to: **Grant Conditionally**

Conditions

APPROVAL OF RESERVED MATTERS

(1) Approval of the details of appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required.

SUBMISSION OF RESERVED MATTERS

(2) Plans and particulars of the reserved matters referred to in condition 1 above, relating to the appearance and landscaping shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required.

TIME LIMIT FOR SUBMISSION

(3) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason:

To comply with Section 92 of the Town and Country Planning Act 1990.

TIME LIMIT FOR COMMENCEMENT

(4) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason:

To comply with Section 92 of the Town and Country Planning Act 1990 and Section 51 of the Planning and Compulsory Purchase Act 2004.

ACCESS CONSTRUCTION BEFORE OCCUPATION

(5) The building shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity in accordance with policy ATR5 of the adopted City of Plymouth Local Plan 1996.

CAR PARKING PROVISION

(6) The development shall not be occupied until space has been laid out within the site in accordance with the Approved plans for a maximum of 4 cars to be parked.

REASON:

In the opinion of the Local Planning Authority, although some provision needs to be made, the level of car parking provision should be limited in order to assist the promotion of sustainable travel choices in accordance with PPG13.

CYCLE PROVISION

(7) No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plans for a minimum of 7 bicycles to be parked.

REASON:

In order to promote cycling as an alternative to the use of private cars in accordance with guidance in PPG3.

CYCLE STORAGE

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

REASON:

To ensure that there are secure storage facilities available for occupiers of or visitors to the building.

CODE OF PRACTICE DURING CONSTRUCTION

(9) Before any development is commenced, a Code of Practice shall be submitted to and approved by the Local Planning Authority which shall indicate measures to mitigate against adverse effects of noise, dust and traffic generation during the construction of the proposed development. The Code of Practice shall indicate: -

a. the proposed hours of operation of construction activities;

- b. the frequency, duration and means of operation involving demolitions, excavations, drilling, piling, concrete production and dredging operations;
- c. sound attenuation measures to be incorporated to reduce noise at source;
- d. details of measures to be taken to reduce the generation of dust;
- e. the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material.

The Code of Practice shall be strictly adhered to during all stages of the construction of the proposed development.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy AEV49 of the adopted City of Plymouth Local Plan First Alteration 1996.

CONTAMINATION

(10) 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 11, 12 and 13 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 13 has been complied with in relation to that contamination.

Reason:

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

CONTAMINATION RISK ASSESSMENT

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

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

ecological systems; and

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

Reason:

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

CONTAMINATION REMEDIATION MEASURES

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

Reason:

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

UNIDENTIFIED CONTAMINATION

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

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

Reason:

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

UNEXPECTED CONTAMINATION

(14) 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 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 10.

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

LIFETIME HOMES

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

Reason:

In order to deliver an adequate level of housing that is designed to the Lifetime Homes Standard that will be convenient for most occupants, including some (but not all) wheelchair users and disabled visitors, without the necessity for substantial alterations in accordance with adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007 Objective 10, Policy CS15, and relevant Central Government advice.

RENEWABLE ENERGY

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

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

Reason:

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

Statement of Reasons for Approval and Relevant Policies

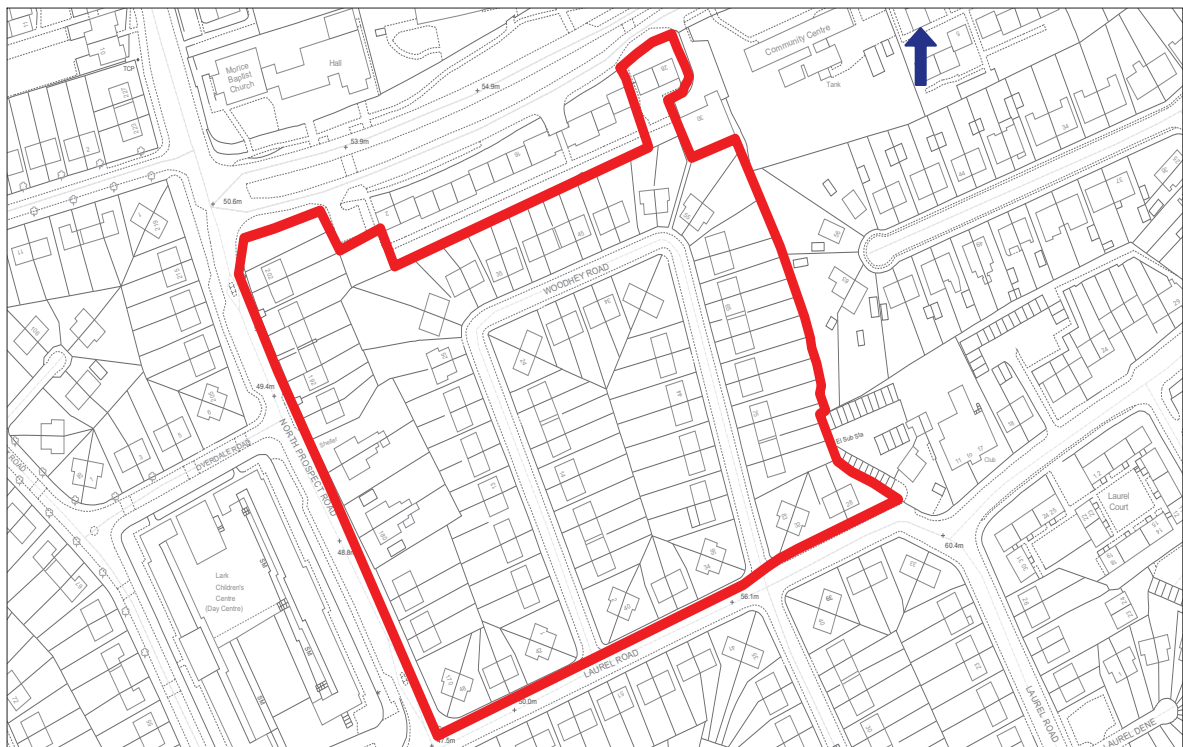
Having regard to the main planning considerations which in this case are considered to be: the loss of the existing use and replacement with residential, the impact to adjacent properties, the access arrangements, the standard of accommodation and associated matters, the proposal is not considered to be demonstrably harmful to local amenities. In the absence of any other overriding considerations, and with the imposition of the specified planning conditions, the proposed development is acceptable and complies with the following policies of the Devon Structure Plan (2001 to 2016) 2004, the adopted City of Plymouth Local Plan First Alteration 1996, Plymouth Local Development Framework, Core Strategy, Regional Spatial Strategy and North Plymstock Area Action Plan (the status of these documents is set out within the City of Plymouth Local Development Scheme 2006), and relevant Planning Guidance Notes, Statements and Government Circulars as follows:

- PPS23 - Planning & Pollution Control
- CS28 - Local Transport Consideration
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS15 - Housing Provision
- SPD2 - Planning Obligations and Affordable Housing
- SPD1 - Development Guidelines
- SPD3 - Design Supplementary Planning Document

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ITEM: 04

Application Number:	10/02026/FUL
Applicant:	Barratt Homes
Description of Application:	Redevelopment of site by erection of 148 new mixed tenure homes in the form of 117 houses, 23 flats and 8 coachhouses with associated parking and amenity areas (demolition of all existing buildings on site)
Type of Application:	Full Application
Site Address:	NORTH PROSPECT SCHEME, WOODHEY ROAD PLYMOUTH
Ward:	Ham
Valid Date of Application:	30/11/2010
8/13 Week Date:	01/03/2011
Decision Category:	Major Application
Case Officer :	Carly Francis
Recommendation:	Grant conditionally subject to S106 Obligation, to be signed by 22 nd Feb 2011
Click for Application Documents:	www.plymouth.gov.uk



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OFFICERS REPORT

Site Description

The area of housing subject of this application is bounded by North Prospect Road to the west, Laurel Road to the south, with some bungalows and Ham Drive to the north and dwellings to the immediate east. There are 98 existing homes in total and these are mainly made up of semi-detached pairs that have hipped roofs and are mostly rendered with a grey or red tiled roof.

The bungalows to the north are around 10m from the northern boundary of the site. The two eastern most homes in this terrace fall within the proposed development site. Ham Drive lies immediately to the north of this and on the opposite side of Ham Drive there are a number of community buildings including the Mayflower Community School with associated playing fields and Morice Baptist church.

To the west of the site on the opposite side of North Prospect Road is the former North Prospect Primary School, which is currently utilised for police training and local community facilities.

Proposal Description

This is part of the first phase of redevelopment in North Prospect. It is proposed to demolish all of the existing buildings on site and to redevelop the area with 148 new mixed tenure homes in the form of 117 houses, 23 flats and 8 coachhouses.

The unit types proposed are:

- 7- 1 bedroomed flats
- 24- 2 bedroomed flats
- 56- 2 bedroomed houses
- 45- 3 bedroomed houses
- 16- 4 bedroomed houses

A total of 225 parking spaces are proposed.

Relevant Planning History

Nil.

Consultation Responses

Highway Authority- the Transport Service comment that the applicant has produced this application following extensive pre-planning application discussion with relevant officers and therefore no objections are raised providing the following conditions are attached; conditions regarding street details, road alignment and drainage, completion of roads and footways, access for contractors and cycle provision, a code of practice during construction, highway improvements and a staff travel.

Highway Agency- The Highways Agency (HA) currently directs that planning permission not be granted for 6 months from 7 January 2011 to allow the applicant to provide additional information which will enable the HA to fully assess the impact of the proposed development on the A38. The Direction has been placed due to a lack of time to review information, specifically the Strategic Transport Assessment which forms a basis for the Phase 1 Transport Assessment findings. The developers consultants are currently liaising with the HA to remove this Holding Direction, the HA have indicated that they will be working to remove the Holding Direction prior to the application going to Planning Committee on 10 February 2011. An update shall be provided by way of an addendum.

Public Protection Service- no objections, however recommend that conditions regarding a code of construction and land quality assessment be attached to any grant of planning permission.

Housing Enabling Team- no objections.

Environment Agency- no objections but recommend that conditions relating to a land quality assessment and surface water management be attached to any grant of planning permission.

Parks Services- request a contribution towards upgrading local parks.

Education Department- request a contribution towards primary school provision.

The Education Department comment that this development lies within the South West locality, which has been identified as one of the localities with the fastest growing Primary school population. Three Primary schools surround the development, Pennycross Primary, Western Mill Primary and Mayflower Primary. Both Pennycross and Western Mill have around 6% surplus capacity and Mayflower is currently oversubscribed.

Pupil numbers in Pennycross and Western Mill are rising and the Education Department predict that they will be full within the next two years.

By next year schools within the area will be oversubscribed and any additional housing will generate more children that will need to be accommodated within these schools. Therefore the Education Department are seeking a Section 106 contribution of £96,579 for Primary Education This figure is requested jointly between phases 1A and B. Education are not requesting any contribution for Secondary Education at the present time.

South West Water- no comments received.

Devon Fire and Rescue- no comments received.

Westcountry Ambulance Service- no comments received.

British Gas- no comments received.

Public Rights of Way Officer- no comments received.

Health and Safety Executive- no objections.

Police Architectural Liaison Officer- no objections, having been fully consulted at the pre-application stage Devon and Cornwall Constabulary support this application.

Representations

3 letters of representation (2 identical letters):

All objecting on the basis that:

- There would be a loss of privacy.
- There would be a reduction in daylight.
- The positioning and proximity of new properties is not in accordance with the residential guidelines.

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 considerations for this proposal include the needs of the local community and wider area, the impact on neighbouring properties, on the highway and trees, the design and amenity of the residential units proposed and the aim to create a sustainable linked community. The main policies relevant to this planning application are CS01, CS02, CS03, CS15, CS16, CS18, CS19, CS20, CS21, CS22, CS28, CS30, CS31, CS32, CS33 and CS34 of the adopted Core Strategy, the Planning Obligations and Affordable Housing SPD, and the North Prospect Sustainable Neighbourhoods Assessment. National Guidance that is of relevance includes PPG13, PPS1, PPS3, PPS 22 and PPS23.

This application did form the subject of pre-application discussions, which proved vital in shaping the layout, design and amenities of the scheme that has emerged.

Community Consultation

A Statement of Community Involvement was submitted with this application.

In order to assist with the community consultation and communication, Barratt Homes appointed Remarkable Engagement, a specialist communications consultancy, to form part of its wider project team for the proposed redevelopment.

Prior to submitting their application for the redevelopment of the site, Barratt Homes and PCH undertook a programme of community consultation and engagement. This was in the form of Public Exhibitions. Two public exhibitions were held in order to give the local community the opportunity to view, consider and provide feedback on the proposals.

The first was a drop-in event as part of the annual 'World on the Green' Fair on Cookworthy Green, organised by the North Prospect Partnership. The second was an informal exhibition at the former North Prospect Primary School, to which local residents and their elected representatives were invited. For each of these events invitations were issued to some 1,500 properties on the North Prospect estate. The second exhibition was also advertised in the Herald newspaper and on the radio.

Full sets of the material on display at both exhibitions were available at the event for individuals to take away. Feedback forms were supplied to all attendees, which could either be filled in at the venue or posted back by using the supplied post-paid envelopes. These were then collated and the feedback analysed. Attendees were also able to benefit from a workshop with the project architect where specific house plans could be discussed and enhancements to the master plan suggested.

During the consultation, access to a telephone enquiry line was offered to those who wished to find out more about the proposals or register their comments via telephone. This telephone enquiry line was manned between the hours of 8.30am to 5.30pm, with a message facility out of hours.

From the date of the first event (4th September), a supporting website was available (www.northprospect.com), enabling visitors to view the display materials from the public exhibitions, read the press releases and provide feedback directly online. The web address was listed on the press adverts and feedback forms to enable those who could not attend the exhibitions to view the proposals.

Comments made during and as a result of the public consultation events have been taken on board in forming the proposals. For example some of the points made included comments commending the layout of the scheme, expressing concerns regarding the layout and size of dwellings, comments on parking provision and on play areas for children.

Following the review of such feedback, Barratt Homes and PCH revised the master plan and incorporated suggestions made by residents relating to green spaces, trees and street layouts. The need for two-bedroom properties in North Prospect was also realised, given the current dominance of three-bedroom houses, as were the current parking demands. Therefore a mix of

housing types is proposed and parking provision has been carefully considered.

Barratt Homes and PCH are continuing to engage the local community following the submission of the application. A further exhibition was held at North Prospect Primary School on the 15th December 2010. A newsletter was published in December and further newsletter is planned to be published around the end of January/ beginning of February and the freephone information line is available for the duration of the application. The project website will also be updated as more information becomes available.

Thorough public consultation has taken place and is continuing to take place in accordance with Plymouth City Council's Statement of Community Involvement.

Setting the Context

The current form of North Prospect can be traced back to the 1920s when the area, then known as the Swilly Estate after the local landowner, was developed as 'Homes for Heroes' – low cost, quality housing for retiring officers returning from the First World War. This is reflected by a predominance of 3 bedroom houses, mostly enjoying very large gardens intended to allow families on lower income to benefit from better but affordable diets by growing their own food. This concept is also reflected in the wider street network and site layout, which is based on principles developed by the Garden City Movement for many new suburbs and new towns across the UK. Although the dwelling fronts are quite far apart relative to modern standards, the actual streets are narrow, reflecting low car ownership at the time, but with wide pavements and many good quality mature trees, predominantly lime.

There are a number of reasons why North Prospect is in need of regeneration, primarily due the poor condition of many of the houses but other problems include the effect of significant topographical changes across the site, the lack of connections through the site, the poor quality of the existing open spaces and the significant crime problem in the area.

This application is the first phase in the redevelopment of North Prospect. Three phases of rebuilding and refurbishment are proposed with the majority of new build occurring in the Northern area of North Prospect. Central and southern areas will focus on refurbishment with pockets of new build where homes are beyond economic repair. Phase 2 and 3 will improve and enlarge Cookworthy Green and link this to the new community services within Phase 1.

Layout and Building Form

One of the key aims of the layout is to improve the link from North Prospect Road and from what will be the hub, through to Ham Drive and the Mayflower Community School. This formed the basis for the new road pattern and this new route is complemented by a new pedestrian connection on the west side of North Prospect Road opposite Overdale Road. The sequence of spaces is

further expressed by inter connecting a sequence of incidental open spaces, which allow views through the site based around retained trees as landmarks and points of orientation.

The average density of housing in North Prospect at the moment is 31 dwellings per ha. The North Prospect Sustainable Neighbourhoods Assessment (SNA) identifies this as being too low and states that options for increasing density in North Prospect should be considered. The redevelopment would mean that Phase 1A would have a density of 48 dwellings per hectare, therefore still allowing homes to have a good standard of amenity while addressing the low density concerns raised in the North prospect SNA.

The frontage to North Prospect Road is the primary route through the area and has been designed to reinforce the importance of this route through the use of three storey buildings, and landmark buildings to bookend the elevations and define arrival in the area of regeneration. As well as reflecting the primacy of North Prospect Road locating three storey buildings here places them at the lowest and steepest point of the site and means the dwellings can accommodate the level through the use of split level units, minimising the impact on adjacent properties. This is particularly true of the flats which accommodate the level change while minimising the impact on rear gardens. The rest of the dwellings on the site are proposed to be two storey.

The Mews Street proposed is contrasting in comparison with a small and intimate street that is created in the manner of a traditional mews. It will be more informal in character to promote greater permeability for pedestrians and reduce vehicular priority. The greater emphasis on pedestrians will be reflected in the scale and detailing of the street - smaller paving units and varied frontages throughout the street.

The main street through the neighbourhood will have mature trees retained at its entry points to create distinct gateways. The street will be punctuated by tree planting and incidental green spaces to provide stopping off places. The generous proportions of the street will be reinforced by larger semi detached houses set back from the carriageway to clearly indicate the importance of the route.

Certain landmark blocks are identified within the overall layout such as the building that sits at the cross roads of North Prospect Road and Laurel/Cookworthy Road. This creates a gateway to the renewed frontage to North Prospect Road while the flats capture key views down Cookworthy Road. A similar landmark building is proposed at the junction with Overdale Road.

In addition these landmark buildings are supported by a series of vista stoppers and gateway features that reflect the topography, character area and views to create a further level of hierarchy within the built form. As an example of these gateway features the northern most house at the junction of Ham

Drive and North Prospect Road is enhanced through the addition of a bay window. This will signal arrival in the regeneration area while feathering the new development with the scale of the surrounding homes. Similar features are used at the gateways to Laurel Road and opposite Overdale Road and these forms echo the expressed balconies used on the principle landmark plots.

The Layout of the site was driven by the desire to encourage activity and generate a sense of community. Good pedestrian links have been identified as crucial to encouraging inclusive activity - creating a permeable network that encourages the connection of existing and newly proposed facilities. It is also important however that the topography of the site is respected and the layout designed to give a sense of place and a distinctive identity. The application has achieved this and it is deemed that the proposals accord with Policy CS02 and CS34.

Secured by Design

The proposals have aimed to incorporate Secured by Design principles by achieving natural surveillance in active neighbourhoods through the design of the layout, the mix of dwelling types and connection to established movement networks. Routes through and around the proposed development are well defined, well lit, overlooked and busy. All routes provide clear delineation between the public realm and private realm thus protecting private spaces. Separate rear footpaths have been avoided.

In determining the final layout the Police Architectural Liaison Officer has been heavily involved. As is identified in the North Prospect Sustainable Neighbourhoods Assessment (SNA), North Prospect is ranked the worst area in Plymouth in terms of crime. Therefore it was essential that the physical make up of the area does all it can to address this. The architects have therefore worked hard with Police Architectural Liaison Officer in order to eradicate any areas which could perhaps become 'hot spots' for antisocial behaviour. An existing problem area that has been improved in the new layout is around the garage off Ham Drive. A decision was made to retain the existing garage/ workshop as this is a successful business within North Prospect that also provides training facilities for young people in the area; however there is currently an enclosed passageway that runs alongside it. It is proposed to demolish two adjacent bungalows to allow this area to be opened up and better overlooked. By increasing the width, providing good lighting and making sure the route is clear of planting which might obstruct view, this will not only help to reduce crime levels and the fear of crime, but a gateway will also be formed to Ham Drive connecting to the community school and the bus stop.

The overlooking of areas such as parking courts has also been maximised and a feeling of openness maintained throughout the proposed layout. It is therefore considered that the proposals accord with policies CS32 and CS34.

Design and Materials

The homes are proposed to be predominantly rendered with a palette of five different colours to subtly reflect the different character areas and the hierarchy within the built form. The majority of homes feature a light off white render with the use of terracotta render to pick out key building forms.

The homes feature a shared language of fenestration that reflects modern lifestyles with a preference for large windows providing lots of natural light and views. A few simple window typologies are shared across the whole site to create a unified character. They are generally given a vertical emphasis which maximises views into open spaces.

Entrance canopies will be provided these will feature lighting as well as clear definition of the house number. They will be finished in a dark grey to contrast with the light rendered finish of the main buildings.

Balconies will be used to capture key views while expressing important corners within the overall development. In the majority of cases these are formed by steel work but at the key junction of North Prospect Road and Laurel Road the balconies are given a stone wall edging which will both enhance their privacy and reflect the landmark nature of this corner.

The roofs have been designed to optimise roof planes for solar collection. Where ever possible one of the roof slopes is orientated within 15 degrees of south, elsewhere they are provided with a west facing slope which provides the second highest performance. Where there are small extensions from the main built form, for example as single storey additions or around entrance porches these are given very low pitch roofs. This is both to minimise overshadowing and allow the primary nature of the overall building mass to be clearly expressed. The roof materials vary to reflect their context. The primary frontage to North Prospect Road features a roof finish of a slate grey colour to reflect its importance. The diagonal connection is highlighted by the use of a slightly lighter grey tile with the remainder of the homes featuring a neutral grey tile to compliment this. The use of the lighter grey tile will help to open up the diagonal route and maximise light in this part of the site, suggesting the pedestrian route along its length.

The entrance, the balcony walls and elements of the southern most block of flats are proposed to have a Plymouth limestone finish to reflect their landmark importance. The limestone will provide both protection for the homes in what will be a well trafficed area, as well as a striking addition to the architecture of the area.

To provide a robust entrance the areas around doorways are detailed with a brick surround. These areas of brick have however been significantly reduced in line with pre-application advice. The use of brick was discouraged as it is not characteristic of Plymouth and is not a material that weathers well in this climate.

The design of the dwellings and proposed materials are deemed appropriate and create a simple but elegant appearance. A condition shall be attached to ensure that samples of the materials are agreed but it can be concluded that the proposals accord with policy CS02.

Sustainability

Policy CS20 requires the development to off-set a minimum of 15% of the carbon emissions for which the development is responsible by on-site renewable energy production methods. The applicant has demonstrated that this can be achieved through the use of photovoltaic panels and improved building fabric. The proposal is therefore deemed to comply with Policy CS20.

Whilst the Homes and Communities Agency require that all new affordable units are built to Sustainable Homes Code Level 3, the developers in this case are aspiring to achieve Code Level 4 on all affordable housing and Code Level 3 on the open market units, subject to development viability. This approach is strongly supported.

The aim is also to meet high water efficiency standards, and incorporate new technologies to recycle and conserve water resources. It is intended that the surface water will be discharged via one rainwater butt per property to the rear, and then into soakaways. A SUDS feature is also proposed on the site in the form of an attenuation feature to the north of the new access road. Details of this shall be secured by condition.

Building for Life

A building for life assessment has also been conducted for this proposal. Building for Life promotes design excellence and celebrates best practice in the house building industry. Good quality housing design can improve social wellbeing and quality of life by reducing crime, improving public health, easing transport problems and increasing property values. It is therefore useful to know the outcome of such an assessment. The scheme scores well with 15 out of 20. This is considered silver standard and very close to gold standard which requires 16 points.

Landscaping Strategy

There are approximately 71 individual trees on site. The existing mature trees make an important contribution to the character and ecology of the site. The masterplan has therefore been structured to retain as many trees of significance as possible.

The site is dominated by street Limes all of a similar age and condition. There is also a group of trees in the northwest corner consisting of a mature Beech and two Sycamore. The tree survey identifies the majority of the street Limes as category B1 and the Beech and Sycamore group also as B1 ie. Worthy of retention. Through pre-application discussions a block of flats originally proposed in the corner of the site fronting North Prospect Road and Ham

Drive have been removed to allow more space for these high amenity trees on a prominent road junction.

The Limes along Laurel Road are also shown to be retained; these are an important link/green avenue through the proposed hub/square down to Cookworthy Green. Residents have indicated that the existing lime trees cause problems due to honeydew drip and therefore, in nearly all instances, a soft landscape treatment has been provided beneath them.

Existing mature trees will also be retained on North Prospect Road providing maturity and a character that is consistent with surrounding neighbourhoods. Within the site, mature trees have been retained where possible to emphasise gateways and provide punctuation along key routes. However despite the clear intention to retain as many trees as possible the changing layout of the area has unfortunately meant that there are many trees that are just not possible to retain. Approximately 45 trees will have to be removed. Therefore extensive tree planting will take place to compensate for the loss of these trees; over 123 new trees are proposed. The species and age of these trees will be agreed with the LPA through a condition.

Although a large number of trees have to be removed, this is unavoidable due to the new layout of the estate. As many trees as possible have been retained and an extensive replanting programme devised to ensure that a quality environment is created. It is therefore deemed that the proposal accords with Policy CS19.

In terms of hard landscaping, natural and attractive materials will be used to contribute to the sense of place, local distinctiveness, and to compliment built form. Feature paving at junctions and thresholds will be used to create a sense of arrival, with a mixture of paving and macadam surface finishes proposed to the carriageway, with parking areas delineated in smaller paving units. Conditions shall be attached so that samples of materials can be approved before development commences. The proposals indicate that the surfacing materials have been carefully considered and therefore the proposal is deemed to accord with policy CS02.

Amenity of proposed/ existing dwellings

Concern was expressed at pre-application stage regarding the size of the units proposed. As a consequence of this the number of units has been reduced so that the size of the dwellings and their garden spaces could be increased in size. The unit types vary from that proposed at pre-application stage to allow a more balanced range of housing in line with guidance given in the Development Guidelines SPD. The unit sizes differ with some exceeding the guidance given in the SPD and others falling short. Most that fall short are by a minimal amount, Type A housing has the smallest floor area at 57m² but there are now very few of these units proposed. Most outside amenity areas also now exceed the SPD guidance; only 18 out of the 148 properties proposed fall slightly short of this guidance but on balance a good range of accommodation is proposed with sufficient amenity space.

All dwellings would have adequate facilities and there would be sufficient natural lighting to all habitable rooms. The Waste and Street Services Department were also involved at pre-application stage to ensure that all dwellings have suitable refuse storage areas. Details of these shall, however, be secured by way of condition.

The layout and design of dwellings has been carefully considered and several changes made as a consequence of pre-application discussions to ensure that no dwelling is overlooked. The eastern edge in particular has been designed to be low scale and sensitive to its relationship with existing adjacent two storey homes. Guidance in the Development Guidelines SPD has again been referred to. For example the 12m separation distance for back to gable housing. This guideline is met throughout the estate and in the few instances where it is not, the distance is only marginally short of this figure and these dwellings have been designed so that their fenestration is located on a different elevation, with suitable boundary treatment proposed.

Careful attention has also been paid to the relationship between the housing proposed next to flats to ensure that no privacy concerns are created. Frosted glazing has been proposed on facing facades together with roof lights on the rear elevation of flat block 125-130. These replace windows proposed for the kitchen and bathroom to the second floor flat (plot 130).

Flats are all designed to have their own private amenity space in the form of either balconies or patio gardens. Balconies have been located so that they face onto the public realm rather than towards private property thus avoiding issues of overlooking. Some screening is however proposed on the land mark flats (Plot 104-110) to ensure privacy of the adjacent properties (Plot 111 and 112) is maintained while light and ventilation are maximised to the flats.

The amenity of the dwellings is considered to accord with Policy CS34 and the Development Guidelines SPD.

Housing Tenure

The area surrounding the development site on three sides is comprised mainly of larger social rented houses dating from the 1920s, with a proportion of properties bought under the Right to Buy initiative. Within the development site there are currently 98 units which are due to be demolished, 65 of which were social rented and 33 owned privately at the start of the redevelopment process. Similar proportions of ownership exist in the surrounding area, though the percentage of private ownership increases markedly towards the south and east of the North Prospect neighbourhood. The North Prospect SNA highlights that a key aim should be to improve the balance between public and private housing in the area and to try and create a broader mix of tenures and types of housing.

The development on this site proposes:

Social Rent - 53 units (36%)

Intermediate housing - 28 units (19%)

Open Market housing- 67 units (45%)

Detailed discussions have taken place with the developers to agree the numbers, type and distribution of the new social rented, intermediate and open market units. Clusters of affordable units are limited to no more than 12 dwellings in line with planning policy guidance, across the majority of the site. An exception to this has been allowed along the North Prospect Road frontage following careful discussion with the Homes and Communities Agency. In this case, it is accepted in the interests of prioritising the commencement of this key development as well as maximising units available to offer decent opportunities for later phases.

Plymouth Community Homes (PCH) have indicated that 13 of the new housing units (9% of the total) will be a form of intermediate low cost home ownership. Details of the precise model being employed are yet to be clarified and it is therefore agreed that the final tenure mix for these units will be agreed prior to completion. This arrangement will be captured in the section 106 agreement, however, Housing Strategy are happy to support the current tenure split as shown.

The new development also aims to provide a more diverse housing offer than currently exists in North Prospect, by building 1 and 2 bed roomed flats as well as 2, 3 and 4 bed roomed houses. This should assist in meeting the needs of a wider range of household types, helping to retain and attract residents to the area, and thereby improving the sustainability of the development as a result. The Housing Strategy Team is also supportive of the developer's efforts to develop affordable housing which is indistinguishable from other tenures on the site, thereby ensuring compliance with planning policy CS15.

Discussions about the distribution of house types have also taken place and thought has been given to ensuring that larger family units are not overly concentrated in one part of the site. The distribution proposed by the applicant is now supported.

The sustainability of the area will also be enhanced by efforts to encourage an increase in the proportion of home ownership in this first phase of development, thereby achieving a better balance between private and affordable tenures in housing. For example the proposed development of 67 open market residential properties (45% of this phase of development) will provide a welcome stimulus to achieving a rebalancing of the housing tenure in this part of the City and is fully supported.

The aspiration to make a longer term shift in tenure towards private ownership has been captured in the North Prospect Spatial Strategy document submitted as background evidence with the planning application. The document states the aim to reduce the proportion of affordable housing from its current level of 65% to 50% over the lifetime of the whole regeneration project, which is in line with proposals for other parts of the city undergoing regeneration, such as Devonport.

Overall the housing tenure mix and proposed distribution are supported and deemed to comply with policy CS15.

Highway Considerations

A Strategic Transport Assessment (TA) has been produced for the full North Prospect regeneration area and has been submitted as background information within this application. It sets out a strategy for the wider proposals of the area so that any implications to the highway network can be established. A separate TA has been produced to support this application which draws down relevant information and strategic views and objectives from the strategic TA.

It is proposed that the majority of the site will be accessed via a new estate road from Laurel Road, part of which will involve upgrading a section of Woodhey Road. Most of Woodhey Road will be stopped up to extinguish the highway rights and thus enable the development to take place. The upgraded section will be tied into a newly formed estate road. The proposed estate road has been designed to encourage low vehicle speeds, good pedestrian permeation and connectivity to the nearby facilities, such as public transport and the local school on Ham Drive. The estate roads will reflect on principles of home zones, shared surface and standard street forms. Street detail conditions will be attached to finalise the surfacing and construction details, however the layout as shown has been discussed in detail during the pre-app discussions and is supported by the Highway Authority. It will, upon completion of a Legal highway agreement, be offered to the Highway Authority for adoption as Highway.

The proposed footpath link at the North East corner of the site will provide a desire line to the School on Ham Drive and the existing Zebra crossing. The western link provides a direct level route from the site to the City bound bus stop on North Prospect Road. As above, vehicular traffic will access the site from Laurel Road by utilising the existing eastern junction of Woodhey Road and a newly formed junction to replace the western junction.

The traffic from the development has been distributed onto the network via Laurel Road and onto North Prospect Road. Within the TA the trips have been analysed to establish the impacts on the highway. It concludes that the development will generate an additional 19 trips during the AM peak hour and 28 during the PM peak hour. These trips are considered to be new and above the levels already generated by the existing properties in the area. As such the actual development trips will be more than these. However, the distribution analysis within the TA reflects the current surveyed trends. At the junction of North Prospect Road, 53% of phase 1A development trips turn into Ham Drive. It is considered that the majority of these trips will continue up to the junction of Outland Road. The Strategic TA has confirmed that the development will impact on this junction during the peak hours. Although the increase in traffic at this junction is low it is known that the junction does operate over capacity during peak times and as such there is no capacity to allow for any such increase. The Transport Consultant was advised of this at the time and it was agreed that junction modelling was not required, due to

the time and cost of such an exercise, to reach a pre-determined conclusion. However, it was agreed that a developer contribution would be required to help mitigate against the increased demand.

To this end phase 1 will be required to contribute £50k which will enable signal upgrades on Outland Road. This will increase efficiency of the network and free up capacity, thus mitigating against the increased demand from the development. This figure is for both this application (Phase 1A) and the application for Phase 1B. It is therefore accepted that the applicant may wish to stagger costs i.e. (£30k for this application and the remaining £20k linked to Phase 1B).

All development traffic will enter North Prospect Road; this route is a busy residential distributor road and is a bus route. The road is currently restricted to a 20mph speed limit between Ham Drive and Cookworthy Road. As part of the overall Phase 1 scheme it is proposed that phase 1B will provide a community hub amongst further residential units. In order to facilitate this it will be proposed, under the forthcoming application, to stop-up the section of Cookworthy Road between Foliot Road and North Prospect Road. This has not been commented on in detail as this is part of a separate application however it is important within Phase 1A, to acknowledge that the proposed hub will be a community facility and should generate high levels of use from the local area. North Prospect Road currently acts a divide between the residential areas on either side and it is therefore important to improve pedestrian connectivity across this road. The applicant has indicated some indicative highway improvements to the road, which incorporates removing of the mini roundabout as a result of the stopping up of Cookworthy Road (in part). This will change the junction from a 4-arm roundabout to a simple priority junction with Laurel Road. These alterations will improve capacity of the junction, albeit capacity was not a real concern. The roundabout acts as a speed reducing feature to enforce the 20mph zone. Its removal is acceptable but it must be replaced with new features within the highway to retain the speed limit.

The public realm of North Prospect Road will be enhanced with on-street parking, improved pedestrian crossings and bus stop upgrades (shelters with passenger information systems and bus boarder kerbs to be agreed at each existing stop), where required. The over-riding aim is to reduce street clutter (such as railings and signs) on the network to break down any barriers across the road. Any such works will be subject to a Section 278 agreement, Highways Act1980, and the exact details will be subject to a negative condition. Any design requires full road safety auditing and the scheme, in part (to allow phase 1B to contribute) should be completed to an agreed level prior to first occupation within phase 1A.

With the future stopping up of Cookworthy Road (part) the 20mph zone limit is moved further along North Prospect Road to form a gateway feature nearer Lark Hill. At the northern end of the scheme, at the junction of Ham Drive, the 20mph should be moved to the northern side of Floyd Close, again to form a

gateway feature. As above details can be agreed in due course following a grampian condition.

The trip distribution information submitted with the application denotes that the development will have an impact on the roundabout at the junction of Ham Drive. The TA has highlighted that there will be capacity issues at this junction. Rather than a full junction re-design it is suggested that a pedestrian crossing be placed at the Western most end of Ham Drive, as close to the give-way lines as possible. This will not only provide a valuable desire line crossing along North Prospect Road but when in use it will free up some of the capacity on the southern arm of North Prospect Road by forming a break in traffic from Ham Drive, thus enabling the queue to reduce. This feature can also act as a gateway to the amended 20mph zone. Details of this shall again be secured by condition.

On the site itself the developer is proposing to provide a mix of on and off-plot car parking, with garages and some visitor parking. The use of parking courts was discouraged during pre-applications discussions and the number reduced from the layout originally shown. It was not however possible to avoid them completely and still achieve an appropriate level of car parking. No private surface water or loose material is permitted to flow or be deposited onto any future adopted highway, these parking courts must therefore be self draining and hard surfaced to an agreed standard.

The level of parking proposed has been based on strategies identified within the strategic TA. Existing car ownership levels in the area are low at circa 0.7 cars per household. The intention of the development is to change the demographics of this part of the City and as such it is fair to assume that car ownership levels will increase. Therefore the developer is providing a total of 1.52 spaces (on average) per dwelling for phase 1A. This provision complies with Plymouth City Council's maximum parking standards and furthermore is justified within the TA. The design of the estate road layout reduces the ability for additional on street car parking so the developer is also proposing a strategic travel plan to encourage non-car based travel and reduced car ownership. The content of the travel plan will be ongoing and will be a working document. The developer will need to appoint a travel plan co-ordinator for this phase which in due course will liaise with a central co-ordinator for the full regeneration scheme. Signing up to an area wide travel plan will help reduce costs for each phase of the overall project. Consolidating efforts in this way will allow considerable leverage with public transport operators and promote car sharing. Further phases will be required to follow the strategic travel plan once planning applications are submitted. In the meantime however, Phase 1A should make a concentrated effort to start travel plan promotion.

The proposals meet the aims of the North Prospect SNA which suggests improving legibility and prioritising access for pedestrians and cyclists to encourage sustainable transport. This has been achieved and the proposals are deemed acceptable as long as the applicant also contributes financially towards signal improvements on Outland Road to mitigate against associated traffic impacts from the development. The improvements to North Prospect

Road must be agreed in accordance with Road Safety Audits to provide a 20mph zone scheme with enhanced pedestrian facilities towards local destinations, both existing and future provisions, whilst maintaining the function of this important bus route and distributor road. With these conditions attached the proposals are considered to accord with Policy CS28.

Archaeological/ Heritage considerations

This application is unlikely to have any significant archaeological implications however it does have a wider historic environment interest particularly relating to the construction of the early public ('council') housing estate, therefore an appropriate level of recording should be provided. A condition shall therefore be attached to secure this in accordance with Policy CS03.

Ecology and Biodiversity

The applicant has submitted an Extended Phase 1 Habitat Survey, along with surveys for bats, reptiles and nesting birds. The habitats identified on site include amenity and species poor semi-improved grassland, introduced shrub, dense scrub and scattered trees. The longer grassland on site is suitable for reptiles and the houses and a number of trees have features which are suitable for roosting bats and nesting birds. An Ecological Mitigation and Enhancement Strategy was also submitted with the application. Mitigation and enhancement measures proposed in this strategy include employing specific working methods so that reptiles can be safely relocated; the installation of bat and bird boxes and employing certain working methods in clearing the site and rebuilding. These mitigation and enhancement measures are supported however part of this strategy includes the need to relocate reptiles to Ham Woods (PCC land). As a consequence a contribution is sought to manage Ham Woods, a sum of £15,000 (£3,000 over 5 years) is required to do this. This figure is a joint sum for Phase 1a and Phase 1b and therefore shall be tied into these applications through the S106 agreement. The applicant has demonstrated biodiversity net gain in the Mitigation and Enhancement Strategy and providing management proposals are out in place to mitigate the impact on Ham Woods, the proposal is deemed to accord with Policy CS19.

Letters of Representation

The letters of representation received refer to overlooking concerns from the new units proposed to 56, 61 and 63 Dovedale Road. Guidance produced by London Borough of Newham has been referred to in the letters of representation. The equivalent guidance against which developments in Plymouth should be assessed is the 'Development Guidelines' SPD. When assessed against the guidelines in this SPD the proposals raise no concerns. There would not be a harmful impact to these properties as suitable boundary treatment would be constructed to prevent overlooking at ground floor level and the only windows facing these dwellings at first floor level would be small bathroom and landing windows, these would not be positioned to cause direct overlooking and would be over 15m away from No's 56, 61 and 63 Dovesdale Road. There would be no loss of privacy to these dwellings, nor would they experience a significant loss of light as they are positioned a sufficient

distance from these dwellings. The development would therefore comply with guidance given in the Development Guidelines SPD.

Section 106 Obligations

A planning obligation is required to mitigate the impacts of the development. Impacts will arise in the following areas:-

Primary schools. The development provides for family accommodation which will generate a demand for school places. The Council's Children's Services have provided evidence that there is likely to be a deficiency of school places in the locality from 2012 given projected population growth. The estimated cost of mitigating this impact is £55,738.

Libraries. Library Services advise that development in this area will generate a pressure on existing library facilities which are already in need of additional capital investment as a result of the cumulative impact of population growth. The estimated cost of mitigating this impact is £6,204. This impact is more than addressed through the community hub.

Health. The Community Hub will provide 100sq.m. of space dedicated to public health nursing and Healthy Futures at a cost of over £100,000. There is no significant shortfall in capacity in this area and therefore no tariff is sought.

Playing Pitches. The development is in a location that is deficient in terms of access to playing pitches. There is therefore an impact on infrastructure requirement that arises as a result of the development, namely the provision of improved access to playing pitches. The estimated cost of mitigating this impact is £33,185.

Local green space. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact on existing local green space, most specifically an additional pressure on its management. The estimated cost of mitigating this impact is £18,294.

Local play space. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact on existing play facilities, most specifically an additional pressure on its management. The estimated cost of mitigating this impact is £11,461.

Strategic green space. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the quality of environmental sites protected by legislation, particularly through increased recreational demands. The Council's has a obligation through the Habitats Regulations Assessment of the LDF Core Strategy and relevant Development Plan Documents to seek mitigation for such cumulative impacts. The estimated cost of mitigating this impact is £40,791.

European Marine Site. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the environmental quality of European Marine Site particularly through

increased recreational demands. The Council's has a obligation through the Habitats Regulations Assessment of the LDF Core Strategy and relevant Development Plan Documents to seek mitigation for such cumulative impacts. The estimated cost of mitigating this impact is £962.

Strategic sports facilities. By reason of the increased population facilitated by the development and the increased demand for use of sports facilities, it will contribute to the cumulative impact of development on the city's sports infrastructure. The estimated cost of mitigating this impact is £26,078.

Strategic transport. By reason of the increased population facilitated by the development and the increased demand for journeys, it will contribute to the cumulative impact of development on the city's strategic transport infrastructure. This will bring the likelihood of increased congestion and pollution unless there is adequate mitigation. The estimated cost of mitigating this impact is £120,589.

Strategic public realm. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the City Centre's public realm. This is because there will be a greater level use of the City Centre which itself generates extra pressure on the existing infrastructure. The estimated cost of mitigating this impact is £3,109.

The total figure for Phase 1a is therefore £316,410. In addition the management fee is £12,854 to be used to meet the Council's costs in administering and monitoring implementation of the Section 106 Agreement.

A negotiated element has also been sought, £50,000 has been requested for off site highway improvements (signal improvements at Outland Road) and £15,000 towards the management of Ham woods following the relocation of reptiles.

The applicant has indicated that they wish to have the application considered under the Council's Market Recovery Scheme, and are prepared to accept the terms of that provision to make a substantive start on site within 2 years. A viability assessment has been submitted which demonstrates that even with a 50% reduction of tariff contributions the development will be unviable. This is in large part due to the fact that the development will provide a community hub, which itself partly addresses impacts but also provides other major regeneration benefits. The applicant has therefore presented a case for a more substantial relaxation of tariff contributions, seeking to demonstrate the benefits the scheme and how they intend to mitigate the impacts of development. The applicant has considered the impact of this proposal together with the impacts of Phase 1b.

The total sum to mitigate the development for both Phase 1a and Phase 1b is £554,356 (see application for Phase 1a for breakdown) with a 50% reduction under the market recovery scheme a sum of £277,178.

OFFER BEING MADE BY THE APPLICANT

After negotiating with the developer from a point of zero contributions being offered to off-set the impacts the applicant is now offering the following contributions for both Phase 1A and 1B. The sum expected if the full market recovery contribution was paid for each of these areas with phase 1 and b combined is given at the end of each section.

Local Infrastructure

Schools

The Plymouth Planning Obligations Evidence Base sets out a mechanism for calculating the tariff for schools and relates entirely to early years and primary places as there is not a capacity issue at secondary level. The tariff is based on the pupil product ratio per dwelling applied to two, three and four bedroomed homes.

The Community Hub which will form part of Phase 1B of the scheme will provide a new LARK Children Centre at an estimated cost of £550,000. This clearly relates directly to Early Years education and as such makes a significant over-provision to this element of the tariff. Notwithstanding this the applicants have offered the sum of £10,000 to mitigate the impact on primary school provision.

A sum of £51,894 will be sought to mitigate development under the market recovery scheme if the LARK Children's Centre is not provided as part of Phase 1B.

Health

The Community Hub will provide 100sq.m. of space dedicated to public health nursing and Healthy Futures at a cost of over £100,000. There is no significant shortfall in capacity in this area and therefore no tariff is sought.

Libraries

The Community Hub will provide a new library at a cost of over £300,000; the tariff is therefore not required to provide mitigation providing the library is delivered. A sum of £5,082 will be sought to mitigate development under the market recovery scheme if a new library is not provided as part of Phase 1B.

Green Space

The new square at the heart of the hub will provide up to 1000 sq.m. of level, car free public open space at the heart of the community. To accommodate parking and the dramatic level changes in this part of the site, over 2000 sq.m. of public realm will be provided in total to the new community hub. This is supplemented by 1000 sq.m. of incidental public open spaces within Phase 1A which provide visual amenity as well as distinctive areas of arrival and character.

The inclusion of smaller green spaces at the heart of the scheme enables opportunities for play and informal interaction by residents. Given the over-provision of other local elements of the tariff, the applicant considers that this is sufficient to mitigate the effects of the development on a local level.

In addition £26,357 has recently been spent by the applicant on the provision of play equipment at Titchey Park.

A sum of £14,817 will be sought to mitigate development under the market recovery scheme if the public open space is not provided as part of Phase 1B.

Children's' Play Space

The Community Hub will provide a new private children's play area as part of the Children's Centre together with a public play area in the central courtyard. This is considered to offset the impact and therefore it seems reasonable that no tariff be paid in respect of this item. A sum of £9,788 would be sought to mitigate development under the market recovery scheme if the children's play space is not delivered as part of Phase 1B.

Playing pitches

The applicant is prepared to offer the sum of £10,000 in respect of this item instead of a sum of £26,877 that would normally be sought to mitigate development under the market recovery scheme.

Strategic Infrastructure

Greenspace

A bio-diversity contribution of £15,000 for management of Ham Woods will contribute towards mitigating the effects of this development on the strategic area. Instead of the sum of £33,041 that would normally be sought to mitigate development under the market recovery scheme.

European Marine Site

The applicant is prepared to offer the sum of £750 instead of the sum of £781 that would normally be sought to mitigate development under the market recovery scheme.

Sports facilities

The applicant is prepared to offer the sum of £10,000 instead of the sum of £21,119 that would normally be sought to mitigate development under the market recovery scheme.

Public realm

The applicant is prepared to offer the sum of £1500 instead of the sum of £2517 that would normally be sought to mitigate development under the market recovery scheme.

Transport

The £50,000 negotiated element that the applicant has agreed to pay is deemed acceptable by the Highway Authority, given the overriding benefits of the scheme. An additional sum of £111,264 would normally have been sought to mitigate development under the market recovery scheme.

Summary table for Phases 1A and 1B:

	Full Tariff (£'s)	Tariff Required under market recovery (£'s)	Offer made by applicant (£'s)	Reason for variation
Local Infrastructure				
Schools	103,787	51,894	10,000	Provision of LARK Children Centre in hub
Health	0	0	0	Provision of public health nursing and healthy futures in hub
Libraries	10,164	5082	0	Library proposed in hub
Green space	29,633	14,817	0	Incidental public open space proposed in 1A and hub
Children's play space	19,576	9,788	0	Children's playspace provided in hub
Playing pitches	53,754	26,877	10,000	Not affordable due to viability
Strategic Infrastructure				
Green space	66,082	33,041	15,000	Not affordable due to viability.
European Marine Site	1561	781	750	Not affordable due to viability
Sports facilities	42,238	21,119	10,000	Not affordable due to viability
Public realm	5,033	2,517	1,500	Not affordable due to viability
Transport	222,528	111,264	0	Not affordable due to viability. £50,000 being paid as negotiated element.
TOTAL	554,356	277,178	47,250	

The appellant also makes that case that the Council's adopted Planning Obligations and Affordable Housing SPD First Review 2010 states that 'Providing better and more affordable housing is a priority for the Council and this is what this scheme is intending to achieve. Adopted Core Strategy policy (CS15) states that 30% of dwellings in new schemes should be affordable homes. The Market Recovery Scheme (MRS) states that a reduction of up to 50% of the full affordable housing requirement may be considered. This scheme will in fact provide 62% affordable housing, more than double normal policy and four times what would be required under the MRS. The cost of this to PCH in terms of potential lost housing revenue is significant. The applicant argues that as delivery of affordable housing is stated to be a priority this is a significant benefit to the community which justifies mitigation of some of the other tariff elements and will be lost if the scheme does not proceed.

The applicant also argues that under Regulation 122 of the Community Infrastructure Levy Regulations 2010, planning obligations should be used to make development acceptable which would otherwise be unacceptable in planning terms. Because of the major community benefits arising from this scheme, in particular the significant contribution towards achieving the Council's priority objective of providing better and more affordable housing, the significant deficit which PCH will have to bear in order to achieve this and the over-provision of certain community elements at the Community Hub it is considered that the development would be acceptable in planning terms. It is also clear from the viability studies that have been carried out that the scheme is not viable in a normal commercial sense and as such is not capable of financially supporting any additional tariff contributions.

Having taken into account the above proposals it is clear that while the applicant has presented some valuable evidence to demonstrate how some impacts will be mitigated against, it is not possible to mitigate the impact in all areas due to the viability gap. The question that therefore needs to be asked is, if the overall benefit of providing this new housing and the community hub outweigh the impacts.

PROPOSED WAY FORWARD WITH REGARD TO S106 OBLIGATIONS FOR BOTH PHASE 1A & 1B

The Planning Service have considered this in depth and have concluded that on balance the benefits of these proposals do outweigh the local and strategic impacts; they offer benefits not only to the local community but also to the wider area. It is however considered that the contribution offered should be prioritised, so that the money is spent where the most significant impact would be had. In the opinion of the Local Planning Authority the most significant impact would be on responding to the impacts primary school provision given the substantial capacity problems in this area, as well as addressing our legal obligations in relation to impacts on the European Marine Site. Other areas will face impacts, but the scheme does provide partial mitigation (in the case of transport, through the Negotiated Element) or mitigation will be able to be addressed through subsequent phases of development. In relation to the

biodiversity impacts, it is considered that this can be effectively dealt with through planning conditions rather than a separate financial contribution.

The level of tariff contributions are therefore accepted on the condition that if the stated hub uses are not delivered, the applicant will have to pay the full market delivery tariff.

The following Heads of Terms are therefore proposed, each of which have been tested against Regulation 122 of the Community Infrastructure Levy Regulations 2010, to enable appropriate mitigation of the impacts identified above:

- i. Local schools tariff: £46,469, to be allocated to the provision of additional school places within the North Prospect locality.
- ii. European Marine Site. £781 to be allocated to appropriate management measures for the Tamar Estuaries as set out in the Tamar Estuaries Management Plan.
- iii. £50,000 for off site highway improvements (signal improvements at Outland Road)
- iv. Planning Obligations Management Fee. £20,705, to be used to meet the Council's costs in administering and monitoring implementation of the Section 106 Agreement.

It is also important to note that a clause will be tied into the S106 agreements for both Phase 1A and 1B that if the hub is not delivered in accordance with a phasing programme to be agreed by the Planning Service then the applicant will be expected to pay the full market recovery tariff of £277,178. This will ensure that the hub is delivered within a reasonable period or that the full market recovery tariff is paid. A series of trigger points shall be agreed in the S106 agreement for delivery of the hub or payment of the tariff.

Equalities & Diversities issues

Access for all

The development will offer inclusive design for safe and easy use for all. The access to all homes is designed to enable easy access by all including those with mobility impairments. Great care has been taken to ensure that the development meets the requirements of the DDA and Part M of the Building Regulations. This design incorporates desire routes for those customarily excluded from the process. Levels, colours, lighting, markings, sizes and surface finishes, are all being coordinated to make this a barrier free development. Appropriate wheelchair accesses, and facilities for people with visual impairments, are an integral part of the movement process. All potential site users no matter what their disability, age or sex, will be able to enter the

site, move around the area, enter the buildings and use the facilities in accordance with policies CS02 and CS34.

Lifetime homes

Policy CS15 requires that 20% of all new dwellings for Plymouth shall be constructed to Lifetime Homes Standards. Lifetime homes allows for the 'future proofing' of all new dwellings and should be considered desirable in all cases. In this case the proportion of units that aim to achieve Lifetime Homes standards is set at 100%. This is clearly well in excess of planning policy and this aspiration is supported.

Evidence of compliance with the sixteen Lifetime Homes Guidelines that aspire to provide accessible and adaptable accommodation for everyone has been provided by Habinteg the creator of Lifetime Homes guidance. Provisions to meet these standards include design for future provision of stair lifts or through-floor lifts, an entrance level WC and provision or potential for conversion for a ground floor bed space. Due to the steep topography of the site and the lack of front access for parking from North Prospect Road the applicant has utilised split level designs for the homes to facilitate level access to parking from the rear.

The applicant is proposing to provide cycle stores throughout the site in accordance with the City Councils minimum standards. This will encourage cycling as an alternative mode choice and help towards the aims of any travel planning. Each unit should be secured and covered to encourage its use. The drawings indicate units within the private rear gardens areas of properties which should provide adequate security.

Conclusions

This scheme will take an important first step in the regeneration of North Prospect and extensive pre-application discussions have resulted in a well thought out proposal that is supported by the Local Planning Authority. Poor quality housing will be replaced by a good range of housing types and tenures, which will be integrated within a permeable network of attractive connected streets. This will both meet the needs of the existing community and encourage investment in the area. Homes will be more sustainable and all will be built to lifetime homes standard. An enhanced frontage to North Prospect Road will be provided to reinforce the wider significance of this route in the city, and pedestrian flows and connectivity will be improved throughout the site to create a sustainable linked community. The challenging topography of the site will be utilised in carefully designed dwellings that meet the needs of their occupants and improve the character and appearance of the area.

Despite viability issues preventing the applicant from being able to meet the full tariff contributions, the applicant has provided information to suggest that the main impacts of the development can be mitigated against and have argued that for those that can not be, the overriding benefits provided by both Phase 1A and B far outweigh these impacts.

The Local Planning Authority have had to weigh up these factors in making their recommendation, however have concluded that the benefit had to local people, the North Prospect community and the City as a whole prevail over the shortfall in tariff contributions and that the main impacts will be suitably mitigated against. This application is therefore supported and recommended for conditional approval subject to the signing of the S106 agreement, with delegated authority to refuse if the S106 is not signed by 22nd February 2011.

Recommendation

In respect of the application dated **30/11/2010** and the submitted drawings, , it is recommended to: **Grant conditionally subject to S106 Obligation**

Conditions

PLAN NUMBERS

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: PH1698_PHASE1A_1, PH1698_PHASE1B_1, 10/4088HTA-1A, 10/4088HTA-1B, PCH.NPP.0810 (Report) A4 Tree Survey, PCH.NPP.0810 (Table) A4 Tree Survey, NPP AL 02-001, NPP AL 02-010, NPP AL 02-011, NPP AL 02-012, NPP AL 02-013, NPP AL 02-014, NPP AL 02-050, NPP AL 02-051, 31340/GA/101, 31340/RP/101, NPP AL 02-021, NPP AL 02-022, NPP AL 02-023, NPP AL 02-024, NPP AL 02-025, NPP AL 02-026, NPP AL 02-027, NPP AL 02-028, NPP AL 02-029, NPP AL 02-060, NPP AL 02-061, NPP AL 02-062, NPP AL 02-520, NPP AL 02-521, NPP AL 02-522, B, NPP AL 02-523, NPP AL 02-524, NPP AL 02-525, NPP AL 02-526, NPP AL 02-527, NPP AL 02-100, NPP AL 02-101, NPP AL 02-102, NPP AL 02-105, NPP AL 02-106, NPP AL 02-107, NPP AL 02-110, NPP AL 02-111, NPP AL 02-115, NPP AL 02-116, NPP AL 02-120, NPP AL 02-121, NPP AL 02-130, NPP AL 02-131, NPP AL 02-135, NPP AL 02-136, NPP AL 02-137, NPP AL 02-138, NPP AL 02-140, NPP AL 02-141, NPP AL 02-142, NPP AL 02-143, NPP AL 02-145, NPP AL 02-146, NPP AL 02-147, NPP AL 02-148, NPP AL 02-150, NPP AL 02-151, NPP AL 02-152, NPP AL 02-155, NPP AL 02-156, NPP AL 02-160, NPP AL 02-161, NPP AL 02-165, NPP AL 02-166, NPP AL 02-170, NPP AL 02-171, NPP AL 02-172, NPP AL 02-175, NPP AL 02-176, NPP AL 02-210, NPP AL 02-211, NPP AL 02-212, NPP AL 02-213, NPP AL 02-214, NPP AL 02-215, NPP AL 02-216, NPP AL 02-217, NPP AL 02-220, NPP AL 02-221, NPP AL 02-222, NPP AL 02-223, NPP AL 02-224, NPP AL 02-225, NPP AL 02-226, NPP AL 02-227, NPP AL 02-230, NPP AL 02-231, NPP AL 02-232, NPP AL 02-233, NPP AL 02-234, NPP AL 02-240, NPP AL 02-241, NPP AL 02-242 E, NPP AR AS1A, NPP AR AS, NPP AR PTS, NPP AR SPD (Table) and accompanying A4 Phase 1A Regeneration SPD Unit Size Comparison, NPP (Report) A4 Air Quality Assessment Report (WSP), NPP (Report) A4 Biodiversity Report: Protected Species (Devon Wildlife), NPP (Report) A4 Biodiversity Report: Reptile Survey (Devon Wildlife), NPP (Report) A4 Community Involvement (Remarkable), NPP (Report) A4 Ecological Enhancement and Mitigation (WSP), NPP (Report) A4 Ecology Report (Devon Wildlife), NPP (Report) A4 Flood Risk Assessment (WSP), NPP (Report) A4 Geo-Environmental and Soakaway Assessment (WSP), NPP (Report) A4 Transport Assessment (WSP), NPP (Report) A4 Travel Plan (WSP), NPP (Report) A4 Utilities Assessment (WSP), NPP (Report) A4 Spatial Strategy Report (LB), NPP

(Report) A4 Design and Access Statement (HTA) - Site Waste Management Plan

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DEVELOPMENT TO COMMENCE WITHIN 2 YEARS

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

Reason:

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

LAND QUALITY

(3) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved (other than that required to be carried out as part of an approved scheme of remediation) shall not commence until conditions 4 to 7 have been complied with. If unexpected contamination is found after the development hereby approved has commenced, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 6 has been complied with in relation to that contamination.

Reason:

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

INFORMATIVES: CODE OF PRACTICE DURING CONSTRUCTION

(1) The management plan required by condition 7 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.

SECTION 278 AGREEMENT

(2) The applicant will be required to enter into discussions with the Highway Authority to agree the details of the highway works associated with this development. Furthermore a Section 278 Agreement, Highway act 1980 will be required to be signed before any works take place within the highway.

ACCESS TO SITE

(3) The developer will be required to contact the Highway Authority to apply for an access to site permit before any development takes place.

EXTINGUISHMENT OF HIGHWAY

(4) The construction of the development hereby permitted shall not commence until such time that an application under the provisions of Section 247 to the Town and County Planning Act has been made to the Government Office to extinguish the highway rights along the length of highway maintainable at public expense, known as Woodhey Road (2). No construction will be permitted on this highway until such time that the process to extinguish has been completed.

SITE CHARACTERISATION

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

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

(ii) an assessment of the potential risks to:

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

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

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

Reason:

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

SUBMISSION OF REMEDIATION SCHEME

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2206-2021) 2007.

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

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

Reason:

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

REPORTING OF UNEXPECTED CONTAMINATION

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

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 6.

Reason:

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

CODE OF PRACTICE

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

Reason:

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

SURFACE WATER MANAGEMENT

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

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

Prior to occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme

shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

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

EXISTING TREE/HEDGEROWS TO BE RETAINED

(10) 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 last dwelling forming part of the development.

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

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

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

Reason:

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

ARBORICULTURAL METHOD STATEMENT

(11) An Arboricultural Method Statement needs to be submitted to, and approved in writing by, the Local Planning Authority before the commencement of any works on site. This method statement should detail how the trees are to be protected during construction. It should include

measures for protection in the form of barriers to provide a 'construction exclusion zone' and ground protection in accordance with Section 9 of BS: 5837:2005 Trees in relation to Construction. A no-dig load bearing permeable solution (such as a cellular confinement system) should be used for the parking bays beneath the Lime trees fronting Laurel Road.

Reason:

To ensure that the trees on site are protected during construction work in accordance with Policy CS18 (4) of the Council's adopted Core Strategy.

LANDSCAPE DESIGN PROPOSALS

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

Reason:

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

SOFT LANDSCAPE WORKS

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

Reason:

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

LANDSCAPE WORKS IMPLEMENTATION

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

Reason:

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

LANDSCAPE MANAGEMENT PLAN

(15) A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape

areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason:

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

MAINTENANCE SCHEDULE

(16) 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.

STREET DETAILS

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

Reason:

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

ROAD ALIGNMENT AND DRAINAGE

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

Reason:

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

COMPLETION OF ROADS AND FOOTWAYS

(19) All roads and footways forming part of the development hereby permitted shall be completed in accordance with the details approved under condition 16 above before the first occupation of the penultimate dwelling.

Reason:

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

ACCESS (CONTRACTORS)

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

Reason:

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

PROVISION OF PARKING AREA

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

Reason:

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

CYCLE STORAGE

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

Reason:

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

GRAMPIAN (ACCESS/ HIGHWAY IMPROVEMENTS)

(23) No dwelling hereby permitted shall be occupied until the proposed access and improvements to the existing highway, to include details of on-street parking, improved pedestrian crossings and bus stop upgrades (Shelters with passenger information systems and bus boarder kerbs to be

agreed at each existing stop), and speed limit enhancement where required, shown on plans to be submitted to and approved in writing by the Local Authority have been completed.

Reason:

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

EXTERNAL MATERIALS

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

Reason:

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

SUSTAINABLE RESOURCE USE

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

Unless otherwise agreed in writing, the approved on-site renewable energy production methods shall be provided in accordance with these details prior to the first occupation of the development.

Reason:

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

ECOLOGICAL MITIGATION AND ENHANCEMENT STRATEGY

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

Reason

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

LIFETIME HOMES

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

Reason:

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

RESTRICTIONS ON PERMITTED DEVELOPMENT

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

Reason:

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

STAFF TRAVEL PLAN

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

Reason:

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

HISTORIC INVESTIGATION AND RECORDING

(30) No part of the development allowed by this permission shall be commenced until the applicant has made arrangements, to the satisfaction of the Local Planning Authority, for a programme of historic investigation and recording, in accordance with a written scheme which has been agreed with the Local Planning Authority.

Reason:

To ensure that the proposed development does not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

HAM WOODS MANAGEMENT PLAN

(31) No work shall commence until a 3 year management plan for Ham Woods has been submitted to and agreed in writing by the Local Planning Authority. The management plan shall be carried out as approved.

Reason:

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

REFUSE STORAGE DETAILS

(32) No work shall commence on site until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz:- refuse storage details. The works shall conform to the approved details.

Reason:

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

OBSCURE GLAZING

(33) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order or the 1995 Order with or without modification), the first floor windows to the hallway and bathroom of the 4 Type E houses on the site shall at all times be obscure glazed and non-openable.

Reason:

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

PHASING PROGRAMME

(34) A phasing programme for the construction of the whole of Phase 1A and 1B must be submitted to and agreed in writing by the Local Planning Authority. The construction programme must be carried out as approved.

Reason:

To ensure the delivery of the community hub or payment of contributions to mitigate the impacts of development in accordance with Core Strategy policies CS01 and CS33.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the proposed layout, the design and amenity of the dwellings proposed, their impact on neighbouring properties, the impact on wildlife and trees/ vegetation, the impact on the highway and to the character of the area, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (1) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

PPG13 - Transport
PPS3 - Housing
PPS1 - Delivering Sustainable Development
PPS22 - Renewable Energy
PPS23 - Planning & Pollution Control
CS28 - Local Transport Consideration
CS32 - Designing out Crime
CS33 - Community Benefits/Planning Obligation
CS34 - Planning Application Consideration
CS22 - Pollution
CS14 - New Education Facilities
CS18 - Plymouth's Green Space
CS19 - Wildlife
CS20 - Resource Use
CS21 - Flood Risk
CS22 - Pollution
CS03 - Historic Environment
CS01 - Sustainable Linked Communities
CS02 - Design
CS15 - Housing Provision
CS16 - Housing Sites
CS30 - Sport, Recreation and Children's Play Facilities
CS31 - Healthcare Provision
SPD2 - Planning Obligations and Affordable Housing

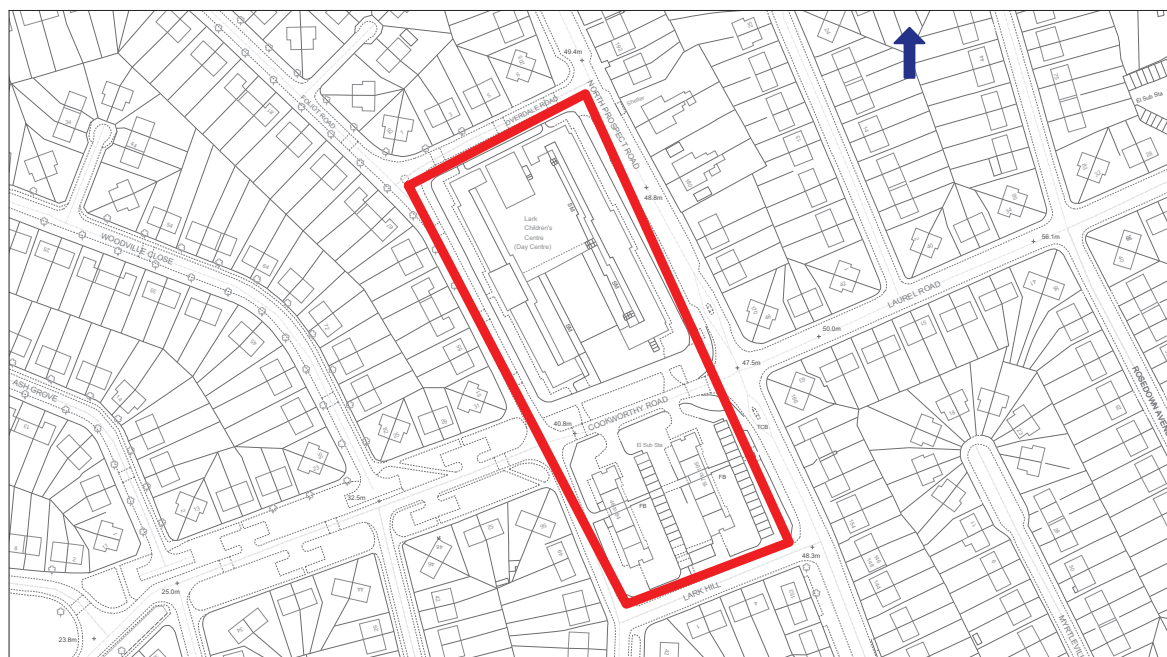
SPD1 - Development Guidelines

SPD3 - Design Supplementary Planning Document

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ITEM: 05**Application Number:** 10/02065/OUT**Applicant:** Barratt Homes

Description of Application: Outline application (all matters reserved) for the erection of 26 houses and 5 flats and the erection of a community hub building with mixed uses including multi-use community hall, retail, nursery and office space with 58 flats above and public open space (demolition of existing buildings including school, flats and associated garages)

Type of Application: Outline Application**Site Address:** NORTH PROSPECT, FOLIOT ROAD PLYMOUTH**Ward:** Ham**Valid Date of Application:** 26/11/2010**8/13 Week Date:** **25/02/2011****Decision Category:** Major Application**Case Officer :** Carly Francis**Recommendation:** Grant conditionally subject to S106 Obligation, to be signed by 21st Feb 2011**Click for Application Documents:** www.plymouth.gov.uk

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OFFICERS REPORT

Site Description

This site is currently made up of the former North Prospect Primary School and three blocks of flats. This site straddles Cookworthy Road and provides a developable area of 1.14 hectares / 2.82 acres.

The school building is a combination of single and two storey located on the northern section of what will be Phase 1B. This building is currently utilised for police training and local community facilities. The building itself is unusual for the area as it is a brick building with a slate roof.

The southern part of the site which is currently segregated by Cookworthy Road has two blocks of flats, which step with the topography and are four storeys in height. These buildings are flat roofed and appear to date from the 1960s. This area of the site features dramatic level differences with a floor levels difference between each of the buildings.

Proposal Description

Outline application (all matters reserved) for the erection of 26 houses and 5 flats and the erection of a community hub building with mixed uses including multi-use community hall, retail, nursery and office space with 58 flats above and public open space (demolition of existing buildings including school, flats and associated garages).

Relevant Planning History

Nil.

Consultation Responses

Highway Authority- no objections raised however recommend that conditions regarding street details, road alignment and drainage, completion of roads and footways, access for contractors and cycle provision, a code of practice during construction, highway improvements, a staff travel plan and highway extinguishment be attached to any grant of planning permission.

Highway Agency- The Highways Agency (HA) currently directs that planning permission not be granted for 6 months from 7 January 2011 to allow the applicant to provide additional information which will enable the HA to fully assess the impact of the proposed development on the A38. The Direction has been placed due to a lack of time to review information, specifically the Strategic Transport Assessment which forms a basis for the Phase 1 Transport Assessment findings. The developers consultants are currently liaising with the HA to remove this Holding Direction, the HA have indicated that they will be working to remove the Holding Direction prior to the application going to Planning Committee on 10 February 2011. An update shall be provided by addendum.

Public Protection Service- no objections, however recommend that conditions regarding a code of construction and land quality assessment be attached to any grant of planning permission.

Housing Strategy Department- no objections.

Environment Agency- no objections but recommend that conditions relating to a land quality assessment and surface water management be attached to any grant of planning permission.

Parks Services- no objections but seek a contribution to improve local parks.

Education Department- request a contribution towards primary school provision.

The Education Department comment that this development lies within the South West locality, which has been identified as one of the localities with the fastest growing Primary school population. Three Primary schools surround the development, Pennycross Primary, Western Mill Primary and Mayflower Primary. Both Pennycross and Western Mill have around 6% surplus capacity and Mayflower is currently oversubscribed.

Pupil numbers in Pennycross and Western Mill are rising and the Education Department predict that they will be full within the next two years.

By next year schools within the area will be oversubscribed and any additional housing will generate more children that will need to be accommodated within these schools. Therefore the Education Department are seeking a Section 106 contribution of £96,579 for Primary Education This figure is requested jointly between phases 1A and B. Education are not requesting any contribution for Secondary Education at the present time.

South West Water- no objection; however ask the applicant to note that public sewers lie within the site and that their diversion will be required as a part of the redevelopment.

Devon Fire and Rescue- no comments received.

Westcountry Ambulance Service- no comments received.

British Gas- no comments received.

Public Rights of Way Officer- no comments received.

Police Architectural Liaison Officer- no objections, having been fully consulted at the pre-application stage, Devon and Cornwall Constabulary support this application.

Health and Safety Executive- no objections.

Representations

Nil.

Analysis

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

This is an outline planning application with all matters left reserved. The purpose of this application is therefore to determine if the principle of the proposed development is acceptable. It is important to ensure however that the principles of the design, layout, scale, landscaping and appearance are set at this stage to comply with legislation and provide the parameters for the detailed scheme to follow with the applications for reserved matters. It is also essential to establish the number and scale of the buildings/ dwellings that the site could accommodate to provide the basis for the tariff and section 106 agreement.

The main policies relevant to this planning application are CS01, CS02, CS03, CS04, CS08, CS12, CS15, CS16, CS18, CS19, CS20, CS21, CS22, CS28, CS30, CS31, CS32, CS33 and CS34 of the adopted Core Strategy, the Planning Obligations and Affordable Housing SPD, and the North Prospect Sustainable Neighbourhoods Assessment (2005). National Guidance that is of relevance includes PPG13, PPS1, PPS3, PPS 22 and PPS23.

This application did form the subject of pre-application discussions, which are continuing in order to work up detailed proposals for the reserved matters application.

There are two main elements to this proposal. The first is a new community hub at the junction of Cookworthy Road and North Prospect Road which will create a new heart for the regeneration area. The community hub adds both community and commercial facilities to the area and will also create a new civic square to provide much needed open space to local residents. The new community hub would be complimented by a strong connection to the Mayflower Community School created through the new layout in Phase 1A. Flats are proposed above the hub.

The second element is housing. Housing is proposed in the area where North Prospect School is currently located. 26 houses and 5 flats are proposed in this area.

The principle of this proposal is deemed acceptable. The school building is no longer in use as school and the flats currently on site are run down and offer

poor visual amenity. A community hub is considered vital to the regeneration of North Prospect in order to provide facilities for the community that are currently lacking. It will create a much needed neighbourhood centre in North Prospect with a sustainable mix of uses. The indicative plans suggest that the scheme integrates well with adjacent streets and will create a new permeable lower street parallel to North Prospect Road. The principle of housing is also deemed acceptable in helping to meet housing demand and to replace the poor quality buildings currently on site.

Although only an indicative layout a key aim is to provide a 'green gateway' from the hub down to Cookworthy Green. This meets a need identified in the North Prospect Sustainable Neighbourhoods Assessment (SNA) which is the need to improve quality and links to the existing green spaces in North Prospect. This will be achieved by the part closure of Cookworthy Road to facilitate a new square and public open space. Alternative proposals for accessing the remainder of Cookworthy Road are for cars to turn off North Prospect at the previous junction to the south onto Lark Hill.

The Hub Uses

The hub uses proposed include:

Shared Space Including Village Hall, One Stop Reception and Display Area- this will be the area for main community activity offering meeting and activity space including a hall for events, classes, meetings, films, etc.

PCH Regeneration Offices – This will be an office for the Plymouth Community Homes team delivering the regeneration of North Prospect. This office may be open to the public.

PCH Housing Management Office – This will be Plymouth Community Homes housing management office base for the north of Plymouth and it will be open to the public.

Sure Start Shop- this will be open to the public to provide benefits, debt advice, etc, and services to families in the area with pre-school children.

Community Learning- North Prospect Community Learning is currently based in the former primary school and offers formal computer learning services to local people on benefits, it runs skills registers, etc, working in conjunction with other agencies.

It is also intended that the uses currently found in the Halcyon Centre be relocated here. The Halcyon Centre is run by the Methodist Church and provides, among other community services, informal community learning (e.g. 'Silver Surfer' classes)

3 Retail Units- this will provide commercial activity along North Prospect Road.

Nursery- the North Prospect SNA concludes that North Prospect lacks certain facilities such as a crèche so this use is supported. Day care will be provided for around 30 children from 4 months to 4 years.

Healthy Futures and Public Health Nursing- this will be an office base for Health Visitors.

Library- Library Services are keen to relocate to the hub from the current building in Greatlands Crescent.

These proposed uses would be successful in creating a new centre for North Prospect, they would provide a range of facilities for the community and the mix of uses would be successful in creating a new focal point for the area. The Sustainable Neighbourhood Assessment suggests considering ways to increase employment opportunities within North Prospect, introducing the uses described above will assist in this.

Public Open Space

The indicative plan shows a public amenity space between the hub buildings. It is proposed that this be an open area facing North Prospect Road. It is intended to be a multipurpose usable space with a high quality paved area that will be framed by tree and low shrub planting. The vision is that the level change across the site will be accommodated with a ramp with stepped access down to street level along Foliot Road. Views will be maintained across the upper levels, framed by the new tree planting. This will meet a need identified in the North Prospect SNA which suggests looking at the creation of public spaces with seating etc; for meeting and socializing, particularly at local or neighbourhood centres. There are very few open amenity areas/ play spaces within North Prospect. Due to this public open space as part of the hub development has been strongly encouraged during pre-application discussions and therefore the Local Planning Authority are pleased that this forms part of the proposals.

The North Prospect SNA also suggests considering ways to provide play facilities. The intention is to also provide play space in association with the nursery and play space open to the public, such proposals are supported and are an important part of the hub development.

Ecology and Biodiversity

The applicant has submitted an Extended Phase 1 Habitat Survey, along with surveys for bats, reptiles and nesting birds. The habitats identified on site include amenity and species poor semi-improved grassland, introduced shrub, dense scrub and scattered trees. The longer grassland on site is suitable for reptiles and a number of trees have features which are suitable for roosting bats and nesting birds, Japanese knotweed is present along the peripheries of the former North Prospect Primary School. An Ecological Mitigation and Enhancement Strategy was also submitted with the application. Mitigation and enhancement measures proposed in this strategy include employing specific working methods so that reptiles can be safely relocated; the installation of bat and bird boxes and employing certain working methods in clearing the site

and rebuilding. These mitigation and enhancement measures are supported however part of this strategy includes the need to relocate reptiles to Ham Woods (PCC land). As a consequence a contribution is sought to manage Ham Woods, a sum of £15,000 (£3,000 over 5 years) is required to do this. This figure is a joint sum for Phase 1a and Phase 1b and therefore shall be tied into these applications through the S106 agreement. The applicant has demonstrated biodiversity net gain in the Mitigation and Enhancement Strategy and providing management proposals are out in place to mitigate the impact on Ham Woods, the proposal is deemed to accord with Policy CS19.

Sustainability

Policy CS20 requires the development to off-set a minimum of 15% of the carbon emissions for which the development is responsible by on-site renewable energy production methods. It is intended that the proposal will meet the aims of Policy CS20. The main ways of achieving this will be through the use of photovoltaics, photovoltaic's combined with a gas combined heat and power and biomass boilers combined with gas boilers. Further details will be expected in the reserved matters application.

It is also proposed that all new affordable units are to be built to Sustainable Homes Code Level 4, subject to development viability.

Building for Life

A building for life assessment has also been conducted based on the information supplied in this outline application. Building for Life promotes design excellence and celebrates best practice in the house building industry. Good quality housing design can improve social wellbeing and quality of life by reducing crime, improving public health, easing transport problems and increasing property values. It is therefore useful to know the outcome of such an assessment. The scheme as indicated scores well with 15.5 out of 20. This is considered silver standard and very close to gold standard which requires 16 points. This is commended and it is hoped that this standard can be achieved in working up the detailed plans for the reserved matters application.

Transport considerations

A Strategic Transport Assessment (TA) has been produced for the full North Prospect regeneration area and has been submitted as background information with this application. It sets out a strategy for the wider proposals of the area so that any implications to the highway network can be established. A separate TA has been produced in support of this application which draws down relevant information and strategic views and objectives from the strategic TA.

In order to facilitate the development the developer is required to extinguish the highway rights over the part of Cookworthy Road between its junction with Foliot Road and North Prospect Road. This road currently provides access to Lark Hill flats and the former primary school site. The Highway Authority has no objections to the extinguishment of highway in principle, to facilitate this development, but advise the applicant that each property must be vacant before any order can be supported.

Details of the internal layout of the site will be determined within a future reserved matters application, however the main access to the site as shown is deemed acceptable. The applicant should ensure that any access points are fully accessible for their intended purpose. Appropriate vehicle TRACKING plots will be expected to ensure that refuse and servicing / delivery vehicles can access required areas. These details will form part of any reserved matters planning application.

The stopping up of Cookworthy Road (part) will enable the developer to provide a public realm area with play space and a civic square. A series of ramps and steps will be provided to overcome changes in levels whilst providing pedestrian friendly linkage across the site. Details of such will be required within the reserved matters application. The proposed community hub will act as a destination for local residents and also pass-by trips. Presently North Prospect Road acts as a physical barrier between the residential areas on either side and it is therefore important to improve pedestrian connectivity across this road. The applicant has indicated some indicative highway improvements to the road, which incorporates removing of the mini roundabout as a result of the stopping up of Cookworthy Road (in part). This will change the junction from a 4-arm roundabout to a simple priority junction with Laurel Road. These alterations will improve capacity of the junction, albeit capacity was not a real concern. The roundabout acts as a speed reducing feature to enforce the 20mph zone. Its removal is acceptable but it must be replaced with new features within the highway to retain the speed limit.

The public realm of North Prospect Road will be enhanced with on-street parking, improved pedestrian crossings and bus stop upgrades, where required. The over-riding aim is to reduce street clutter (such as railings and signs) on the network to break down any barriers across the road. Any such works will be subject to a Section 278 agreement, Highways Act 1980, and the exact details can be subject to a negative condition. Any design requires full road safety auditing and the scheme should be completed to an agreed level prior to first occupation within phase 1B.

With the future stopping up of Cookworthy Road (part) the 20mph zone limit is moved further along North Prospect Road to form a gateway feature nearer Lark Hill as shown on the drawing. At the northern end of the scheme, at the junction of Ham Drive, the 20mph should be moved to the northern side of Floyd Close, again to form a gateway feature. As above details can be agreed in due course following a Grampian condition. Phase 1A will provide part of the scheme in accordance with a schedule to be agreed. Due to the closure of Cookworthy Road (part) traffic from Foliot Road will be diverted through Lark Hill and Overdale Road. Overdale Road is currently one-way and it is proposed to change this to enable two-way flow. Works are likely to be required to facilitate increased width of the carriageway, to account for private drive access points and two-way flow. Furthermore works will be required at the junction of Cookworthy Road and Foliot Road to change priorities and provide pedestrian facilities. Again any works within the highway will be

subject to a Section 278 agreement and details should be submitted to and approved in writing by the Highway Authority. The highway authority recommend that a grant condition relating to works on the Highway, be attached to any grant of consent. Details in relation to the provision of car parking will be required and should conform to the principles set out within both the strategic and phase 1 TA's, as should cycle provision. The developer has submitted a Travel Plan to encourage non-car based travel. This will be in force for residents and any occupants or staff of the community uses alike and will be subject to planning condition.

Phase 1 as a whole is required to contribute £50k to enable signal upgrades on Outland Road. This will increase efficiency of the network and free up capacity, thus mitigating against the increased demand on the network from the development. Linked Section 106 agreements, between phases 1A and 1B are being drafted to secure this contribution. The developer can have the choice to pay the full amount in Phase 1A or split the cost to £30k for phase 1A and £20k for this application. It should be noted that this is required as a result of a direct impact from phase 1 traffic on the network.

Subject to the following conditions the Transport Service raise no objections to the proposal. In summary the applicant must contribute financially towards signal improvements on Outland to mitigate against associated traffic impacts from the development. The improvements to North Prospect Road must be agreed in accordance with Road Safety Audits to provide a 20mph zone scheme with enhanced pedestrian facilities towards local destinations, both existing and future phase 1B provisions, whilst maintaining the function of this important bus route and distributor road. If planning permission is granted the Highway Authority will give support for the required extinguishment of highway, namely Cookworthy Road (part) to facilitate the development once all land is transferred to the developer. With these conditions the proposal is considered to accord with Policy CS28.

Housing policy

The principle of housing is acceptable and the tenure mix proposed deemed appropriate. The applicant intends to provide 49 social rent units, 10 new build home buy, 8 shared equity and 22 open market sale. This equates to a total of 59 affordable units and 30 non affordable. This will comply with policy CS15 in providing more than the 30% target for affordable housing.

The long term aim in regenerating North Prospect is to change the tenure mix to 50/50% mix; this is stated in the Spatial Strategy document for North Prospect. Although this phase in isolation does not achieve this, the housing mix has been improved in this application and an acceptable overall mix is proposed for the whole of phase 1. The mix of phases both 1A and 1B is 59% affordable 41% non-affordable. The first phase therefore goes some way towards addressing the dominance of affordable units in North Prospect and it is intended that the next phases of redevelopment will address this imbalance further. The Housing Strategy Team are therefore happy to support this proposal having regard to the need to help achieve value on the site and given the longer term aspirations.

The distribution of the tenure types is shown on the indicative plans and although this may change in the reserved matters application, the Housing Strategy Team is supportive of the distribution as shown.

Some concern was initially had regarding the dominance of social rented units on the southern part of the community hub complex, where the indicative plan shows that 35 Social Rent units will be accessed from a single entrance point, along with another 5 New Build Home Buy units. The housing is indicated however as being sheltered housing for older people and therefore clustering of this type of housing is not deemed inappropriate and accords with the 'Planning Obligations and Affordable Housing' SPD.

The number and type of units to the north of the community hub is considered to be acceptable. This indicates 22 open market sale houses and 4 social rent houses. Again it is important to note however that this distribution may change under the reserved matters application.

The details of the housing proposed such as the exact location of the different tenure types will be determined in the reserved matters application; however the North Prospect SNA proposes that new development should provide a mix of residential types and new housing should be primarily high density to increase population size. The proposals are successful in achieving this and accord with policy CS15.

Noise Assessment

There are two possible sources of noise proposed within the hub. The first being any required plant. This will be located to minimise the number of adjacent uses and will be insulated to protect any noise leakage. The outline proposals indicate that the plant rooms will be located in the basement although this will be developed in the subsequent reserved matters application.

The secondary element to noise control will be through the management of the uses within the hub with noise generating uses in the community hall, children's centre and other uses taking place at times when they will not disrupt surrounding development. This is facilitated by the access from the central square which will minimise the disturbance to surrounding homes.

The proposals are therefore being developed with the impact on surrounding residents as a key consideration.

Section 106 Obligations

A planning obligation is required to mitigate the impacts of the development. Impacts will arise in the following areas:-

Primary schools. The development provides for family accommodation which will generate a demand for school places. The Council's Children's Services have provided evidence that there is likely to be a deficiency of school places

in the locality from 2012 given projected population growth. The estimated cost of mitigating this impact is £48,049.

Health. There are no capacity problems in terms of health provision in this area and therefore no mitigation is sought.

Libraries. Library Services advise that development in this area will generate a pressure on existing library facilities which are already in need of additional capital investment as a result of the cumulative impact of population growth. The estimated cost of mitigating this impact is £3,960. This impact is more than addressed through the community hub.

Playing Pitches. The development is in a location that is deficient in terms of access to playing pitches. There is therefore an impact on infrastructure requirement that arises as a result of the development, namely the provision of improved access to playing pitches. The estimated cost of mitigating this impact is £20,569.

Local green space. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact on existing local green space, most specifically an additional pressure on its management. The estimated cost of mitigating this impact is £11,339.

Local play space. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact on existing play facilities, most specifically an additional pressure on its management. The estimated cost of mitigating this impact is £8,115.

Strategic green space. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the quality of environmental sites protected by legislation, particularly through increased recreational demands. The Council has a legal obligation through the Habitats Regulations Assessment of the LDF Core Strategy and relevant Development Plan Documents to seek mitigation for such cumulative impacts. The estimated cost of mitigating this impact is £25,291.

European Marine Site. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the environmental quality of European Marine Site particularly through increased recreational demands. The Council has an obligation through the Habitats Regulations Assessment of the LDF Core Strategy and relevant Development Plan Documents to seek mitigation for such cumulative impacts. The estimated cost of mitigating this impact is £599.

Strategic sports facilities. By reason of the increased population facilitated by the development and the increased demand for use of sports facilities, it will contribute to the cumulative impact of development on the city's sports infrastructure. The estimated cost of mitigating this impact is £16,160.

Strategic transport. By reason of the increased population facilitated by the development and the increased demand for journeys, it will contribute to the cumulative impact of development on the city's strategic transport infrastructure. This will bring the likelihood of increased congestion and pollution unless there is adequate mitigation. The estimated cost of mitigating this impact is £101,939.

Strategic public realm. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the City Centre's public realm. This is because there will be a greater level use of the City Centre which itself generates extra pressure on the existing infrastructure. The estimated cost of mitigating this impact is £1,924.

The total figure for Phase 1b is therefore £237,946. In addition the management fee is £7,851 to be used to meet the Council's costs in administering and monitoring implementation of the Section 106 Agreement.

A negotiated element has also been sought, £50,000 has been requested for off site highway improvements (signal improvements at Outland Road) and £15,000 towards the management of Ham woods following the relocation of reptiles.

The applicant has indicated that they wish to have the application considered under the Council's Market Recovery Scheme, and are prepared to accept the terms of that provision to make a substantive start on site within 2 years. A viability assessment has been submitted which demonstrates that even with a 50% reduction of tariff contributions the development will be unviable. This is in large part due to the fact that the development will provide a community hub, which itself partly addresses impacts but also provides other major regeneration benefits. The applicant has therefore presented a case for a more substantial relaxation of tariff contributions, seeking to demonstrate the benefits the scheme and how they intend to mitigate the impacts of development. The applicant has considered the impact of this proposal together with the impacts of Phase 1b.

The total sum to mitigate the development for both Phase 1a and Phase 1b is £554,356 (see application for Phase 1a for breakdown) with a 50% reduction under the market recovery scheme a sum of £277,178.

OFFER BEING MADE BY THE APPLICANT

After negotiating with the developer from a point of zero contributions being offered to off-set the impacts the applicant is now offering the following contributions for both Phase 1A and 1B. The sum expected if the full market recovery contribution was paid for each of these areas with phase 1 and b combined is given at the end of each section.

Local Infrastructure

Schools

The Plymouth Planning Obligations Evidence Base sets out a mechanism for calculating the tariff for schools and relates entirely to early years and primary places as there is not a capacity issue at secondary level. The tariff is based on the pupil product ratio per dwelling applied to two, three and four bedroomed homes.

The Community Hub which will form part of Phase 1B of the scheme will provide a new LARK Children Centre at an estimated cost of £550,000. This clearly relates directly to Early Years education and as such makes a significant over-provision to this element of the tariff. Notwithstanding this the applicants have offered the sum of £10,000 to mitigate the impact on primary school provision.

A sum of £51,894 will be sought to mitigate development under the market recovery scheme if the LARK Children's Centre is not provided as part of Phase 1B.

Health

The Community Hub will provide 100sq.m. of space dedicated to public health nursing and Healthy Futures at a cost of over £100,000. There is no significant shortfall in capacity in this area and therefore no tariff is sought.

Libraries

The Community Hub will provide a new library at a cost of over £300,000; the tariff is therefore not required to provide mitigation providing the library is delivered. A sum of £5,082 will be sought to mitigate development under the market recovery scheme if a new library is not provided as part of Phase 1B.

Green Space

The new square at the heart of the hub will provide up to 1000 sq.m. of level, car free public open space at the heart of the community. To accommodate parking and the dramatic level changes in this part of the site, over 2000 sq.m. of public realm will be provided in total to the new community hub. This is supplemented by 1000 sq.m. of incidental public open spaces within Phase 1A which provide visual amenity as well as distinctive areas of arrival and character.

The inclusion of smaller green spaces at the heart of the scheme enables opportunities for play and informal interaction by residents. Given the over-provision of other local elements of the tariff, the applicant considers that this is sufficient to mitigate the effects of the development on a local level.

In addition £26,357 has recently been spent by the applicant on the provision of play equipment at Titchey Park.

A sum of £14,817 will be sought to mitigate development under the market recovery scheme if the public open space is not provided as part of Phase 1B.

Children's' Play Space

The Community Hub will provide a new private children's play area as part of the Children's Centre together with a public play area in the central courtyard. This is considered to offset the impact and therefore it seems reasonable that no tariff be paid in respect of this item. A sum of £9,788 would be sought to mitigate development under the market recovery scheme if the children's play space is not delivered as part of Phase 1B.

Playing pitches

The applicant is prepared to offer the sum of £10,000 in respect of this item instead of a sum of £26,877 that would normally be sought to mitigate development under the market recovery scheme.

Strategic Infrastructure

Greenspace

A bio-diversity contribution of £15,000 for management of Ham Woods will contribute towards mitigating the effects of this development on the strategic area. Instead of the sum of £33,041 that would normally be sought to mitigate development under the market recovery scheme.

European Marine Site

The applicant is prepared to offer the sum of £750 instead of the sum of £781 that would normally be sought to mitigate development under the market recovery scheme.

Sports facilities

The applicant is prepared to offer the sum of £10,000 instead of the sum of £21,119 that would normally be sought to mitigate development under the market recovery scheme.

Public realm

The applicant is prepared to offer the sum of £1500 instead of the sum of £2517 that would normally be sought to mitigate development under the market recovery scheme.

Transport

The £50,000 negotiated element that the applicant has agreed to pay is deemed acceptable by the Highway Authority, given the overriding benefits of the scheme. An additional sum of £111,264 would normally have been sought to mitigate development under the market recovery scheme.

Summary table for Phases 1A and 1B:

	Full Tariff (£'s)	Tariff Required under market recovery (£'s)	Offer made by applicant (£'s)	Reason for variation
Local Infrastructure				
Schools	103,787	51,894	10,000	Provision of LARK Children Centre in hub
Health	0	0	0	Provision of public health nursing and healthy futures in hub
Libraries	10,164	5082	0	Library proposed in hub
Green space	29,633	14,817	0	Incidental public open space proposed in 1A and hub
Children's play space	19,576	9,788	0	Children's playspace provided in hub
Playing pitches	53,754	26,877	10,000	Not affordable due to viability
Strategic Infrastructure				
Green space	66,082	33,041	15,000	Not affordable due to viability.
European Marine Site	1561	781	750	Not affordable due to viability
Sports facilities	42,238	21,119	10,000	Not affordable due to viability
Public realm	5,033	2,517	1,500	Not affordable due to viability
Transport	222,528	111,264	0	Not affordable due to viability. £50,000 being paid as negotiated element.
TOTAL	554,356	277,178	47,250	

The appellant also makes that case that the Council's adopted Planning Obligations and Affordable Housing SPD First Review 2010 states that 'Providing better and more affordable housing is a priority for the Council and this is what this scheme is intending to achieve. Adopted Core Strategy policy (CS15) states that 30% of dwellings in new schemes should be affordable homes. The Market Recovery Scheme (MRS) states that a reduction of up to 50% of the full affordable housing requirement may be considered. This scheme will in fact provide 62% affordable housing, more than double normal policy and four times what would be required under the MRS. The cost of this to PCH in terms of potential lost housing revenue is significant. The applicant

argues that as delivery of affordable housing is stated to be a priority this is a significant benefit to the community which justifies mitigation of some of the other tariff elements and will be lost if the scheme does not proceed.

The applicant also argues that under Regulation 122 of the Community Infrastructure Levy Regulations 2010, planning obligations should be used to make development acceptable which would otherwise be unacceptable in planning terms. Because of the major community benefits arising from this scheme, in particular the significant contribution towards achieving the Council's priority objective of providing better and more affordable housing, the significant deficit which PCH will have to bear in order to achieve this and the over-provision of certain community elements at the Community Hub it is considered that the development would be acceptable in planning terms. It is also clear from the viability studies that have been carried out that the scheme is not viable in a normal commercial sense and as such is not capable of financially supporting any additional tariff contributions.

Having taken into account the above proposals it is clear that while the applicant has presented some valuable evidence to demonstrate how some impacts will be mitigated against, it is not possible to mitigate the impact in all areas due to the viability gap. The question that therefore needs to be asked is, if the overall benefit of providing this new housing and the community hub outweigh the impacts.

PROPOSED WAY FORWARD WITH REGARD TO S106 OBLIGATIONS FOR BOTH PHASE 1A & 1B

The Planning Service have considered this in depth and have concluded that on balance the benefits of these proposals do outweigh the local and strategic impacts; they offer benefits not only to the local community but also to the wider area. It is however considered that the contribution offered should be prioritised, so that the money is spent where the most significant impact would be had. In the opinion of the Local Planning Authority the most significant impact would be on responding to the impacts primary school provision given the substantial capacity problems in this area, as well as addressing our legal obligations in relation to impacts on the European Marine Site. Other areas will face impacts, but the scheme does provide partial mitigation (in the case of transport, through the Negotiated Element) or mitigation will be able to be addressed through subsequent phases of development. In relation to the biodiversity impacts, it is considered that this can be effectively dealt with through planning conditions rather than a separate financial contribution.

The level of tariff contributions are therefore accepted on the condition that if the stated hub uses are not delivered, the applicant will have to pay the full market delivery tariff.

The following Heads of Terms are therefore proposed, each of which have been tested against Regulation 122 of the Community Infrastructure Levy Regulations 2010, to enable appropriate mitigation of the impacts identified above:

- i. Local schools tariff: £46,469, to be allocated to the provision of additional school places within the North Prospect locality.
- ii. European Marine Site. £781 to be allocated to appropriate management measures for the Tamar Estuaries as set out in the Tamar Estuaries Management Plan.
- iii. £50,000 for off site highway improvements (signal improvements at Outland Road)
- iv. Planning Obligations Management Fee. £20,705, to be used to meet the Council's costs in administering and monitoring implementation of the Section 106 Agreement.

It is also important to note that a clause will be tied into the S106 agreements for both Phase 1A and 1B that if the hub is not delivered in accordance with a phasing programme to be agreed by the Planning Service then the applicant will be expected to pay the full market recovery tariff of £277,178. This will ensure that the hub is delivered within a reasonable period or that the full market recovery tariff is paid. A series of trigger points shall be agreed in the S106 agreement for delivery of the hub or payment of the tariff.

Equalities & Diversities issues

Policy CS15 requires that 20% of all new dwellings for Plymouth shall be constructed to Lifetime Homes Standards. Lifetime homes allows for the 'future proofing' of all new dwellings and should be considered desirable in all cases. The applicant has indicated that the aim will be to make as many properties as possible lifetime home compliant however details of this shall be gained at the reserved matters stage to ensure that they meet the 20% target given in Policy CS15.

Conclusions

The principle of this development is deemed acceptable and the layout, scale, appearance and landscaping associated with the indicative plans provided is supported. The proposal for a new community hub at the junction of Cookworthy Road and North Prospect Road will create a new heart for the regeneration area. The community hub adds both community and commercial facilities to the area and will also create a new civic square to provide much needed open space to local residents. The proposal includes new homes in a wider variety of size and tenure to create greater diversity of accommodation which will both better meet the needs of the existing community and encourage investment in the area. These homes will be better for the environment with sustainability measures incorporated into their design.

Despite viability issues preventing the applicant from being able to meet the full tariff contributions, the applicant has provided information to suggest that the main impacts of the development can be mitigated against and have

argued that for those that can not be, the overriding benefits provided by both Phase 1A and B far outweigh these impacts.

The proposal is an instrumental part of North Prospect's Regeneration and therefore it is recommended that outline consent be granted subject to the signing of the S106 agreement with delegated authority to refuse if not signed by 21st February 2011.

Recommendation

In respect of the application dated **26/11/2010** and the submitted drawings, **001** , it is recommended to: **Grant conditionally subject to S106 Obligation**

Conditions

PLAN NUMBERS

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: NPP AL02 502 C, NPP AL02 010 B, NPP AL02 013 E, NPP AL02 503 and accompanying Design and Access Statement

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

APPROVAL OF RESERVED MATTERS

(2) Approval of the details of access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required.

SUBMISSION OF RESERVED MATTERS

(3) Plans and particulars of the reserved matters referred to in condition 2 above, relating to the access, appearance, landscaping, layout, and scale shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required.

TIME LIMIT FOR SUBMISSION

(4) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason:

To comply with Section 92 of the Town and Country Planning Act 1990.

TIME LIMIT FOR COMMENCEMENT

(5) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason:

To comply with Section 92 of the Town and Country Planning Act 1990 and Section 51 of the Planning and Compulsory Purchase Act 2004.

LAND QUALITY

(6) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved (other than that required to be carried out as part of an approved scheme of remediation) shall not commence until conditions 7 to 10 have been complied with. If unexpected contamination is found after the development hereby approved has commenced, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 6 has been complied with in relation to that contamination.

Reason:

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

SITE CHARACTERISATION

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

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

(ii) an assessment of the potential risks to:

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

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason:

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

SUBMISSION OF REMEDIATION SCHEME

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2206-2021) 2007.

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

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

Reason:

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

REPORTING OF UNEXPECTED CONTAMINATION

(10) 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 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, 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 9.

Reason:

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

CODE OF PRACTICE

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

Reason:

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

SURFACE WATER MANAGEMENT

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

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

Prior to occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been

completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

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

STREET DETAILS

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

Reason:

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

ROAD ALIGNMENT AND DRAINAGE

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

Reason:

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

COMPLETION OF ROADS AND FOOTWAYS

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

Reason:

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

ACCESS (CONTRACTORS)

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

Reason:

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

CYCLE PROVISION

(17) The development shall not be occupied until space has been laid out within the site in accordance with the approved plan for 58 bicycles to be parked.

Reason:

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

GRAMPIAN (ACCESS/HIGHWAY IMPROVEMENTS)

(18) No dwelling or use hereby permitted shall be occupied or use commenced until the proposed access and improvements to the existing highway, to include details of on-street parking, improved pedestrian crossings and bus stop upgrades (shelters with passenger information systems and bus boarder kerbs to be agreed at each existing stop), and speed limit enhancement where required, shown on plans to be submitted to and approved in writing by the Local authority have been completed.

Reason:

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

GRAMPIAN (ACCESS/HIGHWAY IMPROVEMENTS) OVERDALE ROAD-FOLIOT ROAD

(19) No dwelling or use hereby permitted shall be occupied or use commenced until the proposed access and improvements to the existing highway to the above streets as required to facilitate development and amended traffic routes to be shown on plans to be submitted to and approved in writing by the Local authority have been completed.

Reason:

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

STAFF TRAVEL PLAN

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

Reason:

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

SUSTAINABLE RESOURCE USE

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

Unless otherwise agreed in writing, the approved on-site renewable energy production methods shall be provided in accordance with these details prior to the first occupation of the development.

Reason:

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

ECOLOGICAL MITIGATION AND ENHANCEMENT STRATEGY

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

Reason

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

LIFETIME HOMES

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

Reason:

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

HAM WOODS MANAGEMENT PLAN

(24) No work shall commence until a 3 year management plan for Ham Woods has been submitted to and agreed in writing by the Local Planning Authority. The management plan shall be carried out as approved.

Reason:

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

PHASING PROGRAMME

(25) A phasing programme for the construction of the whole of Phase 1A and 1B must be submitted to and agreed in writing by the Local Planning Authority. The construction programme must be carried out as approved.

Reason:

To ensure the delivery of the community hub or payment of contributions to mitigate the impacts of development in accordance with Core Strategy policies CS01 and CS33.

INFORMATIVES: CODE OF PRACTICE DURING CONSTRUCTION

(1) The management plan required by condition 11 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.

SECTION 278 AGREEMENT

(2)The applicant will be required to enter into discussions with the Highway Authority to agree the details of the highway works associated with this development. Furthermore a Section 278 Agreement, Highway act 1980 will be required to be signed before any works take place within the highway.

ACCESS TO SITE

(3) The developer will be required to contact the Highway Authority to apply for an access to site permit before any development takes place.

EXTINGUISHMENT OF HIGHWAY

(4) The construction of the development hereby permitted shall not commence until such time that an application under the provisions of Section 247 to the Town and County Planning Act has been made to the Government Office to extinguish the highway rights along the length of highway maintainable at public expense, known as Cookworthy Road (part). No construction will be permitted on this highway until such time that the process to extinguish has been completed.

INDICATIVE PLANS

(5) The Local Planning Authority note that while the plans and supporting information submitted with this application are detailed, the plans are indicative only and all matters are left reserved. Details such as the exact location of the tenure types shall therefore be agreed at reserved matters stage.

Statement of Reasons for Approval and Relevant Policies

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

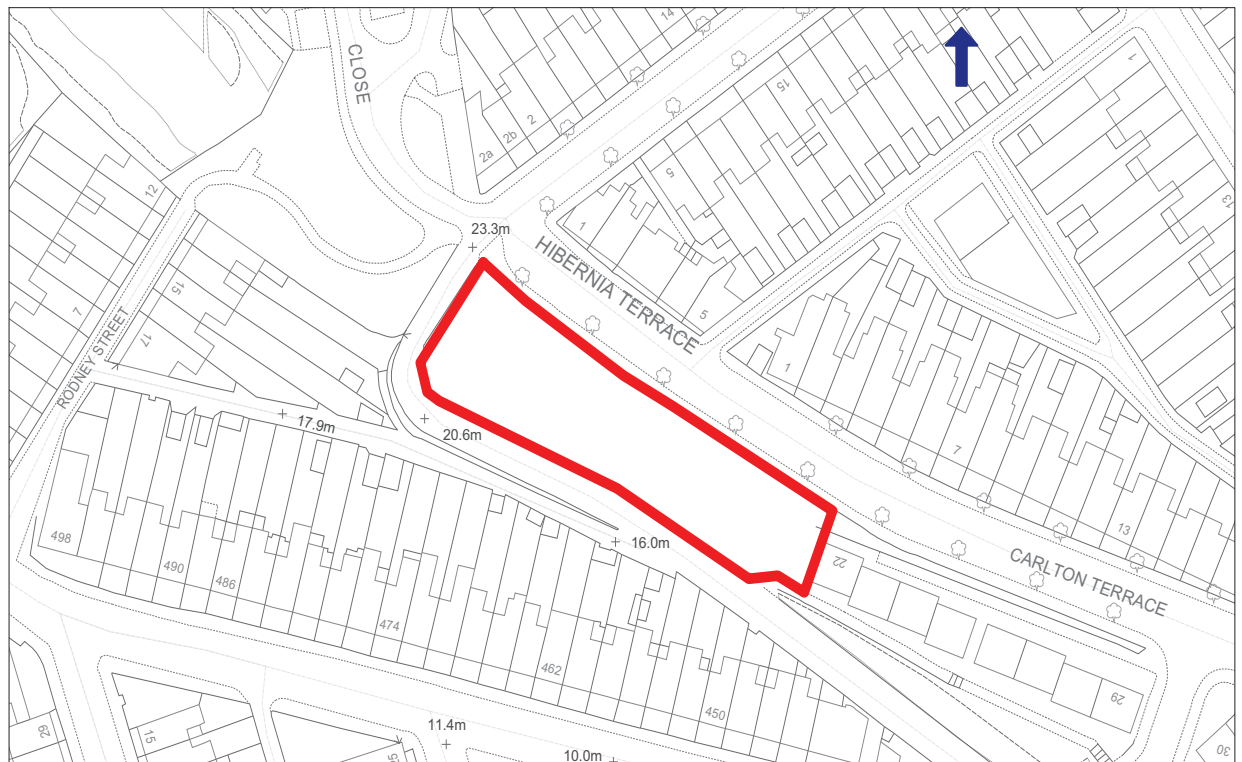
- CS28 - Local Transport Consideration
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS14 - New Education Facilities
- CS07 - Plymouth Retail Hierarchy
- CS08 - Retail Development Considerations
- CS18 - Plymouth's Green Space
- CS19 - Wildlife
- CS20 - Resource Use
- CS21 - Flood Risk
- CS01 - Sustainable Linked Communities

- CS02 - Design
- CS04 - Future Employment Provision
- CS15 - Housing Provision
- CS16 - Housing Sites
- CS12 - Cultural / Leisure Development Considerations
- CS30 - Sport, Recreation and Children's Play Facilities
- CS31 - Healthcare Provision
- CS27 - Supporting Strategic Infrastructure Proposals

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ITEM: 06

Application Number:	10/02071/FUL
Applicant:	Mr Craig Francis
Description of Application:	Erection of 5 houses and 5 flats with associated car parking court and bike store
Type of Application:	Full Application
Site Address:	CARLTON TERRACE WESTON MILL PLYMOUTH
Ward:	Ham
Valid Date of Application:	08/12/2010
8/13 Week Date:	09/03/2011
Decision Category:	Major Application
Case Officer :	Carly Francis
Recommendation:	Grant conditionally subject to S106 Obligation, to be signed by 2 nd March 2011
Click for Application Documents:	www.plymouth.gov.uk



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OFFICERS REPORT

Site Description

The application site measures 0.14 hectares; it is of a rectangular shape which slopes away from Carlton Terrace down to the south. The site is vacant and has been left as grassland. There is stone wall surrounding the northern and eastern boundaries which is collapsing in some areas. The surrounding area is predominantly residential with Victorian terraces to the north and bungalows to the east. The materials predominantly seen in the area are render. The surrounding streets are relatively narrow with houses close to the pavement and limited front garden space. The steeply sloping surrounding roads see stepped terrace housing as the main character.

Proposal Description

Erection of 5 houses and 5 flats with associated car parking court and bike store.

Relevant Planning History

10/01325 (FULL) Erection of 8 houses and 4 flats with associated car parking court- WITHDRAWN.

Consultation Responses

Highway Authority- no objections however recommend that conditions regarding street details, access, the new junction, the parking area, cycle provision and a code of construction be attached to any grant of planning permission and request that improvements are made to the nearby bus stop.

Public Protection Service- no objections providing conditions requiring a code of practice for construction and further land contamination assessment/ investigation be attached to any grant of planning permission.

Police Architectural Liaison Officer- support the application.

South West Water- no comments received.

Housing Enabling Team- strongly support proposal.

Representations

1 letter of representation, objecting on the basis of:
- Insufficient detail being shown.

Analysis

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable

development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

This proposal is one of the North Prospect linked regeneration schemes, intended to deliver an increased capacity of affordable housing in the City, to assist the decant process for regeneration. The main considerations are the design and amenity of the dwellings proposed, the impact on neighbouring properties, on the highway and land contamination issues. The main policies relevant to this application include CS02, CS15, CS16, CS22, CS28, CS32, CS33 and CS34 from the adopted Core Strategy, the Development Guidelines SPD and the Planning Obligations and Affordable Housing SPD.

This application differs from that previously submitted (and subsequently withdrawn). This proposal is for a total of 10 residential units as opposed to the 12 previously proposed and the mix of housing and flats is different. The flats are also now proposed at the opposite end of the site.

The previous application was withdrawn as there was concern regarding the amenity areas for the units, these areas fell well below the minimum guidance given in the Development Guidelines SPD. There was also some concern about overlooking from the units to those properties south, particularly from the balconies of the flats proposed.

Impact on Neighbouring Amenity

The previous concerns regarding overlooking between the new properties and those adjacent have been dealt with in this application. The applicant has provided further information regarding the levels of the site and by reducing the number of units has enabled the properties to have larger amenity areas. The amenity space for all of the dwellings and the flats now well exceeds the minimum guidance given in the Development Guidelines SPD. Due to the amended layout and extended amenity areas, the dwellings along Wolseley Road are now sited further from the boundary of the site and therefore overlooking is no longer of concern, nor will the new dwellings now feel imposing to these properties. The windows of the dwellings proposed would be approximately 22m away (at their nearest point) to the rear windows of the dwellings south of the site and would be approx. 16m away from the amenity areas of these properties. These distances are now deemed satisfactory to ensure there would not be a significant degree of overlooking and the siting of the flats at the opposite end of the site and removal of their balconies has also assisted in removing all overlooking concerns.

The proposed dwellings would be approximately 15m away at their nearest point from those existing dwellings on the opposite side of Carlton Terrace. This is deemed satisfactory and accords with the existing street pattern.

No windows are proposed on the side elevations of the housing and the only windows proposed on the side elevation of the building containing the flats are small bathroom windows which would be a sufficient distance from the

adjacent dwellings proposed to prevent overlooking. There are no dwellings directly to the west of the site that would be affected by the development.

There would be no detrimental impact to any neighbouring property and therefore the proposal would accord with policies CS15 and CS34.

Design and Amenity of the dwellings proposed

All properties would have adequate facilities and sufficient natural lighting to all habitable rooms. The sizes of the units vary with some of the units slightly exceeding the guidance given in the Development Guidelines SPD and some falling slightly short. On balance however it is considered that a good range of housing type is provided that would be of a high standard. All dwellings have sufficient room for refuse storage in their rear gardens and a separate refuse storage area is proposed for the flats, details of which shall be secured by way of condition.

Due to the difference in ground levels the terrace of housing proposed would appear as a terrace of bungalows from Carlton Terrace as split level housing is proposed. This is beneficial to the streetscene as the adjacent properties are bungalows. The flats on the corner of the site are also split level and therefore would appear as a two-storey building from Carlton Terrace.

The palette of materials has been limited to render and timber cladding. This reflects the simple materials of the surrounding units while adding some interest to the elevations. A plain concrete tile is proposed for the roof.

It is deemed that the siting, massing and appearance of the dwellings proposed is acceptable and the proposal is therefore deemed to accord with policy CS02.

Affordable housing size/ mix:

This proposal falls below the threshold for affordable housing set in policy CS15 which is 15 units, however 100% affordable housing is proposed.

In terms of the proposed size and mix of the affordable housing units, the proposal is for 10 dwellings, comprising a mix of 5x 2bedroomed flats, 2 x 3 bedroomed houses and 3x 2 bedroomed houses. The affordable dwellings have been designed to current Homes and Community Agency (HCA) standards, which require affordable units to be of a high standard and it is considered that they will help meet the City's affordable housing need for smaller units and family housing.

The tenure mix proposed is for the 5 x 2 bedroomed flats and 2x 3bedroomed houses to be rented and the 3 x 2 bedroom houses shared ownership/ intermediate accommodation. This tenure mix is supported by the Housing Enabling Team.

Highway Considerations

The Transport Service originally raised objections to this proposal on the basis that inadequate parking provision was proposed. The plans originally submitted showed 10 off-street parking spaces.

Based upon application of the 'accessibility based parking standards' included within the Development Guidelines SPD a total of 20 off-street car parking spaces would be required to serve the site (2 spaces for each unit with 2 or more bedrooms). It is however acknowledged that these are very much maximum standards and therefore the Transport Service are willing to accept a slight relaxation of these standards to allow 1 space per unit for the flats and 1.5 spaces per unit for the remaining dwellings. This would ensure that some visitor parking spaces are provided. Based on this the Transport Service support the proposal with 12 parking spaces and plans have been amended so that the parking area now includes two extra spaces.

The Transport Officer also refers to an existing bus stop located along the Carlton Terrace which would benefit from improvements in the form of a bus boarder. The Transport Service recommended that this be secured through the 'negotiated' element of any subsequent Section 106 Agreement. Unfortunately it is not viable for the applicant to make this contribution and it would not be reasonable to refuse the application on this basis; the proposal is now providing parking provision in line with current policy. To require a 100% affordable housing scheme for a development of just 10 units to provide upgrades to the bus stop is not deemed reasonable.

Details of the junction layout of the parking courtyard with the one-way service lane will be agreed by condition in order to ensure that sufficient visibility is provided at this location for vehicles emerging out onto the adopted highway. Appropriate signing will also be required to highlight the fact to motorists that they are emerging out onto a one-way street.

It is now deemed that the proposal accords with Policy CS28.

Sustainability

Policy CS20 requires the development to off-set a minimum of 15% of the carbon emissions for which the development is responsible by on-site renewable energy production methods. The applicant has demonstrated that this can be achieved through the use of photovoltaic panels. The proposal is therefore deemed to comply with Policy CS20.

Letter of Representation

The concerns raised in the letter of representation are not understood as the details of the application are available on the Council's website and include the siting of the dwellings and full details including their scale.

Section 106 Obligations

No tariff would apply as all of the residential units proposed would be affordable. A S106 agreement is however in place to secure the affordable housing.

Equalities & Diversities issues

Lifetime homes

Policy CS15 requires that 20% of all new dwellings for Plymouth shall be constructed to Lifetime Homes Standards. The dwellings have been designed to lifetime homes standard but can not meet the 16 criteria to be lifetime home compliant as there would not be level access to the parking provision. It was not possible to create level access to these spaces without creating highway concerns. However each individual dwelling has been designed to meet the remaining Lifetime Homes criterions. Therefore given the site restrictions, it is considered that all reasonable attempt has been made to comply with the Lifetime Homes policy and therefore it would not be reasonable to refuse the development of this important affordable housing site for this reason.

Conclusions

This application is for a scheme linked to the North Prospect regeneration and would provide important decant housing. The proposal is for a well designed affordable housing scheme which would respect the character of the area, the amenity of neighbouring properties and highway safety. It is therefore proposed to grant conditional consent subject to the S106 agreement being signed with delegated authority to refuse if not signed by the 2nd March 2011.

Recommendation

In respect of the application dated **08/12/2010** and the submitted drawings, **1759- 001, 1759-002, 1759-004 C, 1759 005 B, 1759 006 B, 1759 007 B, 1759 009 A, 1759 010 A and accompanying Design and Access Statement and Geotechnical and Contamination Report** , it is recommended to: **Grant conditionally subject to S106 Obligation**

Conditions

PLAN NUMBERS

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1759- 001, 1759-002, 1759-004 C, 1759 005 B, 1759 006 B, 1759 007 B, 1759 009 A, 1759 010 A.

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(2)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.

LAND QUALITY

(3) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved (other than that required to be carried out as part of an approved scheme of remediation) shall not commence until conditions 4 to 7 have been complied with. If unexpected contamination is found after the development hereby approved has commenced, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 6 has been complied with in relation to that contamination.

Reason:

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

SITE CHARACTERISATION

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

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

(ii) an assessment of the potential risks to:

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

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

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development

can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SUBMISSION OF REMEDIATION SCHEME

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2206-2021) 2007.

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

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

Reason:

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

REPORTING OF UNEXPECTED CONTAMINATION

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

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 6.

Reason:

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

CODE OF PRACTICE

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

Reason:

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

SUSTAINABLE RESOURCE USE

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

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

Reason:

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

STREET DETAILS

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

Reason:

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

ACCESS (CONTRACTORS)

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

Reason:

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

DETAILS OF NEW JUNCTION

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

Reason:

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

PROVISION OF PARKING AREA

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

Reason:

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

CYCLE PROVISION

(14) No flat/dwelling shall be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for 10 bicycles to be parked.

Reason:

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

CYCLE STORAGE

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

Reason:

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

LIFETIME HOMES

(16) A minimum of 20% of the dwellings must be built in accordance with the lifetime homes criteria, with the exception of creating level access to the parking area as it is acknowledged that this is not achievable. The new dwellings shall be first constructed and subsequently maintained to meet these Lifetime Homes Standards.

Reason:

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

REFUSE STORAGE DETAILS

(17) No work shall commence on site until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz:- refuse storage details. The works shall conform to the approved details.

Reason:

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

INFORMATIVES: CODE OF PRACTICE DURING CONSTRUCTION

(1) The management plan required by condition 8 shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web-pages, and shall include sections on the following:

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

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the design and amenity of the dwellings proposed, the impact to the highway, to trees and on neighbouring properties, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (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
- CS22 - Pollution
- CS02 - Design
- CS15 - Housing Provision
- CS16 - Housing Sites
- SPD1 - Development Guidelines

ITEM: 07

Application Number:	10/01880/REM
Applicant:	Messrs James and Adam Fritzsche
Description of Application:	Reserved matters application (scale, appearance and landscaping) for the erection of four new dwellings
Type of Application:	Reserved Matters
Site Address:	33 WHITLEIGH VILLAS AND ADJACENT LAND CROWNHILL PLYMOUTH
Ward:	Eggbuckland
Valid Date of Application:	04/11/2010
8/13 Week Date:	30/12/2010
Decision Category:	Member Referral
Case Officer :	Janine Warne
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



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OFFICERS REPORT

This application is being brought before Committee as a result of a member referral from Councillor Ian Bowyer. Councillor Bowyer wishes the application to be considered by Committee because of 'the continuing high level of public concern over issues with this application involving scale, appearance, and landscaping'.

Site Description

The site is located at the end of a small cul-de-sac called Whiteleigh Villas. It is currently an overgrown and unkempt parcel of land that is part of the garden of no.33 Whiteleigh Villas. Surrounding development is residential.

Proposal Description

This is a reserved matters application for the erection of four new dwellings, following the outline approval of application 07/01221/OUT. The reserved matters are scale, appearance and landscaping.

Relevant Planning History

07/01221/OUT – Outline application for the erection of four dwellings – Permitted.

10/01280/OUT – Outline application for the erection of four two-storey semi-detached dwellings and one detached dormer bungalow (existing dormer bungalow to be removed) – Refused (Officer's recommendation overturned by Planning Committee).

Consultations

Transport – No objections, however refer to conditions recommended at outline stage.

Public Protection – No objections.

South West Water – No objections, observations: no development should be allowed within 3 three metres of the public sewer that crosses the site. If soakaways are not acceptable the developer should contact SWW for more information.

Police Architectural Liaison Officer – No objections, observations: the cobbles to the front of the dwellings should be replaced with small planted areas with a 0.9m fence in front; gable end windows should be inserted on the two elevations to add to security; the bin store should have a door that can be secured to prevent unlawful access.

Representations

Two letters of support have been received which, in summary, observe that the scale and design of the dwellings reflect the character of the area and the proposed landscaping will be visually attractive, support biodiversity and enhance boundary treatment.

Seventeen letters of objections have been received from eleven immediate neighbouring properties in response to the Council's statutory notification procedure. Fifty-four additional letters of objection/petitions have been received from properties beyond the immediate site surroundings.

This application seeks approval for the reserved matters: appearance, scale and landscaping only. Your Officer's have very carefully summarised the material planning objections that have been made in the submitted letters of representation:

MATERIAL PLANNING OBJECTIONS

- Impact on neighbouring dwellings – loss of light, outlook and privacy
- Detached bin store – unsightly and health hazard
- The dwellings are insufficient in size
- Insufficient outdoor amenity space
- Garages are 'unsightly'
- Design of dwellings not in keeping with area and would be out of character with 1930s housing
- Too few windows
- Landscaping is insensitive - Silver Birch, Magnolia and Whitebeam are unsuitable due to size and encroachment on other tree roots
- Hard landscaping (block paving) is unsuitable for purpose

The application has been amended in an attempt to address some of the material planning concerns noted above. In summary, the following changes have been made: the bins stores have been integrated into the design of the dwellings, the scale (footprint and height) of the dwellings has been reduced, the roof design has been amended, and the garages have been replaced with parking spaces. The amended scheme was re-advertised to allow neighbours to comment. Nine additional letters of representation have been received, however no further material planning considerations have been raised.

Further to the above, many non-material objections have been raised in the submitted letters of representation; **these are beyond the remit of the outstanding reserved matters and therefore cannot be validly considered in this case**, however these have been summarised below for information purposed only.

NON-MATERIAL PLANNING CONSIDERATIONS

- Insufficient turning provision
- Inadequate parking provision
- Car parking bays/garages encroaches on turning bay
- Inadequate access for refuse lorries and other large vehicles
- Junction of Whiteleigh Villas and Whiteleigh Ave is hazardous by reason of its substandard forward and inter-visibility and narrowness
- Large emergency vehicles are able access Whiteleigh Villas when approaching from both directions of Whiteleigh Avenue (confirmed by Devon and Somerset Fire & Rescue)
- Highway damage has caused gas leaks
- Cycle parking not provided
- Loss of protected trees
- Loss of greenspace / garden
- Terraced, two-storey dwellings are out of character with the bungalows on Whiteleigh Villas
- Harm to bats
- Loss of existing garage would appear incongruous
- Insufficient drainage / increase flood risk
- Impact on leat
- Noise disturbance caused by additional residential activity
- Disturbance during construction
- No consideration to lifetime homes
- The position of the homes does not make use of natural light
- Overdevelopment

Analysis

Introduction

Firstly, it should be noted that a local authority cannot use the submission of reserved matters as an opportunity to rethink the principle of a development or the matters agreed at outline stage. Rather, consideration can only be given to the outstanding reserved matters. Circular 03/09 (England only), which gives advice on the award of costs, explains at para.B29 that a planning authority may be at risk of an award where it refuses to approve reserved matters when the objections relate to issues that should already have been considered at the outline stage.

At the outline stage (ref: 07/1221/OUT), consent was granted for four two-storey dwellinghouses on the land adjacent to no.33 Whiteleigh Villas. Details relating to access and layout were also permitted at this stage; these matters are defined in CLG Circular 01/2006 as follows:

- Access – means accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

- Layout – means the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development.

Therefore **these matters cannot be reconsidered here. In this case, approval is being sought for the reserved matters: scale, appearance and landscaping; these are the only matters which can be validly assessed in this case** and are therefore discussed, in no particular order, below.

Scale

CLG Circular 01/2006 defines 'scale' as the height, width and length of each building proposed within the development in relation to its surroundings.

Whilst objections have been raised regarding two-storey development, such concerns are beyond the remit of this application, as outline consent has been given for two-storey dwellings. Notwithstanding this, the precise height, width and length of the dwellings can be considered in this case. Overall, it is deemed that the size of each dwelling provides good quality residential accommodation and relates well to the character of this established residential area.

At outline stage, the principle and layout of the development was carefully considered in relation to neighbouring dwellings; this was deemed acceptable. However, by reducing the scale of the proposed dwellings the potential impact on neighbours has been lessened further. Specifically, amended plans show the depth of the proposed properties reduced from 11.5m to 9m, the associated ridge height has been lowered from approximately 8.5m to 7.9m and the side gables have been replaced by a hipped roof. It is considered that such amendments have significantly reduced the bulk and massing of the proposed development when viewed from neighbouring sites.

The scale of the proposed dwellings is deemed to be consistent with other terraced houses in the area (on Whiteleigh Avenue for example) and does not appear unduly out of character with its surroundings.

The proposed two-bed dwellings have approximately 90m² of internal floor space across two floors. This exceeds the minimal size standards set out in the Council's adopted Development Guidelines Supplementary Planning Document (SPD), which seek at least 72m² for a two-bed house. In addition adequate outdoor amenity space has been provided. Your Officers are satisfied that the scale of the dwellings and associated plot sizes provide good quality residential accommodation in accordance with the Council's policy standards.

The scale of the proposed dwellings accords with the relevant Core Strategy policy criteria, CS02 and CS34, and the Development Guidelines SPD.

Appearance

CLG Circular 01/2006 defines 'appearance' as the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

The surrounding residential area is characterised by a mix of housing types and design features. The architectural approach adopted in this case is deemed to be modest and discreet; the dwellings are sympathetic to surroundings, yet adopt their own character. It would not be possible, nor appropriate, to slavishly imitate surrounding urban form of a much earlier era. Instead, the design approach introduces a distinctly modern built form, which incorporates significant local architectural features. It is considered that the resulting development would not appear especially prominent nor unduly out of character with its suburban setting.

Hipped roofs are predominant in this area. Therefore the proposed roof design has been amended to reflect this.

Bin stores have been integrated into the front elevation of each dwelling. As a result, the isolated bin store has been removed and replaced with soft landscaping. The front façade of each dwelling has been altered to reflect this amendment. A mono-pitched roof has been incorporated over each new bin store and across the entrance of each dwelling. This design solution is practical and adds interest to this elevation; it is therefore supported by your Officers.

Certain materials prevail in the immediate neighbourhood and these contribute to the visual appearance and character of the area. Such materials include smooth painted render, red concrete roof tiles and white uPVC fenestration. The proposed palette of materials has been selected to reflect and respect the local vernacular. As a result, the proposed external appearance of the development is deemed to be in keeping with its setting.

As noted above, the scale of this development has been reduced. As a result, the proposed dwellings have been set further back from the highway. This allows for a small garden area to be incorporated in front of each dwelling. These gardens segregate the dwellings from the highway and soften the appearance of the built form.

In addition, the approved block of private motor garages to the east of the approved dwellings has been replaced with parking bays thereby reducing the amount of built form on the site and opening up this space in visual terms.

Finally it should be noted that, despite the objections raised, it is considered the proposed fenestration provides adequate light and outlook to all habitable rooms; and whilst the Police Architectural Liaison's advice is noted, introducing additional windows in the side elevations is deemed undesirable due to the potential loss of privacy to neighbouring dwellings.

The proposal achieves a sufficient standard of design and appearance expected by the Core Strategy and complies with policies CS02 and CS34 and the principles in the Development Guidelines SPD.

Landscaping

CLG Circular 01/2006 defines 'landscaping' as the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features.

By virtue of the approved layout, consent has been granted for the removal of two protected trees on the site (an Indian Bean and Cherry tree). This has been established and cannot be reconsidered here. However it is considered that the detailed landscaping scheme, which has been submitted as part of this reserved matters application, seeks to mitigate against this loss by planting new specimens and enhance much of the existing soft landscaping at the site.

Your Officers are satisfied that a good soft landscaping scheme has been proposed. It is sensitive to the existing site and the setting of properties surrounding it. The choice of species is logical and befitting of the location and character and can be maintained to provide a robust landscape long term with little expertise on behalf of future residents.

Existing blockwork boundary walls to the north, west and east will be retained. However there is a need to further structure these boundaries. Therefore a new native hedge mix is proposed here. This is deemed to be an appropriate solution and has been further enhanced with a greater proportion of evergreen. This will soften the urban form and help protect neighbouring residential amenity.

In accordance with the approved layout, a communal garden is located to the south of the site. It is considered that this area will visually enhance the site and retain a sense of openness. The existing trees and shrubs to the south-west boundary will act as the backdrop to a turfed or seeded communal garden. The existing boundary treatment here will be supplemented by new planting. Specifically, there is a large gap in the southern hedge bank between the existing Oak (tree 04) and small Hawthorn (tree 03), and whilst replanting of this boundary is being achieved by the mixed hedgerow within the site, the applicant has agreed to actually repair the existing hedge bank itself with new planting, using holly & hawthorn to physically strengthen this historic piece of old Devon countryside.

Two specimen trees (one Silver Birch and one Whitebeam) will be planted to frame the site entrance, with a Magnolia adjacent to the parking area.

Adequate notes relating to planting have been provided and a simple schedule of maintenance operations for the aftercare of the planting including weed control, mulching, litter picking, firming, replenishing of any stock subject to disease, death or damage.

Hard landscaping proposals include timber fencing to the rear of each dwelling; this will designate the boundary line between each property. Additional timber fencing is proposed to the eastern boundary above the existing wall (to a combined height of 1.8m). Private footpaths are proposed in block paving. The highway shall be formed in block paving (however this can be reviewed and agreed under the provision of a section 38 Agreement of the Highways Act). Contrasting permeable paving is proposed for the parking bays. Your Officers raise no objections in this regard.

A carefully considered landscaping scheme is proposed that would be sensitive to its surroundings, enhance the visual appearance of the site and its ecology and protect neighbouring residential amenity; it is therefore considered that the proposal would comply with Policies CS18, CS19 and CS34 of the adopted Core Strategy.

Conclusion

As detailed above, the applicant has worked with your Officers to develop and improve the scheme within the remit of the reserved matters. Your Officers are satisfied that the proposed scale, appearance and landscaping is acceptable in accordance with the relevant policy constraints. Therefore this application is recommended for approval.

Recommendation

In respect of the application dated **04/11/2010** and the submitted drawings, **Site Location Plan, MM1024-PL12A, MM1024-PL1D, O9610/01 Rev .B, 1017.01, accompanying Design and Access Statement and supporting information (Supporting Statement; Arboricultural Implications Assessment, dated 01/11/10; 10.067.2.TPP; Extended Phase 1 Habitat Survey and Bat Survey, dated 02/11/10; Phase 1 Environmental Desktop Study Report, dated May 2010)** , it is recommended to: **Grant Conditionally**

Conditions

APPROVED PLANS

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, MM1024-PL12A, MM1024-PL1D, O9610/01 Rev .B, 1017.01.

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

RESTRICTIONS ON PERMITTED DEVELOPMENT

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

Reason:

In order to prevent over-development of the site and protect the amenity of the area, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE: OUTLINE CONDITIONS

(1) The applicant is advised that the conditions attached to and specified upon the Notice of Planning Permission No: 07/01221/OUT are still in force insofar as the same have not been discharged by the Local Planning Authority and must be complied with. For clarification, outstanding conditions are 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16.

INFORMATIVE: SOUTH WEST WATER

(2) The developer's attention is drawn to the comments and/or requirements of South West Water, a copy of which has been sent direct to the applicant.

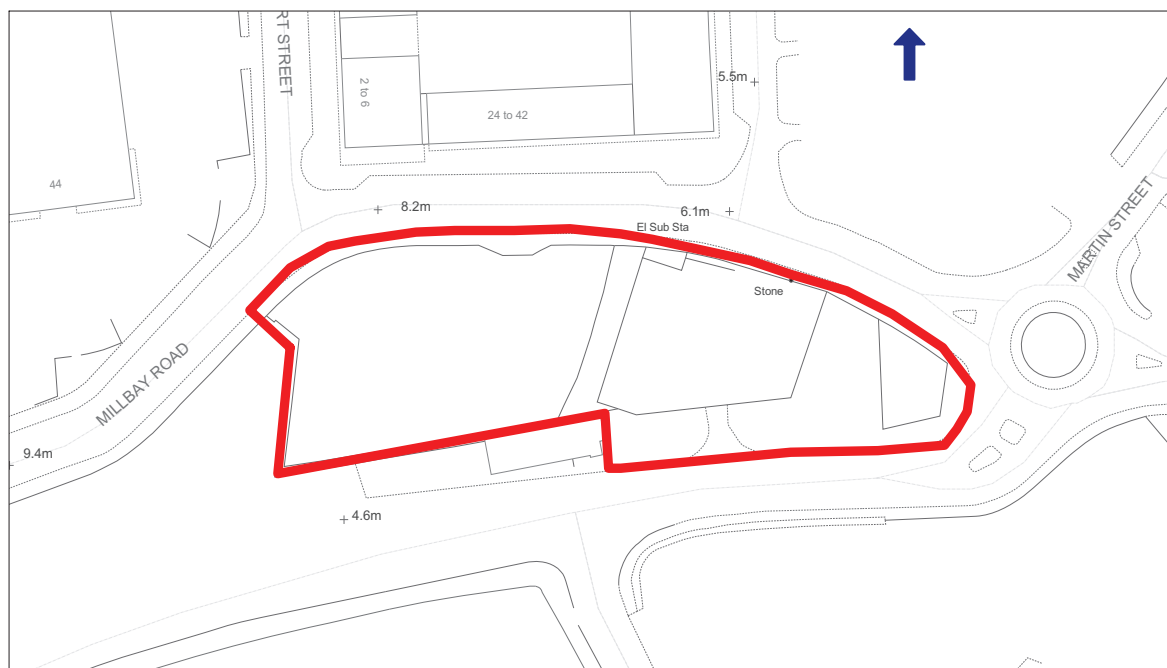
INFORMATIVE: CONTAMINATION

(3) The Council's Environmental Protection Officer (Land Quality), Public Protection Service refer to the Phase I Environmental Desktop Study Report for the site. It is advised that the recommended soil samples are carried out to assess risks posed by metals in the garden areas. It is also recommended that when sampling is carried out the risk from the nearby garage is reconsidered. The garage is some years old and historically tanks were present on site, the Council's records do not indicate that these tanks have been removed and as such could pose a risk of contamination. Normal garage activities could also lead to contamination and given the proximity to the site further risk assessment is needed.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: scale, appearance and landscaping, 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
CS18 - Plymouth's Green Space
CS19 - Wildlife
CS02 - Design
SPD1 - Development Guidelines

ITEM: 08**Application Number:** 10/02131/FUL**Applicant:** English Cities Fund**Description of Application:** Residential redevelopment to build 48 new dwellings on the site consisting: 14 houses (3 x 3 bed and 11 x 4 bed) and 34 flats (18 x 2 bed and 16 x 1 bed), commercial floor space (approximately 370 sqm, use class A1, A2, A3 and/or B1a) and associated parking and landscaping**Type of Application:** Full Application**Site Address:** PLOT G, LAND AT MILLBAY ROAD PLYMOUTH**Ward:** St Peter & The Waterfront**Valid Date of Application:** 21/12/2010**8/13 Week Date:** **15/02/2011****Decision Category:** Major Application**Case Officer :** Mark Evans**Recommendation:** Grant conditionally subject to S106, agreement to be signed by 15th March 2011**Click for Application Documents:** www.plymouth.gov.uk

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OFFICERS REPORT

Site Description

The application site is a small (approx. 0.45 ha), lozenge shaped, plot sandwiched between Millbay Road, to the north, and the 'Dock Access' Road which serves the continental ferry terminal, to the south. The site is predominantly covered with hardstanding, though there are small sections of overgrown bushes and vegetation. The site is currently vacant and used for car parking. A row of young street trees surrounds the site to the south and east.

Levels fall from north to south across the plot and also from west to east. Associated British Ports (ABP) has an office building on the southern frontage. There are two vehicular entrances: from Millbay Road to the north and from the dock / ferry terminal access road to the south.

The area currently lacks any definitive character. In the wider area some light industrial and commercial uses continue to exist around George Street and Bath Street as vestiges of the old employment land use zoning for the area set out in the Abercrombie Plan. For the most part the commercial uses have been cleared in preparation for redevelopment and are now vacant or underused plots. The exceptions are the developments of 'Cargo' and 'Phoenix Quay', to the North and North West. These two new perimeter blocks pioneer the redevelopment of Millbay with mixed use, mainly high density housing schemes. The southern elevation of Cargo, which contains a row of three storey interlocking town houses, and the 'end' elevations of the flat blocks, face towards the application site on the opposite side of Millbay Road.

Proposal Description

Planning permission is sought for mixed use redevelopment of the site, comprising 48 new dwellings: 14 houses (3x three bed + 11 x four bed) and 34 flats (18 x two bed + 16 x one bed); associated parking (42 car parking spaces) and landscaping together with 370sqm of commercial space (use class A1, A2, A3 and/or B1(a)).

The proposed houses are arranged in two terrace blocks and a pair of semi-detached houses along the western and northern sides of the site. Most of the houses are three storeys, but there are 3 two storey houses strategically placed to facilitate viewing corridors from Cargo. Typically the houses are shown with a long narrow footprint.

The houses all have small rear yards with refuse and cycle storage space where achievable. Eight out of twelve units have integral, dedicated parking spaces within the plot. Amenity space is provided by roof terraces and balconies (townhouses) gardens (townhouses) and balconies (apartments).

The main apartment block, beneath which is situated the ground floor commercial unit, is five storeys high. The connected adjoining apartment block which sits over the basement car parking area is three storeys high onto Millbay Road and four storeys high onto the dock access road.

The proposed materials include extensive use of treated timber cladding, facing brickwork and render. Metal façade panels, painted or powder coated balcony railings and a metal standing seam roof are also incorporated.

Relevant Planning History

06/01533/OUT - A mixed-used development comprising residential development (Use Class C3) of up to 1,232 dwellings, in the form of townhouses and apartments; up to 39 live/work units, maximum of 4,095 sqm; employment use (Use Class B1) up to 40,206 sqm; retail (Use Class A1) up to 9,026 sqm; food and drink (Use Classes A3 & A4) up to 13,824 sqm; hotel use (Use Class C1) up to 9,209 sqm; associated alterations to the Arena retained within Plymouth Pavilions (Use Class D2) up to 10,448 sqm; ground remediation, highway improvements and associated landscaping.' GRANTED conditional permission subject to S106 legal agreement 25th January 2008

10/01882/OUT – Renewal of planning permission (ref. 06/01533/OUT) for a further 3 years for:- A mixed-used development comprising residential development (Use Class C3) of up to 1,232 dwellings, in the form of townhouses and apartments; up to 39 live/work units, maximum of 4,095 sqm; employment use (B1) up to 40,206 sqm; retail (A1) up to 9,026 sqm; food and drink (Use Classes A3 & A4) up to 13,824 sqm; hotel use (C1) up to 9,209 sqm; associated alterations to the Arena retained within Plymouth Pavilions (D2) up to 10,448 sqm; ground remediation, highway improvements and associated landscaping. Currently undetermined

Consultation Responses

Highway Authority

No objections subject to conditions.

Environment Agency

No objections subject to condition.

South West Water

No objections subject to conditions.

Public Protection Service

No objections subject to conditions.

Representations

6 Letters of objection have been received. These can be summarised as follows:

1. Adverse impact on privacy of adjoining residents of a “Cargo” as it appears that the proposed windows, at less than 20m distance away, will look directly into the large, floor to ceiling picture windows of the

lounges of the existing residents in the Cargo development. It is suggested that if planning permission is to be granted that the developer should be required to supply one-way glass to the existing Cargo development residents in order to protect existing privacy.

2. Concern regarding loss of natural sunlight caused by the height of the buildings.
3. The height of the buildings is considered to be detrimental to the local built environment and the design does not reflect the stepped design or symmetry of the established form of the Cargo development.
4. The proposed height is higher than that advised by selling agents of Cargo to purchasers who were advised that the development would not exceed the height of the existing Port office.
5. Objections to the close proximity of the proposed development to the existing Cargo development contrary to design guidance.
6. Insufficient car parking for both the residential units and the commercial unit will significantly add to existing parking difficulties in the area resulting in excessive on street car parking.
7. Query where the current car parking spaces which are used by staff of the adjoining VW motor sales premises will be relocated? It is suggested that a residents parking permit zone and short term parking meters be introduced to the area.
8. The submitted application form incorrectly states that there are no trees either on the site or adjacent to the site which is not accurate as there are a several trees both on the site and in the immediate vicinity and it is considered to be detrimental to both the visual amenity of the area and the somewhat limited natural environment to remove all these trees. It is suggested that provision should be made to replant trees in the new scheme.
9. Objection that proposed development will result in a loss of views currently enjoyed from adjoining apartments.

Analysis

The application should be assessed primarily against adopted Local Development Framework Core Strategy. This report therefore has due regard to the following policies: CS01 (Sustainable Linked Communities); CS02 (Design); CS13 (Evening/Night-time Economy Uses); CS18 (Plymouth's Green Space), CS20 (Sustainable Resource Use); CS22 (Pollution); CS28 (Local Transport Considerations); CS32 (Designing Out Crime); CS33 (Community Benefits/Planning Obligations) and CS34 (Planning Application Considerations).

Consideration should also be given to the Millbay and Stonehouse Area Action Plan, PPS1 - Delivering Sustainable Development, PPS3 – Housing, PPG13 – Transport, PPS22 – Renewable Energy, PPS23 – Pollution Control, PPG24 – Noise, adopted Design Supplementary Planning Document (2009), adopted Development Guidelines Supplementary Planning Document (2009) and adopted Planning Obligations Supplementary Planning Document (2010).

The key issues in this case are:

- 1) The principle of developing a mixed use mainly residential scheme on this site (policies CS01, CS13, CS32 and CS34 of the Adopted Core Strategy)
- 2) The design and appearance of the proposed development (Policy CS01, CS02, CS20, CS32 and CS34 of the Adopted Core Strategy)
- 3) Impact upon the amenities of neighbouring properties and uses (Policy CS02 and CS34 of the Core strategy)
- 4) The adequacy of access and parking arrangements and the impact of the development on the highway network (Policy CS01, CS02, CS28, CS32 and CS34 of the Core strategy)

The principle of developing a mixed use mainly residential scheme on this site

Planning Policy Statement 1 (PPS1) sets out the Government's overarching strategy and policy approach for the delivery of sustainable development. One of the broad aims of national policy is to maximise outputs whilst minimising resource use and the example provided in PPS1 is the delivery of higher density residential development on previously developed land, as opposed to lower density green field development.

Protection and enhancement of the environment, both in the rural and urban area, is a key theme running through a number of planning policy statements. Enhancing the environment within which we live is identified as a key objective and paragraph 18 of PPS1 states that "The condition of our surroundings has a direct impact on the quality of life and the conservation and improvement of the natural and built environment brings social and economic benefits for local communities. Planning should seek to maintain and improve the local environment and help to mitigate the effects of declining environmental quality through positive policies on issues such as design, conservation and the provision of public space". In essence, development which makes a positive contribution to the local environment is to be supported through the planning process.

The Local Development Framework Core Strategy deals specifically with the Millbay and Stonehouse area. Paragraph 5.15 of the Core Strategy references the 'Vision for Plymouth' which identifies Millbay as "One of the greatest opportunities for transformation, and thus a key contributor to the future success of Plymouth". The Core Strategy further endorses the importance of Millbay by virtue of its waterfront location and its status as a gateway to and from Europe.

The overarching vision for the Millbay/Stonehouse area is to create a vibrant sustainable neighbourhood which should reinforce and capitalise upon the

existing positive attributes delivering a sustainable development which meets the needs for transport and community infrastructure, creates a new office quarter for the city whilst recognising the issues of flood risk and protection of nature conservation interests.

The application site is part of larger area of redevelopment land which extends along the eastern side of the Millbay waterfront and the indicative line of the proposed new Boulevard link towards the Pavilions and Union Street.

The larger area is covered by Proposal MS03 (Land between Western Approach /Union Street and East Quay /Clyde Quay) of the adopted Millbay and Stonehouse Area Action Plan (AAP). That proposal envisages comprehensive redevelopment of the area to create a new neighbourhood which includes; 'a mix of uses that meet the daily needs of the community it serves and also create activities and use that will be used by the wider community.' Outline planning permission was granted 25 Jan 2008, under ref. 06/01533/OUT for '*A mixed-used development comprising residential development (Use Class C3) of up to 1,232 dwellings, in the form of townhouses and apartments; up to 39 live/work units, maximum of 4,095 sqm; employment use (Use Class B1) up to 40,206 sqm; retail (Use Class A1) up to 9,026 sqm; food and drink (Use Classes A3 & A4) up to 13,824 sqm; hotel use (Use Class C1) up to 9,209 sqm; associated alterations to the Arena retained within Plymouth Pavilions (Use Class D2) up to 10,448 sqm; ground remediation, highway improvements and associated landscaping.*'

This outline permission covered the whole area identified in Proposal MS03. That permission has now expired, but is subject of a renewal application (ref. 10/01882/OUT) reported elsewhere on the agenda.

The form and quantum of development proposed in this application is compatible with Proposal MS03 and the outline planning permission objectives in every way, except that it is another 'piecemeal' redevelopment, which like Cargo and Phoenix Quay, is coming forward outside the comprehensive framework. The applicant argues that market conditions have deteriorated considerably since the outline approval and that in order to maintain the momentum of re-development in Millbay in these changed economic circumstances, they need to take advantage of a, time limited, £350k grant subsidy that is currently available and bring forward another stand alone development in Millbay. The applicant further argues that the site is small and self contained which they believe makes it capable of being delivered without jeopardising the comprehensive redevelopment scheme to which they re-affirm their commitment deliver – although over a longer timeframe than originally envisaged.

It is certainly not in the City's interests to see the redevelopment of Millbay stalled and empty plots left vacant and underused for longer than necessary, and the arguments about changed economic circumstances are appreciated. Consideration should be given to the fact that allowing further piecemeal development, of this kind, is not without risks. The long term objectives of delivering the transformational change sought in the Mackay Vision – for

example the delivery of the new Boulevard etc. – become slightly more difficult to deliver with each stand alone waterfront development that is approved. The relatively isolated, and still only part implemented, Millbay Marina Village further to the south east, stands testament that good town planning involves more than simply allowing prime (yet isolated) sites with waterfront views to be developed.

Given the relatively small self contained nature of this site, the changed economic circumstances and the pledge of continued commitment to deliver the redevelopment of the wider area, on balance, it is recommended that the Planning Committee support this proposal as a stand alone site.

The design and appearance of the proposed development

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

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

The scale, design and massing of the proposed development is considered to be in keeping with development in the locality and will contribute to the enhancement of the appearance and character of the site and wider area.

Concerns regarding the extensive use of brick within the development have been expressed by your officers. It is considered that brick is not a robust enough material for use in such an exposed marine environment and thus its longevity and ability to maintain a high quality exterior finish is questioned. (There is clear evidence on the adjoining development sites of Phoenix Quay and Cargo development, and on several sites within the city, that the recently constructed brick is already showing signs of precipitation and efflorescence due to the severe marine environment being experienced, to the detriment of

the quality of the appearance and character of the overall buildings.) This issue is currently being reviewed with the applicant and a condition is therefore recommended to enable the proposed external facing materials to be considered further.

It is acknowledged that considerable effort has been made during the design process to reduce the impact of the new development upon the existing apartments within the recently constructed “Cargo” development, including the provision of View ‘corridors’ to ensure that the primary habitable rooms on mid floors of Cargo are not completely obscured from waterfront view, and also by restricting the height of the development immediately in front of Cargo to ensure that the top floor balconies of Cargo retain views across to Plymouth Sound.

It is noted that whilst the submitted site plans correctly indicated a number of existing trees on the site, the originally submitted application form incorrectly stated that no trees existed either on the site or adjacent to the site. This section of the form has since been corrected by the applicant. Concerns regarding the loss of the trees on site are noted. In the interests of the visual amenity of the area and the somewhat limited natural environment, it is considered appropriate that provision should be made to replant trees in the new scheme. An appropriate condition is therefore recommended to secure the delivery of additional tree planting within areas of public realm around the development in accordance with the requirements of policy CS18 (Plymouth’s Green Space)

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

Impact upon the amenities of neighbouring properties and uses

It is acknowledged that due to its siting, height and massing, the development will have an impact upon the outlook currently enjoyed by neighbouring and adjoining properties. However, it is considered that the development has been carefully designed so as to minimise this impact to a satisfactory level including the provision of View ‘corridors’ to ensure that the primary habitable rooms on mid floors of Cargo are not completely obscured from waterfront view, and also by restricting the height of the development immediately in front of Cargo to ensure that the top floor balconies of Cargo maintain views across to Plymouth Sound.

Third party representations expressed by residents of the adjoining residential development of ‘Cargo’ (who currently enjoy unimpeded views into Millbay), raise concerns about the height of the proposed houses and the resultant impact on their private views. Concern regarding the impact of a development on private views and/or property values is not a material planning consideration.

Concerns that the relationship of the development to the adjoining Cargo building will result in a degree of loss of privacy are acknowledged, however, with a minimum separation distance of approximately 21m between the two developments, this impact is not considered to be significant taking into account the context of the site within this urban city location. Similarly, the impact of the proposed development in terms of overshadowing and loss of sunlight is not considered to be so significant to warrant a refusal of the application. This conclusion is fully supported by the guidance contained within the adopted Development Guidelines Supplementary Planning Document, which although advising a minimum distance of 28m between habitable room windows directly facing one another for three storey dwellings, acknowledges that the levels of privacy that can be expected within such an inner city urban neighbourhood can be less.

In conclusion, the height and relationship of the proposed development to the existing development of Cargo is not considered to be excessive in relation to an urban street scene. A material planning consideration is the fact that the principle of residential development on this site has long been established as part of the master plan – identified and consulted upon in the Millbay and Stonehouse Area Action Plan and previous outline planning permission.

On balance, taking into account the siting and design of the buildings in relationship to the neighbouring properties and city centre location, the impact of the development upon neighbouring residents is considered to be satisfactory and complies with policy CS34 (Planning Application Considerations).

The adequacy of access and parking arrangements and the impact of the development on the highway network

The Highway Authority does not object to the proposed development.

Although the close proximity of the development site to the city centre and public transport network is acknowledged as being a relatively sustainable location, the Highway Authority has expressed concerns regarding the reduced car parking levels currently proposed (Currently 42 spaces for 48 units).

Whilst it is noted that it is intended that new and improved parking facilities will be developed in the locality in the future as part of the wider redevelopment of the area under the parameters of the Millbay Masterplan, there is a requirement for consideration to be given to providing a temporary car parking area within the regeneration area which could be utilised by residents of the proposed development in the short-term.

On this basis, a clause is recommended within the Section 106 Obligation to secure the provision of a temporary car parking area on an adjoining site for a minimum of 16 cars. The details and control of the management of this temporary car park should be required to be submitted and approved in writing by the Local planning Authority. Should the area in which the

temporary car park come forward for re-development, the developer will be required to provide an alternative temporary car parking location until such times as a more permanent car parking solution is provided. Such an obligation is fully in accordance with PPG13 and Circular 05/2005.

As part of the application submission, a new lay-by for loading and unloading of deliveries for the retail unit on Millbay Road will also be provided. This is supported by the Highway Authority.

The proposed secure cycle storage is considered to be sufficient and the ongoing use of this space will be secured by condition.

Concerns regarding the apparent lack of formal car parking restrictions in the locality are acknowledged. A review of on street car parking controls within the city is currently in the process of being undertaken by the Highway Authority, and it is accepted that the introduction of an increased level of parking control in the area is likely to be required. This may include the introduction of parking meters and/or resident parking permit zones in the near future.

A £60,000 financial contribution towards local transport and access improvements has been agreed as a negotiated element of the Development Tariff and is considered to be necessary to make the development acceptable. This is required to fund the purchase of a free travel pass (any zone) for each household for a minimum of 12 months in addition to funding Travel Plan initiatives that will assist in securing a modal shift away from private car use to more sustainable modes of transport (setting up a dedicated car share area within Car Share Devon, Cycle Purchase Scheme etc).

On this basis, the development is considered to have an acceptable impact upon the highway network and therefore accords with adopted Core Strategy Policies CS01, CS02, CS28 and CS34, together with Government advice contained in PPS1 and PPG13.

Sustainable Resource Use

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

Whilst the applicant argues that full compliance with this policy is currently not achievable due to the restricted economic viability of the development, it is considered appropriate to investigate this matter further to ensure that all viable options have been considered.

In accordance with this, a condition is recommended to ensure that the potential for the development to accord more closely with the requirements of Policy CS20 and Government advice contained within PPS22 is investigated further.

Other Matters

Third party concerns alleging that selling agents of Cargo misled purchasers of the adjoining Cargo development regarding the potential height of the new development, (it is alleged that selling agents advised that the development would not exceed the height of the existing Port office), is not a material planning consideration and is entirely a civil matter between residents of the Cargo development and the developer's selling agents.

Human Rights Act

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

Community Benefits

(a) Affordable Housing

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

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

Despite the above-mentioned concessions, it is positive to note that the developer is still proposing 25% affordable housing on site and this maintains the overall headline figure agreed in the master-plan outline approval.

This delivery of 25% affordable housing will ensure that the proposal makes an appropriate contribution towards the delivery of Millbay as a sustainable neighbourhood. However, behind the headline figure the position is not quite so positive. Viability is tight and the applicant has provided some evidence to support an argument that only 25% affordable housing can be achieved if all the affordable units are clustered among the lower value, mostly north facing,

single aspect, flats. Occupants of the affordable units would also have fewer car parking spaces. The viability evidence has been challenged, and the applicants have agreed to a S106 claw back clause which allows two of the designated affordable flats to be swapped for two of the proposed three bedroom houses in the event that final development profit levels are higher than currently anticipated. The applicant maintains that to allow more would jeopardise delivery of the scheme.

Accepting this would mean that the affordable units do not fully reflect the type and size of the development as a whole – part of the Core Strategy Policy CS15 (Overall Housing Provision) consideration. This weakens slightly the Proposal MS03 objective of providing affordable accommodation for families, and makes it marginally more difficult to achieve the balanced sustainable neighbourhood sought. However in practical terms this is not much more adverse than the current Market Recovery Scheme whose provisions sometimes reduce the overall affordable housing requirements to 15% on the basis of viability. It is not considered to constitute a reason for refusal.

It is therefore recommended that the development be supported with a “clawback” clause incorporated within the S106 Obligation in order to ensure, should the final development profit exceed 15%, that two of the three bed town houses be developed for affordable housing in lieu of two of the affordable apartments.

(b) Other Community Infrastructure.

With the exception of the negotiated Highway contribution of £60,000, it has been demonstrated through the submission of a viability appraisal that the development cannot afford to pay 50% of the Development Tariff (£182,919) towards strategic and local infrastructure.

Further negotiation has taken place with the applicant to review potential alternative measures for how the impact of the development on Local Infrastructure (Schools, Playing Pitches, Green Space, Children’s Play Space and Libraries) and Strategic Infrastructure (Transport, Green Space, Sports Facilities, Public Realm and European Marine Sites) might otherwise be mitigated. The conclusion of this negotiation is that unless the development profits exceed 20%, the applicant will not be able to afford to mitigate the impact of the development on local and strategic infrastructure.

It is therefore proposed that no further payment is made to the Plymouth Development Tariff unless the profit level generated by the development reaches or exceeds 20%.

On this basis the development fails to make adequate provision to mitigate the adverse community infrastructure impacts of the development as required by adopted Core Strategy policy CS01 and CS33, nor can it be argued that it supports the development of a sustainable linked community in every aspect.

In accordance with policy CS01 however, the development will improve the sustainability of the individual communities and neighbourhoods in the locality

by delivering development of an appropriate type, form, scale, mix and density in relation to its location; Contributing to the promotion of a positive sense of place and identity, contributing to the regeneration of the area and the creation of a well connected, accessible and safe community.

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

It is recommended that a “clawback” clause be incorporated within the S106 Obligation in order to ensure, should the final development profit exceed 20%, that this additional profit is paid back to the Council to increase the development contribution towards the delivery of local and strategic infrastructure, up to the total financial contribution that would have otherwise been paid under the full Development Tariff, in this case £365,838.

(c) Community Benefits – Conclusions

The weaknesses in the scheme’s deliverable community benefits (described above) should be balanced against the wider, significant benefits of achieving the delivery of this multi million pound, high quality development in a previously run down area of the city that has been identified as a major opportunity for regeneration within the adopted Millbay and Stonehouse Area Action Plan. This will most importantly, continue the momentum of the regeneration of the immediate area and wider environs of Millbay in accordance with the adopted Area Action Plan policies, despite the current severity of the economic climate.

The development is therefore considered to be acceptable. Such development will in turn send out positive messages to potential investors, which could have a knock-on effect in attracting much needed future investment to the Millbay area.

The challenge now is to ensure that the infrastructure for the wider area is brought forward in a coordinated manner to ensure that the Area Action Plan aspirations are fully acknowledged and delivered.

Equalities & Diversities issues

The redevelopment of this prominent site at the entrance to Millbay and the city’s ferry port will further contribute to the regeneration of the area and provides 12 units of much needed affordable accommodation in the area.

At least 20% of the units will be designed to Lifetime Homes criteria and therefore they will incorporate a design that maximises utility, independence and quality of life, while not compromising other design issues such as aesthetics or cost effectiveness. Housing that is designed to the Lifetime Homes Standard will be convenient for most occupants, including some (but

not all) wheelchair users and disabled visitors, without the necessity for substantial alterations.

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

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

Section 106 Obligations

A S106 Obligation is required to ensure the development will deliver the following Heads of Terms which have been tested against Regulation 122 of the Community Infrastructure Levy Regulations 2010:

1. Development to commence within 2 years;
2. £60,000 financial contribution as a Negotiated Element towards local sustainable transport measures and access improvements such as funding the purchase of a free travel pass (any zone) for each household for a minimum of 12 months, in addition to funding Travel Plan initiatives that will assist in securing a modal shift away from private car use to more sustainable modes of transport (setting up a dedicated car share area within Car Share Devon, Cycle Purchase Scheme etc), payable upon commencement of development.
3. 25% affordable housing (6 x 1-bed and 6 x 2-bed units);
4. Within one year of the completion of the development ,or sale, rent or occupation of the 46th residential unit, that the developer commissions a post scheme development appraisal to be submitted to the Local Planning Authority;
5. A “clawback” clause be incorporated within the S106 Obligation to ensure, should the above post development appraisal identify that the final development profit has exceeded 15%, that two of the three bed town houses be developed for affordable housing in lieu of two of the affordable apartments. Should the profit levels exceed 20%, that this additional profit be paid back to the Council to increase the development contribution towards the delivery of community infrastructure in line with adopted planning policy up to the maximum amount that would have otherwise been required under the full Plymouth Development Tariff, in this case £365,838. (Note that this figure is exclusive of the £60,000 financial contribution already paid towards the negotiated element).
6. Prior to occupation of the residential units, a temporary car parking area shall be provided on an adjoining site for a minimum of 16 vehicles, the details and control of the management of this car parking area to be submitted and approved by the Local Planning Authority. Should the area in which the temporary car park is located come forward for re-development, the developer will be required to provide an alternative temporary car parking location until such times as a more permanent car parking solution is provided.

7. A Planning Obligations Management Fee of £1,232. This management fee will be used to meet the Council's costs in administering and monitoring implementation of the Section 106 Agreement;

Conclusions

There is a general frustration that the recession has considerably slowed the delivery of the McKay Vision and the transformational change of Millbay which is promoted through the vision and objectives of the Area Action Plan.

Architectural successes at Cargo, and to a lesser extent Phoenix Quay, have yet to be replicated elsewhere within Millbay.

Approval of this proposal involves accepting compromises. There's an 'in principle' compromise in accepting another piecemeal development. Behind the welcome headline 25% figure the proposed affordable units are compromised, they do not fully reflect the type and size of the development as a whole, or have the same level of parking. There's a compromise over the level off site community infrastructure benefit, the tariff is below even that of the Market Recovery scheme (although this is partly offset by the 25% level of affordable housing).

Nevertheless the proposed development does satisfy a key wider objective for maintaining development momentum in Millbay in difficult economic circumstances without significantly undermining long term planning objectives.

On this basis it is recommended that conditional approval be granted subject to the satisfactory completion of the Section 106 Obligation. Delegated Authority is sought to refuse the application if the S106 Obligation is not signed by the 22nd of March 2011.

Recommendation

In respect of the application dated **21/12/2010** and the submitted drawings, **GA-001; GA-002; GA-003; GA-010 Rev A; GA-011 Rev A; GA-012 Rev A; GA-013 Rev A; GA-014 Rev A; GA-015 Rev A; GA-020; GA-021; GA-022; GA-023; GA-024; GA-025; GA-026; GA-027; GA-028; GA-031 Rev A; G-032 Rev A; GA-033 Rev A; GA-034; GA-035 Rev A; GA-036 Rev A; GA-037 Rev A; GA-038 Rev A; GA-39; GA-040** , it is recommended to: **Grant conditionally subject to S106 Obligation**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 2 YEARS

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

Reason:

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

DEVELOPMENT IN ACCORDANCE WITH APPROVED PLAN NUMBERS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans Location Plan (GA-001); Existing Site Plan (GA-002); Site Ownership (GA-003); Level 1 Layout Plan (GA-010 Rev A); Level 2 Layout Plan (GA-011 Rev A); Level 3 Layout Plan (GA-012 Rev A); Level 4 Layout Plan (GA-013 Rev A); Level 5 Layout Plan (GA-014 Rev A); Roof Level Layout Plan (GA-015 Rev A); Level 1 Plan (East) (GA-020); Level 2 Plan (West) (GA-021); Level 2 Plan (East) (GA-022); Level 3 Plan (West)(GA-023); Level 3 Plan (East) (GA-024); level 4 Plan (West) (GA-025); Level 4 Plan (East) (GA-026); Level 5 Plan (West) (GA-027); Level 5 Plan (East) (GA-028); North Elevation (GA-031 Rev A); South Elevation (G-032 Rev A); East & West Elevations (GA-033 Rev A); Section AA (GA-034) Section BB/CC(GA-035 Rev A); Section DD/EE (GA-036 Rev A); Section FF/GG/HH(GA-037 Rev A); Section JJ(GA-038 Rev A); Detailed Elevations – Houses (GA-39); Detailed Elevations (GA-040)

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.

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

1. Site Characterisation

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

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

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

2. Submission of Remediation Scheme

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

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

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

Reason:

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

ACCESS (5)

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

Reason:

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

STREET DETAILS

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

Reason:

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

DETAILS OF NEW JUNCTION

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

Reason:

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

FURTHER DETAILS REQUIRED

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

- (i) Details of the design, method of construction and finish of the window system including any spandrel panels to be used, and details of the design and method of construction of the windows/shopfronts to the ground floor commercial unit.
- (ii) Details of the depth of reveal between the different external materials and to the inset window openings.
- (iii) Details of the design, materials and finish of the proposed balconies and including all balustrades;
- (iv) Details of the design of any external building lighting proposed;
- (v) Details of the proposed siting, design and external materials of any roof plant, services or lift rooms and any wall or roof vents, ducts, pipes, extracts, window cleaning apparatus or other accretions to the roof or elevations;
- (vi) Details of the design of the treatment of the junctions between the metal cladding, timber cladding and render cladding.
- (v) Details of the proposed design, materials and finishes to the external gates and basement parking area access gate/doors.
- (vi) Details of the design, materials and finish of the louvre systems.
- (vii) Details of the materials and finish of the soffits to the overhang above the commercial unit and balconies.
- (viii) Details of the design, finish and colour of the proposed awnings.

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

Reason:

To enable the LPA to consider the above details in the interests of the appearance and character of the development and locality, in accordance with Policy CS01, CS02, CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

EXTERNAL MATERIALS

(9) Notwithstanding the submitted details including the proposed extensive use of brick on the external facades of the development, no development shall take place until details (including 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

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

Reason:

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

LANDSCAPE DESIGN PROPOSALS

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

Reason:

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

LANDSCAPE WORKS IMPLEMENTATION

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

Reason:

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

PROVISION FOR TREE PLANTING

(13) Unless otherwise agreed previously in writing with the Local Planning Authority and notwithstanding the submitted drawings, prior to any occupation of the development a minimum of 8 trees shall have been planted within the areas of public realm around the site, prioritising the areas to the south and east of the commercial unit, in accordance with a tree planting schedule which shall have been submitted to and agreed in writing by the Local Planning Authority. The tree planting schedule shall include full details of proposed tree planting and the proposed times of planting. All tree planting shall be carried out in accordance with those details and at those times.

Reason:

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

TREE REPLACEMENT

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

Reason:

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

LANDSCAPE MANAGEMENT PLAN

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

Reason:

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

REFUSE PROVISION

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

Reason:

In order to ensure that adequate, safe and convenient refuse storage provision is provided and made available for use by future occupiers. In accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LIFETIME HOMES

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

Reason:

In order to deliver an adequate level of housing that is designed to the Lifetime Homes Standard that will be convenient for most occupants, including some (but not all) wheelchair users and disabled visitors, without the necessity for substantial alterations in accordance with adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007 Objective 10, Policy CS15, and relevant Central Government advice.

RESTRICTIONS ON PERMITTED DEVELOPMENT

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

Reason:

In order to control future changes to the appearance of the buildings and ensure that this high density urban area is not overdeveloped, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SUSTAINABILITY

(19) Unless otherwise agreed previously in writing with the Local Planning Authority, prior to any development taking place, the applicant shall provide to the Local Planning Authority a report for approval identifying how either;

(a) a minimum of 15% of the total carbon emissions for which the development is responsible will be reduced through the use of renewable energy equipment, combined heat and power and energy efficiency measures outlined within the applicant's Energy Statement.

Or

(b) the installation of a low carbon technology such as Combined Heat and Power (CHP) could achieve greater than 15% reduction in total carbon emissions, and facilitate the roll out of a wider approach to district energy as part of the Millbay Master Plan area. To understand how this CHP solution would contribute to a Millbay District Energy Network the Local Planning Authority would need this report to (i) consider quantum's & phrasings of development proposed as part of Millbay master plan, (ii) energy characteristics of these developments, (iii) the options for supplying these energy demands in line with Government's trajectory for low carbon building standards as set out in Building a Greener Future.

Unless otherwise agreed in writing, the approved renewable energy measures, or low carbon measures shall be provided in accordance with these details prior to the first occupation of the development and thereafter retained for so long as the development remains in existence.

Reason:

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

NOISE

(20) Unless otherwise agreed previously in writing with the Local Planning Authority, the development shall be constructed in accordance with BS8233:1999 so as to provide sound insulation against externally generated noise. The good room criteria shall be applied, meaning there must be no more than 30 dB LAeq for communal/living rooms (0700 to 2300 daytime) and 30 dB LAeq for bedrooms (2300 to 0700 night-time), with windows shut and other means of ventilation provided. Levels of 45 dB LAf.max shall not be exceeded in bedrooms (2300 to 0700 night-time).

Prior to any occupation of the buildings, the applicant/developer should submit, for written approval by the Local Planning Authority, a verification report proving that the buildings meet the criteria.

Reason:

To ensure that the proposed dwellings hereby permitted achieve a satisfactory living standard and do not experience unacceptable levels of

noise disturbance generated by traffic or community noise to comply with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document 2007

CAR PARKING PROVISION

(21) Unless otherwise agreed previously in writing with the Local Planning Authority, the development shall not be occupied until space has been laid out within the site in accordance with the Approved plan for a maximum of 42 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).

Reason:

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

CYCLE PROVISION

(22) No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plan for a minimum of 48 bicycles to be parked.

Reason:

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

CYCLE STORAGE

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

Reason:

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

LOADING AND UNLOADING PROVISION

(24) 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

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

Reason:

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

PRESERVATION OF SIGHT LINES

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

Reason:

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

TRAVEL PLAN

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

Reason:

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

OPENING HOURS

(28) Unless otherwise agreed previously in writing with the Local Planning Authority, the commercial (A3) / retail (A1) use hereby permitted shall not be open to customers outside the following times: 0700 - 2300 hours Mondays to

Saturdays inclusive and 1000 - 2200 hours on Sundays and Bank or Public Holidays.

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

COMMERCIAL/RETAIL WINDOW DISPLAYS

(29) Unless otherwise previously agreed in writing with the Local Planning Authority, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) and Class C of Part 2 of Schedule 2 to that order, the ground floor commercial unit Windows/glazed area(s) hereby permitted shall remain as active windows, unless otherwise agreed in writing by the Local Planning Authority.

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

Reason:

In order to maximise the extent of visibly active ground floor uses in the interests of the visual amenity, appearance and character of the building and locality and in accordance with adopted Core Strategy policies CS01, CS02, CS34 of the Plymouth Local Development Framework Core Strategy (2006 - 2021) 2007 and relevant Government advice contained in PPS1.

MECHANICAL EXTRACTION VENTILATION DETAILS

(30) Prior to the installation of any mechanical extract ventilation system to any or all of the commercial units the Local Planning Authority (LPA) must be provided with plans and information in respect of the equipment, which must be approved in writing by the LPA, prior to the installation of any such equipment.

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

The information should also include details of methods to reduce any noise caused by the operation of any proposed ventilation system. The noise emanating from equipment (LAeqT) should not exceed the background noise level (LA90) by more than 5dB, including the character/tonalities of the noise, at anytime as measured at the facade of the nearest residential property.

Reason: To protect the residential and general amenity of the area from noise and odour emanating from the operation of any mechanical extract ventilation system and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

COMMERCIAL DELIVERIES RESTRICTION

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

Reason:

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

AMENDMENTS TO TRAFFIC REGULATION ORDERS

(32) Unless otherwise agreed previously in writing with the Local Planning Authority, no occupation of the ground floor retail/commercial unit shall take place until the applicant has sought to amend any existing Traffic Regulation Orders (TRO) in order to provide a loading/unloading bay on Millbay Road as shown on the submitted drawings. The mechanism to secure the amendment to the TRO shall have been previously submitted to and agreed in writing by the Local Planning Authority.

Reason:

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

INFORMATIVE - EXCLUSION FROM RESIDENTS PERMIT PARKING SCHEME

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

INFORMATIVE - CODE OF 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, hours of crushing and piling operations, control of mud on road, control of dust and noise limitation measures.

d. Details of an area to be created within the site for the parking of contractor's equipment and materials.

e. 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: SECTION 278 AGREEMENT HIGHWAYS ACT 1980

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

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: The impact on the appearance and character of the area, the impact upon neighbouring properties, the impact on the highway network, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (1) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

PPS3 - Housing
PPS1 - Delivering Sustainable Development
PPS23 - Planning & Pollution Control
CS28 - Local Transport Consideration
CS32 - Designing out Crime
CS33 - Community Benefits/Planning Obligation
CS34 - Planning Application Consideration
CS22 - Pollution
CS07 - Plymouth Retail Hierarchy
CS19 - Wildlife
CS20 - Resource Use
CS21 - Flood Risk
CS05 - Development of Existing Sites
CS01 - Sustainable Linked Communities
CS02 - Design

CS04 - Future Employment Provision

CS15 - Housing Provision

PPS25 - Development and Flood Risk

MS03 - Western Approach/ Union Street and East Quay

PPS4 - Economic Growth

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ITEM: 09

Application Number:	10/02081/FUL
Applicant:	Citimark Partnership Ltd
Description of Application:	Change of use of first, second, third and fourth floors of building from office use (Class B1) to 75 units of student accommodation, associated car parking (9 spaces), cycle storage and erection of two new exhaust systems on rear elevation of building rooted to roof level in association with ground floor restaurant uses
Type of Application:	Full Application
Site Address:	ROYAL INSURANCE BUILDING ST ANDREWS CROSS PLYMOUTH
Ward:	St Peter & The Waterfront
Valid Date of Application:	10/12/2010
8/13 Week Date:	11/03/2011
Decision Category:	Major Application
Case Officer :	Robert Heard
Recommendation:	Grant conditionally subject to S106 Obligation, to be signed by 8 th March
Click for Application Documents:	www.plymouth.gov.uk



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OFFICERS REPORT

Site Description

The Royal Insurance Building is a five storey, flat roofed, U shaped building that fronts onto St Andrews Cross roundabout at the top end of Royal Parade in the City Centre. Internally, the building has a symmetrical layout, with two wings linked by a central lobby which contains staircases and lifts.

The building was built in the 1950's and forms an integral part of Plymouth City Centre's post-war reconstruction that was guided by the Plan for Plymouth 1943. The ground floor is occupied by chinese/oriental restaurants (The Royal Garden and Buffet City). The upper floors are in office use but only the first floor is occupied, the tenant being Achievement Training which is an office use with ancillary education. The second, third and fourth floors are all vacant.

The building is not listed and is not located within a Conservation Area. It does however contribute positively to the building group about St Andrew's Cross and to the wider setting of Royal Parade. Within the City Centre Area Action Plan, under Policy CC02, the building is recognised as being one of the best surviving examples of the quality that was envisaged in the Plan for Plymouth.

Proposal Description

Planning permission is sought to change the use of the first, second, third and fourth floors of the building from office use (Class B1) to 75 units of student accommodation, with associated car parking (9 spaces), cycle storage and the erection of two new exhaust systems on the rear elevation of the building rooted to roof level, in association with the ground floor restaurant uses.

The proposed student accommodation comprises of twenty cluster flats and 10 studio apartments, providing a total of 75 bed spaces. Floors 1 -3 each have 2 four bed cluster flats, 2 three bed cluster flats, 1 three bed cluster flat and 3 studios. Floor 4 has 1 five bed cluster flat, 1 four bed cluster flat, 2 three bed cluster flats, 1 two bed cluster flat and 1 studio flat. The proposed cluster flats provide a shared kitchen and lounge/diner with each bedroom having an en suite bathroom. The proposed studio apartments are self contained and provide a separate bathroom with living space comprising of bed, kitchenette and small dining area.

Externally changes are minimal and it is not proposed to replace or alter any of the windows or entrances. However, it is proposed to erect 2 new flues to the rear elevation of the building, providing roof level discharge for the new kitchen exhaust systems that are required to ensure that odours and fumes emanating from the ground floor restaurant uses do not cause nuisance to the potential occupiers of the proposed student accommodation.

Relevant Planning History

10/01531/FUL - Change of use of first, second, third and fourth floors of building from office use (Class B1) to 75 units of student accommodation and associated car parking (9 spaces) and cycle storage. WITHDRAWN.

Consultation Responses

Highway Authority – support subject to conditions.

Public Protection Service – support subject to conditions.

Representations

Letters were sent to neighbouring properties and a site notice posted and 2 letters of representation have been received. These are both from the oriental restaurant on the ground floor of the building known as Buffet City and both letters (they are identical, one direct from Buffet City and the other on their behalf from Gard & Co) state that whilst they do *not necessarily object to the proposed use of the first, second, third and fourth floors of the building they would prefer that all entrances/exits to these levels of the building are separate and independent from the restaurant entrance/exit facilities.*

To clarify, both restaurants have their own separate entrance/exits at ground floor, with the proposed access to the student accommodation being separate also. Access to the rear courtyard for the proposed student accommodation is from the central building staircase and the restaurants also have use of this staircase as well as access to the basement from within their own premises, therefore this is not considered to present a problem from a planning perspective.

Analysis

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

As stated above, this application proposes to change the use of the first, second, third and fourth floors of the building from office use (Class B1) to 75 units of student accommodation, with associated car parking (9 spaces), cycle storage and the erection of two new exhaust systems on the rear elevation of the building rooted to roof level, in association with the ground floor restaurant uses, at the Royal Insurance Building on St Andrews Cross.

It is considered that the key issues in the consideration of this planning application are:-

- The principle of loss of the existing office use and conversion of the upper floors into student accommodation (Policies CS01, CS05,

- The quality of student accommodation provided (Policies CS15 and CS34 of the Core Strategy)
- The design and appearance of the proposed development (Policies CS02 and CS34 of the Core Strategy)
- Impact upon the amenities of neighbouring properties and the character of the surrounding area (CS34 of the Core Strategy)
- The adequacy of access and parking arrangements (Policy CS28 of the Core Strategy)

The principle of loss of the existing office use and conversion of the first and second floors into student accommodation

Policy CS05 (Development of existing sites) of the adopted City of Plymouth Local Development Framework Core Strategy (2007) relates to existing employment sites. It states that development of sites with existing employment uses will be permitted where there are clear environmental, regeneration and sustainable community benefits from the proposal and sets out five criteria for this assessment, including whether it is a viable employment site. These include criteria 2 which states:-

2. Whether the site is in an appropriate location for, or suited to, the needs of the city's priority economic sectors.

Discussions with the agent have revealed that the upper floors have been vacant for around 5 years and actively marketed for this period with little interest shown, mainly due a lack of parking for staff and specification being below that of modern purpose built office space. These are common problems for office space in this location and have affected other nearby buildings from the same period, most notably Tamar House, where office space above the main city centre post office was vacant for a period in excess of 10 years. Recently an application (10/01677/FUL - Conversion of 2nd and 3rd floors from office space to 40 units of student accommodation together with modifications to entrances at Tamar House) was granted at this site and it can thus be argued that this decision sets a precedent for the principle of conversion to a residential use of the upper floors of buildings in this area that have an unfulfilled office use.

The reuse of the upper floors of the building is also supported in Policy CC02 (The Royal Parade Blocks) of the adopted City Centre and University Area Action Plan (AAP), which states that *'The blocks forming the northern side of Royal Parade are the best surviving examples of the quality that was envisaged in the Plan for Plymouth. Replacement of these buildings will not be permitted, although it is recognised that it may be necessary to sensitively alter the buildings in order to retain viable, successful uses. Proposals which aim to widen the use mix of the buildings, introducing residential and office uses, may be acceptable as long as they retain active ground floor frontages.*

The property is located close to the University, colleges and city centre and is at the centre of the cities transport interchange as it is located opposite the

central bus station at Bretonside. Access to public transport is good and the location of the proposal is thus sustainable with many amenities within walking distance.

When considering the suitability of the site for office use there are three main reasons why it is considered that the loss of employment (office) space in this location should be accepted;

- The site is no longer considered an appropriate location for office use and the building has become unviable as an employment site owing to lack of parking and modern office specification
- Policy CC02 of the City Centre AAP, which encourages the reuse of the upper floors of this building (including residential use)
- The precedent of the previous resolution (10/01677/FUL – see above),

The quality of student accommodation provided

The proposed studio bedrooms each contain integrated bathrooms and kitchenettes and the cluster units have shared kitchen/diner and lounge with each bedroom having a small ensuite bathroom. This physical layout shows a clear commitment on the part of the applicant to develop specialist student accommodation and provides some reassurance to the council that these units are not going to end up as independent studio flats which lack adequate amenity space, parking etc.

In relation to: housing mix, tenure mix, amenity, parking and 'Lifetime' homes they do not satisfy the criteria set out in policy CS15 (Overall Housing Provision) as general housing. However, the development proposed is specialist student development and it is not therefore considered appropriate to apply normal residential policy requirements and standards to a specialist form of accommodation. The smallest bedroom in the proposed development is 10.4 square metres (not including the ensuite) and this is considered acceptable and provides a decent standard of accommodation.

Nevertheless, it is considered that if significant derogations from normal residential standards are to be accepted, it is only on the basis that the units are being provided as specialist units of student accommodation, managed as a block and occupied on a temporary basis by predominantly young people in full time education. To reinforce this, it is considered appropriate to impose strict occupancy restrictions upon any approval and expect the landlord to actively discourage residents from bringing cars into the city.

The design and appearance of the proposed development

There are minimal changes proposed to the external appearance of the building and the existing doors and windows are being retained. The main alteration externally is the provision of two new kitchen exhaust systems for the ground floor restaurants that incorporate flues to be routed to high level, in this case discharging at roof level.

Presently, both ground floor restaurants have individual exhaust fans that discharge at ground level into the car park/courtyard to the rear of the

building. This does not provide adequate extraction or ventilation and results in the rear courtyard and first and second floors of the building being permeated by strong odours emanating from the oriental restaurants on the ground floor.

It is proposed that both flues are located on the rear elevation of the building, incorporating a duct extending from both ground floor kitchens and discharging vertically at roof level, as required by building regulations. Neither of the proposed flues are visible from the front of the building and both are sensitively located on the rear elevation, being away from public view. The application is therefore considered acceptable in relation to policies CS02 (Design) and CS34 (Planning Application Considerations).

Impact upon the amenities of neighbouring properties and the character of the surrounding area

As stated above, there are minimal external changes to the building and it is considered that these will have little impact upon the commercial neighbours that surround the site. The change of use is also unlikely to disturb neighbours, as these are commercial premises that are mainly used during the working day, when the student residents are studying.

The main amenity impact is likely to come from the existing ground floor restaurant uses and, as stated above, this application proposes to upgrade the existing extraction and ventilation equipment, so that the emission of fumes and odours does not impact upon the amenities of the potential occupiers of the student units proposed within this planning application. The Public Protection Service is also happy that the proposed upgrading of the existing extraction systems and new flues dispersing at roof level will cause no harm to residential amenity and recommend conditions to secure the provision of these facilities. It is thus considered that this application will not impact significantly upon the amenities of neighbouring properties and will not raise new issues of amenity conflict.

The adequacy of access and parking arrangements

The Highways Officer has been consulted and his comments are as follows:

There is no objection to the proposal. Parking levels are minimal but this is appropriate considering the location, access to public transport and parking enforcement in the area. Eight car parking spaces are proposed together with 1 disabled space and cycle parking for around 12 cycles is shown plus 4 cycle spaces for visitors. It is suggested that parking spaces be used for picking up and dropping off purposes rather than allocated to specific residents.

In addition a Travel Plan Condition is suggested to include information and awareness raising for the residents. Access arrangements to the proposed car parking would also need to be set out in the Travel Plan however it is suggested that these spaces are provided for the purposes of picking up and dropping off of students rather than allocated parking for the residents.

The residential accommodation is located in the city centre, and occupation is to be restricted to students. As such it is acceptable for it not to include general parking. The provision of (2-3 spaces) for setting down and picking up and to provide parking for registered disabled who may be resident or visiting the premises is considered to be adequate.

Sustainable Resource Use

The Energy Report submitted by the applicants recommends that photovoltaic panels, which are flat panels that convert sunlight into an electrical supply, are used to achieve the savings required by Policy CS20 (Sustainable Resource Use) of the Core Strategy.

Photovoltaic Panels work by generating electricity from light. As their energy source is sunlight, they do not require fuel to operate and produce no air pollution or hazardous waste. Photovoltaic panels are flush to the roof and thus have minimal visual impact, in this case they will not be visible at all from any public area.

The use of photovoltaic panels is adequate in order to meet the 15% energy saving required and the application is therefore compliant with Policy CS20. In order to secure this form of renewable energy a condition is recommended requiring further details showing the location of the photovoltaic cells on the roof of the building.

Section 106 Obligations

A planning obligation is required to mitigate the impacts of the development. Impacts will arise in the following areas:-

Local health infrastructure. The development will create an additional demand upon local health facilities. The Primary Care Trust has provided evidence that capacity in the City Centre locality is substantially deficient for meet the needs of the project population growth in this area. The development will therefore generate an impact that needs to be mitigated. The total cost of mitigating this impact is £12, 525

Libraries. Library Services advise that development in this area will generate a pressure on existing library facilities which are already in need of additional capital investment as a result of the cumulative impact of population growth. The development will therefore generate an impact that needs to be mitigated. The total cost of mitigating this impact is £6, 300

Playing Pitches. The development is in a location that is deficient in terms of access to playing pitches. There is therefore an impact on infrastructure requirement that arises as a result of the development, namely the provision of improved access to playing pitches. The total cost of mitigating this impact is £33, 304

Local green space. The development is in a location that is deficient in terms of access to green space. There is therefore an impact on infrastructure requirement that arises as a result of the development, namely the provision

of improved access to green space. The total cost of mitigating this impact is £18,360

The following Heads of Terms are proposed, each of which have been tested against Regulation 122 of the Community Infrastructure Levy Regulations 2010, to enable appropriate mitigation of the impacts identified above:

- i. Local health infrastructure tariff. £12, 525 to be allocated to the provision of additional capacity in local health care facilities within the City Centre locality.
- ii. Libraries tariff. £6, 300 allocated to the provision of improved library facilities in the area.
- iii. Playing pitches tariff. £33, 304 to be allocated to the provision of improved playing pitch facilities in the area, as identified in the Playing Pitch Strategy.
- iv. Local green space tariff. £18, 360 EITHER to be allocated to the provision of accessible green spaces in a location appropriate to the development OR to be allocated to the management and improvement of local green space.

Therefore, to mitigate the impacts of the proposal, a total tariff contribution of £70, 489 is required. In addition to this, a Planning Obligations Management Fee of £8, 058.60 is required, in order to meet the Councils costs in administering and monitoring the implementation of this Section 106 Agreement.

Equalities & Diversities issues

There are no additional issues to be considered here, no negative impact is anticipated to any equality group.

Conclusions

The case for retaining the existing office use on the upper floors of the building is quite weak given that it is accepted that this space is not really viable for office accommodation, that policy CC02 of the city centre AAP encourages reuse of the upper floors of the building and that a very similar application has been granted at Tamar House, directly opposite the site.

Whilst there remain some concerns about the conversion to student use - particularly around: the limited size of the communal spaces and the absence of any useable external amenity space - these are outweighed by the strengths of the proposal. Students are, typically, transient residents, who live in a hostel/ hall of residence for one, possibly two, academic years. They have lower levels of car ownership than the wider population; and less need for external amenity space. The proposal would provide an attractive standard of student accommodation within easy walking distance of the university / art College, public transport and city centre facilities. As such it would make a

useful contribution towards diversifying city centre functions and give it more life outside shopping hours.

The application is therefore recommended for approval, subject to conditions and the satisfactory completion of a Section 106 legal Agreement, with delegated authority sought to refuse the application if the Section 106 Agreement is not signed by the 8th March 2011.

Recommendation

In respect of the application dated **10/12/2010** and the submitted drawings, **Site Location Plan, 10808.EX01, 10808.EX03, 10808.EX04, 10808.EX05, 10808.EX06, 10808.SD15A, 10808.SD16, 10808.SD17, 10808.SD18, 10808.SD19A, 10808.SD20A** and accompanying **Noise Assessment, Energy Statement, Survey of Existing Mechanical and Electrical Building Engineering Services, Phase 1 Geo-Environmental Assessment and Preliminary Design Report for Kitchen Ductwork Modification**, it is recommended to: **Grant conditionally subject to S106 Obligation**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

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

Reason:

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

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 10808.EX01, 10808.EX03, 10808.EX04, 10808.EX05, 10808.EX06, 10808.SD15A, 10808.SD16, 10808.SD17, 10808.SD18, 10808.SD19A, 10808.SD20A.

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.

SOUND INSULATION OF BUILDING

(3) All residential student accommodation shall be converted/constructed so as to provide sound insulation against externally generated noise. The good room criteria as prescribed in BS 8233, shall be applied, meaning there must be no more than 30 dB LAeq for living rooms (0700 to 2300 daytime) and 30 dB LAeq for bedrooms (2300 to 0700 night-time), with windows shut and other means of ventilation provided. Levels of 45 dB LAf, max should not be exceeded in bedrooms (2300 to 0700 night-time), more than 10-15 times per night.

Reason:

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

STUDENT OCCUPATION

(4) The occupation of the accommodation hereby permitted shall be limited to students in full time education only unless otherwise agreed in writing by the Local Planning Authority.

Reason:

The standard of accommodation provided, including levels of amenity space and parking, would not provide satisfactory residential environment for permanent full time occupation by other sections of the community.

TRAVEL PLAN

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

Reason:

To promote sustainable travel options for the residents in accordance with Core Strategy Policies CS28 and CS34.

CODE OF PRACTICE

(6) During development of the scheme approved by this planning permission, the developer shall comply with the relevant sections of the Public Protection Service, Code of Practice for Construction and Demolition Sites, with particular regard to the hours of working and noise.

Reason:

The proposed site is in immediate vicinity to existing residential properties, whose occupants will likely be disturbed by noise and/or dust during demolition or construction work and to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF GLAZING

(7) Prior to commencement of development on site, full details of glazing, ventilation, construction materials for building facades and all habitable rooms shall be provided and agreed with the planning authority and designed to meet the good room criteria as stated in Condition 3, with particular attention being given to construction materials.

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.

MITIGATION MEASURES

(8) Prior to occupation, all mitigation measures shall be put in place, tested and verified results forwarded to the planning authority for consideration and approval for all of the residential/habitable rooms within the application site.

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.

DUCTING/VENTILATION/AIR CONDITIONS

(9) The noise generated by any proposed extract ducting/ventilation/air conditioning equipment (laeqt) shall not exceed the background noise level (la90) by more than 5 decibels, including the character/tonalities of the noise, at anytime as measured at the façade of the nearest residential property.

Reason:

To control noise levels generated by the use hereby permitted, in accordance with policies cs22 and cs34 of the adopted core strategy.

FUME EXTRACTION/COOKING ODOUR

(10) Before development on site commences, details of the specification and design of equipment to control the emission of fumes and smell from the ground floor restaurant premises shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the student housing hereby approved and shall be retained at all times thereafter. Any alteration or variation to the equipment shall be the subject of a fresh planning application. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions. The extract ventilation system and odour control equipment indicated in WSP December 2010 Preliminary Design report is acceptable.

Reason:

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

CYCLE AND REFUSE PROVISION

(11) The development shall not be occupied until space has been laid out within the site in accordance with the details hereby approved for cycle storage, refuse storage and wet storage.

Reason:

In order to ensure a full range of amenities is provided at the site, in accordance with Policy CS34 of the Adopted City Plymouth Local Development Framework Core Strategy (2007).

PROVISION OF PARKING AREA

(12) Each parking space shown on the approved plans shall be constructed, drained, surfaced and made available for use before first occupation of the development hereby approved. Each space shall remain available for the parking of vehicles and shall not be used for any other purpose.

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 Policy CS34 of the Adopted City Plymouth Local Development Framework Core Strategy (2007).

SUSTAINABLE RESOURCE USE

(13) Unless otherwise agreed previously in writing with the Local Planning Authority, prior to any development taking place, the applicant shall provide to the Local Planning Authority a report for approval identifying how for the period up to 2016, a minimum of 15% of the carbon emissions for which the development is responsible will be off-set by low carbon production methods. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. These details shall be based upon the applicants Renewable Energy Report by WSP dated October 2010, and shall include plans showing the location of photovoltaic cells as described in the report. Unless otherwise agreed in writing, the approved on-site renewable energy production methods shall be provided in accordance with these details prior to the first occupation of the development and thereafter retained and used for energy supply for so long as the development remains in existence.

Reason:

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

CODE OF PRACTICE

(1) A copy of the Public Protection Service, Code of Practice for Construction and Demolition Sites is available from <http://www.plymouth.gov.uk/homepage/environmentandplanning/pollution/noise/construction.htm> or on request from the Environmental Protection and Monitoring Team.

AIR QUALITY

(2) Air Quality monitoring in the vicinity of the proposed development has demonstrated regular exceedance of the National Air Quality Objective for Nitrogen Dioxide. Consequently, following conclusion of the formal declaration administrative process, the proposed development will be included in an Air Quality Management Area

As such the Public Protection Service strongly advise that all windows in habitable areas that outwardly face, Old Town Street, Royal Parade and Exeter Street are sealed and that mechanical ventilation is provided as an alternative.

Statement of Reasons for Approval and Relevant Policies

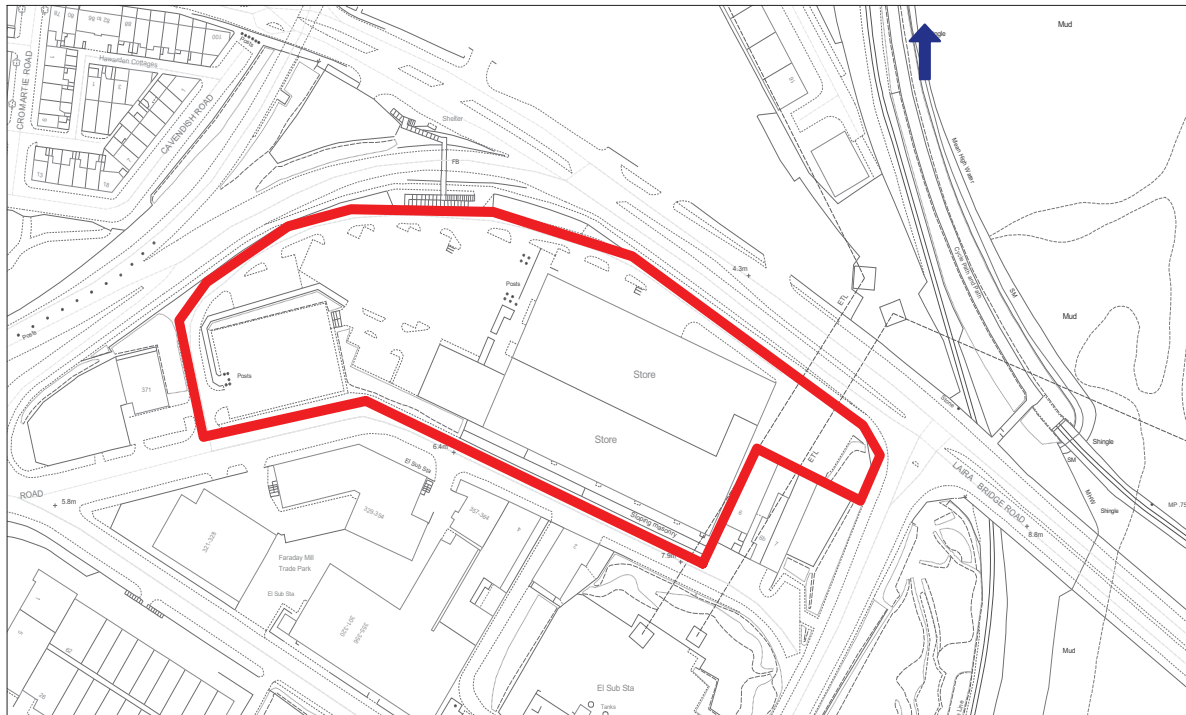
Having regard to the main planning considerations, which in this case are considered to be: the quality of the student accommodation provided, the adequacy of access and parking arrangements and the impact upon nearby properties amenities, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (1) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

- PPG13 - Transport
- PPG23 - Planning and Pollution Control
- PPS3 - Housing
- PPS1 - Delivering Sustainable Development
- CS28 - Local Transport Consideration
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS20 - Resource Use
- CS03 - Historic Environment
- CS05 - Development of Existing Sites
- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS15 - Housing Provision
- CS16 - Housing Sites

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ITEM: 10

Application Number:	10/02050/FUL
Applicant:	Aviva Investors Property Trust
Description of Application:	External alterations to Carpet Right and MFI buildings, comprising replacement roof, removal of entrance canopy, installation of new store entrance and display windows, and changes to colouration of buildings
Type of Application:	Full Application
Site Address:	LAIRA BRIDGE ROAD PLYMOUTH
Ward:	Sutton & Mount Gould
Valid Date of Application:	02/12/2010
8/13 Week Date:	03/03/2011
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

The site of the proposed development is the Carpet Right and MFI building, off Cattewater Road, in the Prince Rock area of the city. The building is a large commercial building, split into two large retail units. At the front of the building is a large car parking area to serve the two units. At the sides and rear of the building there is further car parking and servicing areas. Access to the site is from Cattewater Road. The site itself is level, but it is at a lower ground level than the surrounding highways.

Proposal Description

External alterations to Carpet Right and MFI buildings, comprising replacement roof, removal of entrance canopy, installation of new store entrance and display windows, and changes to colouration of buildings.

The proposed replacement roof would be a composite roof incorporating plastisol coated profile metal covering, coloured Goosewing grey, with added roof lights, to replace an asbestos/profile metal sheet roof.

The existing entrance canopy to the Carpet Right unit would be removed. This unit would have a new entrance door, with six new display windows added.

Vertical profiled metal cladding would be added, resulting in some changes to the colour of parts of the building. The Carpet Right unit would be coloured in Goosewing grey, with red entrance doors. The MFI unit would be coloured in blue.

Some minor changes have been made to the plans. The colours originally proposed were Corus HPS200 Sargasso blue (RAL 5003), and Corus HPS200 Poppy red (BS04E53). In addition to Goosewing grey, the colours now to be used are (blue) Corus HPS200 (RAL 5010) and (red) Corus HPS200 (RAL 3020). These are only minor changes to the shades of blue and red that were originally being proposed, and therefore do not require additional publicity or affect the recommendation being made in this report.

It is understood that the Carpet Right unit will remain and continue to trade. The MFI store has now closed, and will be replaced by a 'Go Outdoors' store.

Relevant Planning History

02/01958/FUL - Demolition of part approx.1740 sq.m of existing retail units, refurbishment of remainder approx.3855 sq.m to form 3 retail units, with associated reconfiguration of car park, add access at Laira Bridge Rd/ Cattewater Road/Finnigan Road and landscaping – this application was refused on the grounds of highway safety, flood risk, and poor design

02/01294/ADV - Illuminated and non-illuminated signs, on building and freestanding – granted

02/01744/PRDEV - Insertion of mezzanine floor (for use for non-food retail) involving no effect on external appearance, and sub-division of existing property to form a total of six non-food retail units – planning permission not required

87/03440/FUL - Alterations to premises including provision of canopy – granted

85/02354/FUL - B. & Q.(retail) ltd Laira Bridge Road Plymouth formation of pedestrian access – refused

83/01433/FUL - Alterations to existing building to form 2 retail units. Erection of new retail unit and new cats and dogs home together with car parking etc – refused

81/04218/FUL - Change of use of premises to non food retail/d.i.y. premises and associated car parking – granted

80/01429/OUT - Use of land for the construction and operation of 'go-kart' type racetrack with car park and ancillary stores and amenities – refused

76/03145/FUL – Provision of additional windows – granted

76/02254/FUL – Erection of sheet metal store – granted

75/00250/FUL – Erection of store for metal - granted

Consultation Responses

Transport Officer – no objections

Public Protection Service – recommending construction code of practice condition

Representations

None.

Analysis

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

POLICIES/ISSUES

The relevant policies are CS02, CS07, CS08 and CS34 of the Core Strategy. The Supplementary Planning Document 'Development Guidelines' is also relevant. The main issues are the visual appearance of the proposed alterations, and the planning history of the site.

VISUAL IMPACT

This is a prominent site alongside one of the major roads into and out of Plymouth. It is therefore important that the proposed alterations are of high quality. One of the reasons for refusal of the 2002 proposal was as follows: *'The proposal would result in an undesirable form, character and appearance of development that would not provide a built frontage and urban design solution that satisfactorily articulates potential quality development warranted in this specific gateway location (as expressed and encouraged in the development plan framework set out in the Local Plan First Deposit (2001), in the Plymouth East End Regeneration Strategy and Master Plan, March 2003 and the Plymouth Eastern Gateway Vision 2004), and as such it would be injurious to the appearance of the area and prejudicial to its potential proper regeneration'*. From the case officer's report the following is quoted: *'In this context the current proposal for buildings set back in a car park, with a thin line of soft landscape treatment to the road boundaries, is now considered to represent a poor contribution to the street, and would not sufficiently address the urban design and gateway aspects of this location'*.

It is considered that the proposed alterations would enhance the visual appearance of the building, and would therefore be acceptable in this important location. It is considered that the proposed cladding would 'brighten' the appearance of the building somewhat, and restore life to the elevations. The proposed new store entrance and display windows to Carpet Right would open up the frontage, and make it a more 'active' frontage.

The proposed new roof would not clearly be seen from outside the site due to the presence of a parapet wall on the edges of the building. Therefore, the proposed new roof would have no impact on visual amenity.

USE OF BUILDING/PLANNING HISTORY

It is understood that the use of the building is not intended to change as part of this proposal. However, it is important to re-impose any previous use restriction conditions. This is due to similar recent cases (locally and national) where failure to re-impose use restriction conditions lead to unsuitable new uses being enacted. Therefore the planning history of the site is important. Planning permission was granted in 1981 for the *'Change of use of premises to non food retail/d.i.y. premises and associated car parking'* (planning application reference number 81/04218/FUL). Condition 2 of 81/04218/FUL reads: *'The premises shall be used for the retail sale of goods other than foodstuffs, and for no other purposes including any other purpose in Class I of the Schedule to the Town and Country Planning (Use Classes) Order 1972'*. The reason for this condition was: *'The Local Planning Authority considers*

that the use of the building 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'. On this basis it is considered necessary to re-impose this use restriction condition. The main reason for this is that a use other than non-food retailing (in particular food retailing) might result in additional transport movements to the site which might be unsuitable for the road network surrounding the site. The condition is also intended to protect Plymouth's retail hierarchy.

Another condition on 81/04218/FUL which it is relevant to re-impose here is: *'No goods, plant, machinery or trade refuse shall be stored in the open at the site unless the written consent of the Local Planning Authority is first obtained'. Reason: 'To safeguard the visual amenities of the area'. Re-imposition of this condition is appropriate given the site's aforementioned gateway location, as it could affect visual amenity to have things stored in the open at the site.*

Another condition on 81/04218/FUL prohibited advertising on the premises. However, it is not considered appropriate to re-impose this condition, as advertising is controlled by its own legislation, and there is already some advertising on the building.

There were some other conditions on 81/04218/FUL, but these were mainly pre-commencement conditions which it would not be appropriate to re-impose here.

OTHER ISSUES

Due to the fact that there are no residential properties nearby, it is considered that the construction code of practice condition recommended by the Public Protection Service is not justified in this case.

Section 106 Obligations

None.

Equalities & Diversities issues

None.

Conclusions

It is considered that the proposed alterations would enhance the building, and are therefore welcomed at this prominent gateway site. However, the re-imposition of the conditions from the 1981 grant of planning permission are considered to be important, for the purposes of preserving the most suitable and authorised use of the site, protecting Plymouth's retail hierarchy, and visual amenity. Subject to conditions the proposal is recommended for approval.

Recommendation

In respect of the application dated **02/12/2010** and the submitted drawings, **Site location plan, photographs (3 sheets), 117250-100, 117250-101C, 117250-102, 117250-103, 117250-104** , 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.

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, photographs (3 sheets), 117250-100, 117250-101C, 117250-102, 117250-103, 117250-104.

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

USE RESTRICTION

(3) The premises shall be used for the retail sale of goods other than foodstuffs, and for no other purposes including any other purpose in Class A1 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010.

Reason:

The Local Planning Authority considers that the use of the building for the retail sale of goods other than foodstuffs 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. This condition is also intended to protect Plymouth's retail hierarchy, in accordance with policies CS07, CS08 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

NO OPEN STORAGE

(4) No goods, plant, machinery or trade refuse shall be stored in the open at the site unless the written consent of the Local Planning Authority is first obtained.

Reason:

To safeguard the visual amenities of the area, in accordance with policies CS02 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: visual impact, the authorised use of the building, Plymouth's retail heirarchy, 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
- CS07 - Plymouth Retail Hierarchy
- CS08 - Retail Development Considerations
- CS02 - Design
- SPD1 - Development Guidelines

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PLANNING COMMITTEE

Decisions issued for the following period: 3 January 2011 to 30 January 2011

Note - This list includes:

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

Item No 1

Application Number: 09/00902/EXU **Applicant:** Mr Daniel Fellows
Application Type: LDC Existing Use
Description of Development: Use of property as a house of multiple occupation
Site Address 27 OXFORD AVENUE PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 21/01/2011
Decision: Issue Certificate - Lawful Use

Item No 2

Application Number: 09/01615/FUL **Applicant:** Mr Salam Fawzi
Application Type: Full Application
Description of Development: Change of use of first and second floors from Class B1 (offices) to two self-contained flats
Site Address 79 RIDGEWAY PLYMPTON PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 17/01/2011
Decision: Grant Conditionally

Item No **3**

Application Number: 10/00371/FUL **Applicant:** Mr P Troy
Application Type: Full Application
Description of Development: Change of use from offices to house in multiple occupancy (7 study bedrooms)
Site Address 3 ADDISON ROAD PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 17/01/2011
Decision: Grant Conditionally

Item No **4**

Application Number: 10/01008/FUL **Applicant:** Mrs Judith Pullen
Application Type: Full Application
Description of Development: Retention of roof terrace with installation of metal security railings
Site Address 42 CHADDLEWOOD AVENUE PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 17/01/2011
Decision: Grant Conditionally

Item No **5**

Application Number: 10/01341/FUL **Applicant:** Dartmeet Developments Ltd
Application Type: Full Application
Description of Development: Extension to house on Plot 3, and alterations to positioning of garages (amended version of 08/01209/FUL)
Site Address 8 SPRINGFIELD ROAD PLYMOUTH
Case Officer: Jon Fox
Decision Date: 05/01/2011
Decision: Refuse

Item No 6

Application Number: 10/01384/FUL **Applicant:** Urban Splash South West (Ltd)
Application Type: Full Application
Description of Development: Change of use to mixed use for a range of uses comprising: B1 business, A1 shops, A2 financial and professional services, A3 restaurants and cafes, A4 drinking establishments, A5 hot food takeaways, D1 non residential institutions, D2 gymnasium use and D2 spa use, internal alterations and removal of external escape staircases
Site Address NEW COOPERAGE, ROYAL WILLIAM YARD PLYMOUTH
Case Officer: Robert McMillan
Decision Date: 26/01/2011
Decision: Grant Subject to S106 Obligation - Full

Item No 7

Application Number: 10/01496/OU **Applicant:** Mr Alan Varcoe
Application Type: Outline Application
Description of Development: Outline application for the erection of a two-storey detached dwelling house with all matters reserved
Site Address 3 WOODFORD ROAD PLYMOUTH
Case Officer: Janine Warne
Decision Date: 07/01/2011
Decision: Application Withdrawn

Item No 8

Application Number: 10/01533/RE **Applicant:** The Trustees of St Budeaux Co
Application Type: Reserved Matters
Description of Development: Reserved matters application (appearance) for religious meeting hall with associated car parking
Site Address LAND AT ERNESETTLE LANE PLYMOUTH
Case Officer: Carly Francis
Decision Date: 14/01/2011
Decision: Grant Conditionally

Item No 12

Application Number: 10/01750/FUL **Applicant:** Babcock
Application Type: Full Application
Description of Development: Erection of pre-fabricated portacabin for use as changing rooms, toilets and showers
Site Address MOD KEYHAM SPORTS GROUND, SALTASH ROAD
KEYHAM PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 18/01/2011
Decision: Grant Conditionally

Item No 13

Application Number: 10/01778/FUL **Applicant:** Mr Anthony Sleep
Application Type: Full Application
Description of Development: Enlargement of balcony and associated works
Site Address 66 FURZEHATT ROAD PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 28/01/2011
Decision: Grant Conditionally

Item No 14

Application Number: 10/01790/FUL **Applicant:** The Tamar Trailer Centre Ltd
Application Type: Full Application
Description of Development: Formation of secure compound to side of existing building for trailer storage purposes
Site Address 2 VALLEY ROAD PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 12/01/2011
Decision: Grant Conditionally

Item No 15

Application Number: 10/01814/OU **Applicant:** Mrs Maureen Lawley
Application Type: Outline Application
Description of Development: Outline application to develop parts of garden by erection of two dwellings, with improvements to existing vehicular access and provision of new footpaths on both sides of Underwood Road
Site Address DORSMOUTH, DRUNKEN BRIDGE HILL PLYMOUTH
Case Officer: Jon Fox
Decision Date: 18/01/2011
Decision: Grant Conditionally

Item No 16

Application Number: 10/01833/FUL **Applicant:** Plymouth Estates Ltd
Application Type: Full Application
Description of Development: Change of use from shop (Use Class A1) to lettings agency (Use Class A2)
Site Address 45 SPRINGFIELD ROAD ELBURTON PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 06/01/2011
Decision: Grant Conditionally

Item No 17

Application Number: 10/01834/FUL **Applicant:** Mr Sean Elford
Application Type: Full Application
Description of Development: Two-storey side extension with a garage and a front porch
Site Address 23 CONWAY GARDENS PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 26/01/2011
Decision: Grant Conditionally

Item No 18

Application Number: 10/01847/FUL **Applicant:** Mrs Vikki Elaine Rio
Application Type: Full Application
Description of Development: Change of use of first-floor office to self-contained flat
Site Address 174A EXETER STREET PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 20/01/2011
Decision: Grant Conditionally

Item No 19

Application Number: 10/01848/FUL **Applicant:** Mr T Caylor
Application Type: Full Application
Description of Development: Change of use of offices and residential flat to nine student study rooms
Site Address 53 HOUNDISCOMBE ROAD PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 06/01/2011
Decision: Grant Conditionally

Item No 20

Application Number: 10/01872/FUL **Applicant:** My Tax Accountant Limited
Application Type: Full Application
Description of Development: Change of use from shop (A1) to office (A2) for use as a tax/accountancy office
Site Address UNIT 1, DISCOVERY WHARF BRETONSIDE PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 10/01/2011
Decision: Grant Conditionally

Item No 21

Application Number: 10/01878/FUL **Applicant:** Mr Mark Tucker
Application Type: Full Application
Description of Development: Change of use of first and second floor offices to four student flats
Site Address 50 CORNWALL STREET CITY CENTRE PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 19/01/2011
Decision: Refuse

Item No 22

Application Number: 10/01888/FUL **Applicant:**
Application Type: Full Application
Description of Development: Alterations to existing façade to provide new showroom frontage.
Site Address VOSPERS MOTOR HOUSE, MARSH MILLS RETAIL PARK PLYMOUTH
Case Officer: Adam Williams
Decision Date: 19/01/2011
Decision: Grant Conditionally

Item No 23

Application Number: 10/01906/FUL **Applicant:** Mr T Stone
Application Type: Full Application
Description of Development: Extension to guest suite to provide self-contained annexe
Site Address WESTON HOUSE 11 HARDWICK FARM, DRUNKEN BRIDGE HILL PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 10/01/2011
Decision: Grant Conditionally

Item No 24

Application Number: 10/01907/FUL **Applicant:** Mr C May
Application Type: Full Application
Description of Development: Develop part of garden by erection of dwellinghouse (existing garage and extension on existing dwelling to be removed)
Site Address 33 DUNSTONE VIEW PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 04/01/2011
Decision: Grant Conditionally

Item No 25

Application Number: 10/01913/FUL **Applicant:** Tan & Relax
Application Type: Full Application
Description of Development: Single-storey rear extension to health studio
Site Address 61 SHALLOWFORD ROAD EGGBUCKLAND PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 12/01/2011
Decision: Grant Conditionally

Item No 26

Application Number: 10/01915/FUL **Applicant:** Mr A Kallis
Application Type: Full Application
Description of Development: Change of use and alterations from shop (A1) to café/restaurant (A3) (to extend existing restaurant at No. 150)
Site Address 152 CORNWALL STREET CITY CENTRE PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 14/01/2011
Decision: Grant Conditionally

Item No 27

Application Number: 10/01916/FUL **Applicant:** Tesco Stores Limited
Application Type: Full Application
Description of Development: Installation of ATM and doorway
Site Address DISCOVERY HEIGHTS,27 to 31 COBOURG STREET
PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 05/01/2011
Decision: Application Withdrawn

Item No 28

Application Number: 10/01917/FUL **Applicant:** Mr A Kallis
Application Type: Full Application
Description of Development: Installation of new shopfront
Site Address 150/152 CORNWALL STREET CITY CENTRE PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 05/01/2011
Decision: Grant Conditionally

Item No 29

Application Number: 10/01919/ADV **Applicant:** Mr A Kallis
Application Type: Advertisement
Description of Development: Fascia sign and two awning signs
Site Address 150/152 CORNWALL STREET CITY CENTRE PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 05/01/2011
Decision: Grant Conditionally

Item No 30

Application Number: 10/01921/PR **Applicant:** Mrs S Fulford
Application Type: LDC Proposed Develop
Description of Development: Rear dormer
Site Address 18 CANEFIELDS AVENUE PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 05/01/2011
Decision: Refuse to Issue Cert - (Ex)

Item No 31

Application Number: 10/01922/FUL **Applicant:** Mr Darren Moorehouse
Application Type: Full Application
Description of Development: Single-storey rear extension and formation of room in roofspace including rear dormer and two front rooflights
Site Address 6 DUNSTER CLOSE PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 17/01/2011
Decision: Grant Conditionally

Item No 32

Application Number: 10/01928/FUL **Applicant:** McDonald's Restaurant Ltd
Application Type: Full Application
Description of Development: Alterations to drive thru and parking layout to form double drive thru with a reduction from 21 to 16 parking spaces and other associated works including 1 height restrictor monolith
Site Address MCDONALDS RESTAURANT, COYPOOL ROAD PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 07/01/2011
Decision: Refuse

Item No 33

Application Number: 10/01929/ADV **Applicant:** McDonald's Restaurant Ltd
Application Type: Advertisement
Description of Development: 1 Monolith sign, 2 Rotating double 3-sided menu units, customer order display unit and relocation of existing sign units
Site Address MCDONALDS RESTAURANT, COYPOOL ROAD
PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 07/01/2011
Decision: Refuse

Item No 34

Application Number: 10/01930/FUL **Applicant:** Tesco Stores Limited
Application Type: Full Application
Description of Development: Installation of new shop front and external alterations
Site Address DISCOVERY HEIGHTS, 27 to 31 COBOURG STREET
PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 07/01/2011
Decision: Grant Conditionally

Item No 35

Application Number: 10/01931/FUL **Applicant:** Plymouth Community Homes
Application Type: Full Application
Description of Development: Replacement portacabins
Site Address FORT AUSTIN DEPOT, FORT AUSTIN AVENUE
PLYMOUTH
Case Officer: Adam Williams
Decision Date: 14/01/2011
Decision: Grant Conditionally

Item No 36

Application Number: 10/01933/FUL **Applicant:** University of Plymouth
Application Type: Full Application
Description of Development: Installation of extract flue for use in association with spray painting booth and alterations to existing openings
Site Address ATC HUT UNIVERSITY OF PLYMOUTH, DRAKE CIRCUS PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 28/01/2011
Decision: Grant Conditionally

Item No 37

Application Number: 10/01934/FUL **Applicant:** Mr D James
Application Type: Full Application
Description of Development: Two storey side extension with integral garage (existing garage to be removed) and associated change to parking arrangements
Site Address 27 TERN GARDENS PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 17/01/2011
Decision: Refuse

Item No 38

Application Number: 10/01937/FUL **Applicant:** Compton Meeting Room Trust
Application Type: Full Application
Description of Development: Single storey rear extension
Site Address 240 FORT AUSTIN AVENUE PLYMOUTH
Case Officer: Adam Williams
Decision Date: 07/01/2011
Decision: Grant Conditionally

Item No 39

Application Number: 10/01952/FUL **Applicant:** Mr & Mrs Goldsmith
Application Type: Full Application
Description of Development: Rear Conservatory
Site Address 81 RASHLEIGH AVENUE PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 20/01/2011
Decision: Grant Conditionally

Item No 40

Application Number: 10/01955/FUL **Applicant:** The Co-operative Pharmacy
Application Type: Full Application
Description of Development: Installation of 2no external air conditioning condenser units
Site Address The Pharmacy, Knowle House surgery 4 MEAVY WAY
PLYMOUTH
Case Officer: Adam Williams
Decision Date: 07/01/2011
Decision: Grant Conditionally

Item No 41

Application Number: 10/01956/FUL **Applicant:** Mr Tom Breen
Application Type: Full Application
Description of Development: Change of use of second-floor convent accommodation to care home accommodation; including provision of two additional bedrooms and minor external changes involving provision of photovoltaic panels
Site Address NAZARETH HOUSE 163 TO 165 DURNFORD STREET
PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 07/01/2011
Decision: Grant Conditionally

Item No 42

Application Number: 10/01957/FUL **Applicant:** Mr Peter Houghton
Application Type: Full Application
Description of Development: Demolition of existing porch and replacement with conservatory to the front
Site Address 11 DEFOE CLOSE PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 17/01/2011
Decision: Grant Conditionally

Item No 43

Application Number: 10/01958/PR **Applicant:** Mr & Mrs Mundell
Application Type: LDC Proposed Develop
Description of Development: Formation of rooms in roofspace including rear dormer
Site Address 134 POMPHLETT ROAD PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 06/01/2011
Decision: Issue Certificate - Lawful Use

Item No 44

Application Number: 10/01959/FUL **Applicant:** British Telecom PLC
Application Type: Full Application
Description of Development: Installation of louvre panel to existing window
Site Address TELEPHONE EXCHANGE,46 STENTAWAY ROAD
PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 06/01/2011
Decision: Grant Conditionally

Item No 45

Application Number: 10/01960/TPO **Applicant:** Mr Andrew J McNeill
Application Type: Tree Preservation
Description of Development: Various reductions and crown raising works to Magnolias, Holly, Holm Oaks and Pittisporum
Site Address 40 VAPRON ROAD PLYMOUTH
Case Officer: Jane Turner
Decision Date: 04/01/2011
Decision: Grant Conditionally

Item No 46

Application Number: 10/01961/FUL **Applicant:** Mr Phil Chevis
Application Type: Full Application
Description of Development: Erection of two-storey detached dwelling
Site Address 12 ELFORD CRESCENT PLYMOUTH
Case Officer: Jon Fox
Decision Date: 11/01/2011
Decision: Refuse

Item No 47

Application Number: 10/01962/FUL **Applicant:** Mr David Dorman
Application Type: Full Application
Description of Development: Conversion of lower ground floor into a self-contained flat
Site Address 51 CHARLOTTE STREET PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 11/01/2011
Decision: Grant Conditionally

Item No 48

Application Number: 10/01968/FUL **Applicant:** Mrs K Horton
Application Type: Full Application
Description of Development: Conversion of garage to bedroom
Site Address 3 DEVERON CLOSE PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 05/01/2011
Decision: Grant Conditionally

Item No 49

Application Number: 10/01969/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 (3 x A2 'Financial and Professional Services' 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: 11/01/2011
Decision: Grant Conditionally

Item No 50

Application Number: 10/01970/FUL **Applicant:** Mr Andrew Metcalf
Application Type: Full Application
Description of Development: Develop part of site by erection of dwelling (renewal of 07/01756)
Site Address 37 NORMANDY HILL PLYMOUTH
Case Officer: Janine Warne
Decision Date: 07/01/2011
Decision: Grant Conditionally

Item No 51

Application Number: 10/01974/FUL **Applicant:** Mr Adam Spiers
Application Type: Full Application
Description of Development: New shopfront and internal alterations
Site Address 52 CORNWALL STREET CITY CENTRE PLYMOUTH
Case Officer: Adam Williams
Decision Date: 12/01/2011
Decision: Grant Conditionally

Item No 52

Application Number: 10/01975/FUL **Applicant:** South West Property Developm
Application Type: Full Application
Description of Development: Change of use and conversion of shop (Use Class A1) to residential use as part of dwellinghouse (Use Class C3)
Site Address 11 UNDERWOOD ROAD PLYMOUTH
Case Officer: Jon Fox
Decision Date: 28/01/2011
Decision: Grant Conditionally

Item No 53

Application Number: 10/01976/FUL **Applicant:** Mr & Mrs Ellis
Application Type: Full Application
Description of Development: Single storey side/rear extension
Site Address 6 STADDON CRESCENT PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 05/01/2011
Decision: Grant Conditionally

Item No 54

Application Number: 10/01977/ADV **Applicant:** Tesco Stores Ltd
Application Type: Advertisement
Description of Development: 2 fascia signs and window vinyls (approved) 1 projecting sign (Refused)
Site Address DISCOVERY HEIGHTS,27 to 31 COBOURG STREET PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 12/01/2011
Decision: Advertisement Split Decision

Item No 55

Application Number: 10/01983/FUL **Applicant:** Mr Michael O'Shaughnessy
Application Type: Full Application
Description of Development: First-floor bay window extension
Site Address 15 CRESCENT AVENUE PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 12/01/2011
Decision: Grant Conditionally

Item No 56

Application Number: 10/01984/FUL **Applicant:** Amber New Homes
Application Type: Full Application
Description of Development: Change of use, conversion and alterations from retail unit and three flats to form two self-contained four- bedroom maisonettes, and formation of room in roofspace with dormer
Site Address 64 SALISBURY ROAD PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 13/01/2011
Decision: Grant Conditionally

Item No 57

Application Number: 10/01985/FUL **Applicant:** Mr Barry Cooper
Application Type: Full Application
Description of Development: Change of use, conversion and alteration of dwellinghouse to form two self-contained flats, with new external staircase to rear of property
Site Address 76 ST LEONARDS ROAD PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 06/01/2011
Decision: Refuse

Item No 58

Application Number: 10/01988/FUL **Applicant:** Plymouth City College
Application Type: Full Application
Description of Development: Refurbishment of tower block to provide solar screening, natural ventilation and thermal enhancement by the installation of mineral wool over-cladding and construction of a curved rain screen in architectural mesh. Replacement of original single-glazed sliding units with double glazing.
Site Address PLYMOUTH COLLEGE OF FURTHER EDUCATION, KINGS ROAD DEVONPORT PLYMOUTH
Case Officer: Adam Williams
Decision Date: 11/01/2011
Decision: Grant Conditionally

Item No 59

Application Number: 10/01990/FUL **Applicant:** Mr Malcom Abbott
Application Type: Full Application
Description of Development: Vehicle hardstanding at front of property
Site Address 16 CHELMSFORD PLACE PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 13/01/2011
Decision: Grant Conditionally

Item No 60

Application Number: 10/01992/LBC **Applicant:** Hunters Personnel Ltd
Application Type: Listed Building
Description of Development: Installation of a partition wall in ground floor front office
Site Address 7 THE CRESCENT PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 05/01/2011
Decision: Grant Conditionally

Item No 61

Application Number: 10/01993/PR **Applicant:** Mr G Johnson
Application Type: LDC Proposed Develop
Description of Development: Formation of rooms in roofspace including provision of gable ends and reduced rear dormer
Site Address 21 FIRST AVENUE BILLACOMBE PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 20/01/2011
Decision: Issue Certificate - Lawful Use

Item No 62

Application Number: 10/01995/TPO **Applicant:** Mrs Gina Hajiani
Application Type: Tree Preservation
Description of Development: Two Horse Chestnut - reduce by 30%
Site Address 8 COLLINGWOOD VILLAS, COLLINGWOOD ROAD PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 12/01/2011
Decision: Grant Conditionally

Item No 63

Application Number: 10/01996/TPO **Applicant:** Mrs Julia Greatrex
Application Type: Tree Preservation
Description of Development: Oak - Reduce by 30% and remove one limb near property
Site Address 12 BEECHWOOD RISE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 10/01/2011
Decision: Grant Conditionally

Item No 64

Application Number: 10/01997/TPO **Applicant:** Mrs Grace Quinlan
Application Type: Tree Preservation
Description of Development: 3 Sycamores - fell
2 Sycamores - reduce by 30%
Site Address 17 BEECHWOOD RISE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 10/01/2011
Decision: Grant Conditionally

Item No 65

Application Number: 10/01998/ADV **Applicant:** My Tax Accountant Limited
Application Type: Advertisement
Description of Development: Non-illuminated fascia signs and window graphics
Site Address UNIT 1 DISCOVERY WHARF, 15 NORTH QUAY
PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 12/01/2011
Decision: Grant Conditionally

Item No 66

Application Number: 10/01999/TPO **Applicant:** Mrs Leslie Taylor
Application Type: Tree Preservation
Description of Development: 1 Sycamore - remove
Site Address 19 BEECHWOOD RISE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 10/01/2011
Decision: Application Withdrawn

Item No 67

Application Number: 10/02000/TPO **Applicant:** Mr David Oates
Application Type: Tree Preservation
Description of Development: 5 Sycamores - reduce to previous pruning points
1 Oak - reduce by 30% near house
Site Address 21 BEECHWOOD RISE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 10/01/2011
Decision: Grant Conditionally

Item No 68

Application Number: 10/02001/FUL **Applicant:** Mr Simon Greenwood
Application Type: Full Application
Description of Development: Change of use from opticians to ice cream shop
Site Address 54 SOUTHSIDE STREET PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 12/01/2011
Decision: Grant Conditionally

Item No 69

Application Number: 10/02002/LBC **Applicant:** Mr Simon Greenwood
Application Type: Listed Building
Description of Development: Internal alterations and painting of shopfront, and new fascia signage, in association with change of use from opticians to ice cream shop
Site Address 54 SOUTHSIDE STREET PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 12/01/2011
Decision: Grant Conditionally

Item No 70

Application Number: 10/02003/ADV **Applicant:** Mr Adam Spires

Application Type: Advertisement

Description of Development: Two internally illuminated fascia signs

Site Address 52 CORNWALL STREET CITY CENTRE PLYMOUTH

Case Officer: Adam Williams

Decision Date: 28/01/2011

Decision: Grant Conditionally

Item No 71

Application Number: 10/02004/LBC **Applicant:** Dr S Barton

Application Type: Listed Building

Description of Development: Partial demolition of existing single-storey rear extension and addition of new single-storey rear extension to form annex accommodation

Site Address 42 DURNFORD STREET PLYMOUTH

Case Officer: Olivia Wilson

Decision Date: 14/01/2011

Decision: Grant Conditionally

Item No 72

Application Number: 10/02007/FUL **Applicant:** Mr B Lee

Application Type: Full Application

Description of Development: Private motor garage to front of dwelling

Site Address 12 ALEXANDRA ROAD FORD PLYMOUTH

Case Officer: Simon Osborne

Decision Date: 18/01/2011

Decision: Grant Conditionally

Item No 73

Application Number: 10/02009/FUL **Applicant:** Mr W P Storey & Miss J A West
Application Type: Full Application
Description of Development: Single storey rear extension
Site Address 25 EDGAR TERRACE PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 06/01/2011
Decision: Grant Conditionally

Item No 74

Application Number: 10/02010/FUL **Applicant:** Mr M.D Coxon
Application Type: Full Application
Description of Development: Proposed front extension
Site Address 9 WEIR ROAD PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 18/01/2011
Decision: Grant Conditionally

Item No 75

Application Number: 10/02011/ADV **Applicant:** Toshiba Information Systems
Application Type: Advertisement
Description of Development: 1no. free standing sign
Site Address INNOVATION AND TECHNOLOGY TRANSFER CENTRE
TAMAR SCIENCE PARK PLYMOUTH
Case Officer: Adam Williams
Decision Date: 12/01/2011
Decision: Grant Conditionally

Item No 76

Application Number: 10/02014/FUL **Applicant:** Mr I Kirby
Application Type: Full Application
Description of Development: Extension to time limit for implementation of planning permission 07/01725/FUL
Site Address FIRSLEA, TAMERTON FOLIOT ROAD LOOSELEIGH PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 19/01/2011
Decision: Grant Conditionally

Item No 77

Application Number: 10/02017/TPO **Applicant:** Mr S Carpenter
Application Type: Tree Preservation
Description of Development: 2 Oak - fell, 2 Birch - fell, 1 Sweet Chestnut - fell, 1 Oak - remove dead limbs only
Site Address LAND ADJ 64A GLENFIELD ROAD GLENHOLT PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 27/01/2011
Decision: Grant Conditionally

Item No 78

Application Number: 10/02018/FUL **Applicant:** Mr N Davies
Application Type: Full Application
Description of Development: Part two-storey, part single-storey rear extension
Site Address 70 QUEENS ROAD ST BUDEAUX PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 25/01/2011
Decision: Refuse

Item No 79

Application Number: 10/02019/FUL **Applicant:** Mr A Norman
Application Type: Full Application
Description of Development: Single storey side extension
Site Address 15 TUDOR CLOSE PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 06/01/2011
Decision: Grant Conditionally

Item No 80

Application Number: 10/02020/TPO **Applicant:** Mr R Wheeler
Application Type: Tree Preservation
Description of Development: Works to Holme Evergreen Oak
Site Address 18 KINGSLAND GARDENS CLOSE PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 27/01/2011
Decision: Grant Conditionally

Item No 81

Application Number: 10/02021/FUL **Applicant:** Mr D Freshwater
Application Type: Full Application
Description of Development: Two storey side extension and single-storey rear extension
Site Address 58 AUSTIN CRESCENT PLYMOUTH
Case Officer: Adam Williams
Decision Date: 28/01/2011
Decision: Grant Conditionally

Item No 82

Application Number: 10/02023/PR **Applicant:** Mr G Evel
Application Type: LDC Proposed Develop
Description of Development: Two storey rear extension
Site Address 135 ELBURTON ROAD ELBURTON PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 14/01/2011
Decision: Issue Certificate - Lawful Use

Item No 83

Application Number: 10/02024/FUL **Applicant:** Sir Alister Hardy Foundation For
Application Type: Full Application
Description of Development: Installation of extraction duct work
Site Address THE LABORATORY, CITADEL HILL PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 19/01/2011
Decision: Grant Conditionally

Item No 84

Application Number: 10/02028/TC **Applicant:** Brigadier P.C. Bowser CBE DL
Application Type: Trees in Cons Area
Description of Development: Beech tree - reduce by 2-3 meters
Site Address 26 PENLEE WAY PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 06/01/2011
Decision: Grant Conditionally

Item No 85

Application Number: 10/02029/FUL **Applicant:** Plymouth City Council
Application Type: Full Application
Description of Development: Upgrade and redevelopment works within the southern part of the Recycling Park, including the infilling of a leachate lagoon and removal of glass recycling bays, and the construction of two leachate buffer tanks (7m high) and underground service diversions. Part of the area would be used for flood attenuation, and part for continued waste management activities.
Site Address CHELSON MEADOW RECYCLING PARK THE RIDE PLYMOUTH
Case Officer: Alan Hartridge
Decision Date: 14/01/2011
Decision: Grant Conditionally

Item No 86

Application Number: 10/02034/TC **Applicant:** David Harris
Application Type: Trees in Cons Area
Description of Development: 2 Monterey Pine trees - Fell
Site Address WEST PARK HOUSE, MILFORD LANE PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 06/01/2011
Decision: Grant Conditionally

Item No 87

Application Number: 10/02036/FUL **Applicant:** Dr Sarah Barton
Application Type: Full Application
Description of Development: Partial demolition of existing single-storey rear extension and addition of new single-storey rear extension to form annex accommodation
Site Address 42 DURNFORD STREET PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 14/01/2011
Decision: Grant Conditionally

Item No 88

Application Number: 10/02037/FUL **Applicant:** St Peter Lutheran Church
Application Type: Full Application
Description of Development: Erection of a pair of semi-detached dwellings and relocation and rationalisation of church car park to be served by new accessway
Site Address ST PETERS LUTHERAN CHURCH, LARKHAM LANE PLYMOUTH
Case Officer: Jon Fox
Decision Date: 26/01/2011
Decision: Grant Conditionally

Item No 89

Application Number: 10/02038/FUL **Applicant:** South West Water Limited
Application Type: Full Application
Description of Development: Installation of underground combined sewer overflow (cso) with screen, control cabinet and associated works
Site Address STUART ROAD PENNYCOMEQUICK PLYMOUTH
Case Officer: Adam Williams
Decision Date: 12/01/2011
Decision: Grant Conditionally

Item No 90

Application Number: 10/02041/LBC **Applicant:** RIO - Real Ideas Organisation
Application Type: Listed Building
Description of Development: Installation of two stainless steel hooks on back wall of portico (east elevation) from which to hang two vertical banners
Site Address DEVONPORT GUILDHALL, KER STREET PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 14/01/2011
Decision: Grant Conditionally

Item No 91

Application Number: 10/02042/TPO **Applicant:** Mr Roger Triscott
Application Type: Tree Preservation
Description of Development: 2 Oaks - various pruning works and removal of dead wood
Site Address 11 COTTON CLOSE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 17/01/2011
Decision: Grant Conditionally

Item No 92

Application Number: 10/02043/TPO **Applicant:** Sanctuary Housing
Application Type: Tree Preservation
Description of Development: 1 Elm - fell, 1 Sycamore - fell, 1 Laurel - fell
Site Address DUNCLAIR PARK Plymouth
Case Officer: Chris Knapman
Decision Date: 17/01/2011
Decision: Refuse

Item No 93

Application Number: 10/02044/FUL **Applicant:** Mr Stuart Gibbons
Application Type: Full Application
Description of Development: Change of use from house in multiple occupation (HMO) to two houses
Site Address 107 BARTON AVENUE PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 25/01/2011
Decision: Refuse

Item No 94

Application Number: 10/02049/FUL **Applicant:** Plymouth Community Homes
Application Type: Full Application
Description of Development: Erection of 1.5m high decorative perimeter fencing and gates
Site Address 22-68 TORRIDGE WAY PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 06/01/2011
Decision: Grant Conditionally

Item No 95

Application Number: 10/02052/FUL **Applicant:** Mr Phil May
Application Type: Full Application
Description of Development: Two-storey side extension (ground and first floor) and two-storey rear extension (lower ground and ground floor)
Site Address 188 OLD LAIRA ROAD PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 28/01/2011
Decision: Grant Conditionally

Item No 96

Application Number: 10/02053/FUL **Applicant:** Mr Steve Mahoney
Application Type: Full Application
Description of Development: Two-storey side extension
Site Address 50 RENDLESHAM GARDENS PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 26/01/2011
Decision: Grant Conditionally

Item No 97

Application Number: 10/02054/FUL **Applicant:** Mr & Mrs O'Connor
Application Type: Full Application
Description of Development: Two-storey side/rear extension and single-storey rear extension (existing kitchen extension to be removed)
Site Address 6 PERSEVERANCE COTTAGES, BORINGDON HILL PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 14/01/2011
Decision: Grant Conditionally

Item No 98

Application Number: 10/02056/ADV **Applicant:** Llodys TSB Plc (Bristol)
Application Type: Advertisement
Description of Development: Two illuminated window marketing units and two illuminated ATM tablets
Site Address 8 ROYAL PARADE PLYMOUTH
Case Officer: Adam Williams
Decision Date: 12/01/2011
Decision: Grant Conditionally

Item No 99

Application Number: 10/02057/FUL **Applicant:** Mr N Smith
Application Type: Full Application
Description of Development: Single-storey rear extension
Site Address 6 MAIDENWELL ROAD PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 17/01/2011
Decision: Grant Conditionally

Item No 100

Application Number: 10/02068/FUL **Applicant:** Mr G Doel
Application Type: Full Application
Description of Development: Two-storey side extension
Site Address 30 BURNETT ROAD PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 27/01/2011
Decision: Grant Conditionally

Item No 101

Application Number: 10/02069/TC **Applicant:** Lelant Nursing Homes
Application Type: Trees in Cons Area
Description of Development: Eucalyptus - fell
Site Address LELANT NURSING HOME, GLEN ROAD MANNAMEAD
PLYMOUTH
Case Officer: Jane Turner
Decision Date: 17/01/2011
Decision: Grant Conditionally

Item No 102

Application Number: 10/02075/TC **Applicant:** Mr N Bishop
Application Type: Trees in Cons Area
Description of Development: T6 - Beech - Remove
Site Address 21 MUTLEY ROAD PLYMOUTH
Case Officer: Jane Turner
Decision Date: 17/01/2011
Decision: Grant Conditionally

Item No 103

Application Number: 10/02080/FUL **Applicant:** Mr B Fox
Application Type: Full Application
Description of Development: First-floor rear extension on top of existing rear extension
Site Address FLAT 1, 47 EBRINGTON STREET PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 28/01/2011
Decision: Refuse

Item No 104

Application Number: 10/02084/FUL **Applicant:** Plymouth City Council
Application Type: Full Application
Description of Development: Renewal of temporary planning application 08/00711/FUL to continue use as occasional parking area (evenings and weekends only) for 2 to 3 years
Site Address THE BRICKFIELDS, MADDEN ROAD DEVONPORT
PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 26/01/2011
Decision: Grant Conditionally

Item No 105

Application Number: 10/02085/PR **Applicant:** Mr D Deakin
Application Type: LDC Proposed Develop
Description of Development: Hip to gable roof alteration including the construction of rear dormer
Site Address 39 CHARLTON ROAD PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 28/01/2011
Decision: Issue Certificate - Lawful Use

Item No 106

Application Number: 10/02089/FUL **Applicant:** Mr & Mrs Mark Philipson
Application Type: Full Application
Description of Development: Single storey side/rear extension incorporating private motor garage (existing garage to be removed)
Site Address 56 COMPASS DRIVE PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 17/01/2011
Decision: Grant Conditionally

Item No 107

Application Number: 10/02114/TPO **Applicant:** Sanctuary Riviera
Application Type: Tree Preservation
Description of Development: Sycamore - fell
Site Address BEHIND 75 CHARD BARTON PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 27/01/2011
Decision: Grant Conditionally

Item No 108

Application Number: 10/02134/PR **Applicant:** Mr and Mrs Jenkins
Application Type: LDC Proposed Develop
Description of Development: Certificate of lawfulness of proposed roof alteration to form rear dormer
Site Address 29 CHARLTON ROAD PLYMOUTH
Case Officer: Adam Williams
Decision Date: 28/01/2011
Decision: Issue Certificate - Lawful Use

Item No 109

Application Number: 11/00012/FUL **Applicant:** Mr M Conday
Application Type: Full Application
Description of Development: Two-storey rear extension (existing single-storey tenement to be removed)
Site Address 4 NETTLEHAYES PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 27/01/2011
Decision: Application Withdrawn

Item No 110

Application Number: 11/00042/FUL **Applicant:** Mr Marriott

Application Type: Full Application

Description of Development: Construction of a single garage to side of existing property

Site Address 10 TOR CLOSE PLYMOUTH

Case Officer: Adam Williams

Decision Date: 27/01/2011

Decision: Application Withdrawn

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Application Number **09/01631/FUL**
Appeal Site **4 NEWNHAM ROAD PLYMPTON PLYMOUTH**
Appeal Proposal Continue use of front of site to display cars for sale
Case Officer Stuart Anderson

Appeal Category
Appeal Type Written Representations
Appeal Decision Allowed
Appeal Decision Date 13/01/2011
Conditions
Award of Costs

Awarded To

Appeal Synopsis

Inspector considered that the existing accesses could be safely used, and that there would not be inappropriate parking on the roadside, which is clearly controlled with double yellow lines. The adjacent free public car park could provide customer parking, and traffic movements are unlikely to exceed that which could be associated with the authorised use of the site as a café.

Application Number **10/00306/FUL**
Appeal Site **6 PATNA PLACE PLYMOUTH**
Appeal Proposal Change of use and conversion of premises from offices to two flats, including demolition of rear out-building and erection of external rear stairway.
Case Officer Karen Gallacher

Appeal Category REF
Appeal Type Written Representations
Appeal Decision Allowed
Appeal Decision Date 24/01/2011
Conditions
Award of Costs

Awarded To

Appeal Synopsis

The inspector did not agree with the LPA that the provision of the rear external staircase would harm neighbours amenity, be visually unacceptable or restrict amenity area to an unacceptable degree.

Application Number **10/00588/FUL**
Appeal Site **90 EMBANKMENT ROAD PLYMOUTH**
Appeal Proposal Part perforated roller shutter to replace existing solid roller shutter
Case Officer Louis Dulling

Appeal Category REF
Appeal Type Written Representations
Appeal Decision Dismissed
Appeal Decision Date 01/11/2010
Conditions
Award of Costs

Awarded To

Appeal Synopsis

The inspector attached considerable weight to the Development Guidelines SPD which provides detailed guidance on this matter. The inspector concluded that the development was clearly contrary to advice in the SPD and detracted considerably from the street frontage and set an undesirable precedent. It was noted that there were other similar developments along the street however these were older and would have been installed prior to the adoption of the SPD and therefore did not set a precedent.

Application Number **10/00715/FUL**
Appeal Site **3 HILLSIDE AVENUE PLYMOUTH**
Appeal Proposal Change of use to house in multiple occupation (8 bedrooms)
Case Officer Jon Fox

Appeal Category REF
Appeal Type Written Representations
Appeal Decision Allowed
Appeal Decision Date 24/01/2011
Conditions
Award of Costs

Awarded To

Appeal Synopsis

In this case the application had been recommended for approval by officers and was refused by the planning committee. The Inspector concluded that occupation by 8 persons (as opposed to the 6 using the property in the past) would not cause significant harm to the living conditions of nearby occupiers or have any significant effect on the parking situation. With regard to the character of the area, the Inspector recognised that the area has a relatively high concentration of student properties and that the proposals would not result in the loss of a family dwelling and he concluded that the increase from 6 to 8 occupiers in this HMO would have no significant effect on the character of the surrounding area. The Inspector restricts the use of the property to 8 persons, but considered that the use need not be restricted to students only because its location is close to the railway station and city centre as well as the university and is also in a parking permit scheme area. The accommodation is also considered to be appropriate for other single persons.

Application Number **10/00745/LBC**
Appeal Site **27 WYNDHAM SQUARE PLYMOUTH**
Appeal Proposal Two single-storey rear extensions with covered roof terrace and external staircase (removal of existing rear extensions and first-floor conservatory), rear dormer and two rooflights (removal of existing rear dormer), formation of vehicle hardstanding in rear garden, including part demolition of rear boundary wall and installation of gates and other internal and external alterations

Case Officer

Appeal Category
Appeal Type
Appeal Decision **Dismissed**
Appeal Decision Date **05/01/2011**
Conditions
Award of Costs

Awarded To

Appeal Synopsis

The Inspector dismissed the appeal, noting that whilst he agreed that the reduction of the southwest extension and the open veranda would be a distinct improvement, the enlargement of the southeast extension and the associated replacement of the steps would undermine the significance of no.27 Wyndham Square as a valuable heritage asset. The Inspector concluded that these particular parts of the proposed works would conflict with the aims of the LDF Core Strategy policies CS02 and CS03 and they would not preserve the house as a building of special architectural and historic interest.

Application Number **10/00854/FUL**
Appeal Site **21 CHADDLEWOOD CLOSE PLYMPTON PLYMOUTH**
Appeal Proposal Private motor garage in rear garden, with driveway and with access through existing car port / garage

Case Officer **Kate Saunders**

Appeal Category
Appeal Type **Written Representations**
Appeal Decision **Allowed**
Appeal Decision Date **01/11/2010**
Conditions
Award of Costs

Awarded To

Appeal Synopsis

The inspector concluded that given that the proposal would not cause undue harm on neighbouring properties, was not readily visible from a public viewpoint and the fallback position under permitted development it would not be harmful to the character of the area. The inspector considered that the use of the garage could be controlled through appropriate conditions and therefore allowed the appeal.

Application Number **10/01326/FUL**
Appeal Site **4 FIRST AVENUE BILLACOMBE PLYMOUTH**
Appeal Proposal 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)
Case Officer Stuart Anderson

Appeal Category
Appeal Type Written Representations
Appeal Decision Allowed
Appeal Decision Date 12/01/2011
Conditions
Award of Costs Awarded To

Appeal Synopsis

Inspector agreed that the gable roof is clearly different to the consistent design of the fully hipped short row of old bungalows that straddle the appeal property. However, when carefully viewed in the wider context of First Avenue as a whole, he did not find the gable design to be unacceptable. He did not consider the roof to be excessively high or bulky, or to be out of keeping. Also, he noted that the gable roof does not extend beyond the building line of the front elevation, the bay window design is retained in the front elevation, and there is a significant variety of building styles and roof designs in the street where alterations have probably been made to original roof designs, there being a strong echo between the subject roof and some other houses such as number 12. He also considered that the fully hipped roof severely limits internal space and scope for alteration.

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

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