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COUNCIL OF THE YEAR



Barry Keel
Chief Executive

Plymouth City Council
Civic Centre
Plymouth PL1 2AA

www.plymouth.gov.uk/democracy

Date: 19 July 2011

Please ask for: Ross Jago / Katey Johns
T: 01752 304469 / 7815 E: ross.jago@plymouth.gov.uk / katey.johns@plymouth.gov.uk

PLANNING COMMITTEE

Date: Thursday 28 July 2011

Time: 1pm

Venue: Council House, Armada Way, Plymouth

Members:

Councillor Lock, Chair

Councillor Mrs Bowyer, Vice Chair

Councillors Browne, Churchill, Delbridge, Mrs Foster, Mrs Nicholson, Stevens, Tuohy, Vincent, Wheeler and Williams.

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 of the meeting agrees, mobile phones should be switched off and speech, video and photographic equipment should not be used in meetings.

Barry Keel
Chief Executive

PLANNING COMMITTEE

AGENDA

PART I – PUBLIC MEETING

1. APOLOGIES

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

2. DECLARATIONS OF INTEREST

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

3. MINUTES

(Pages 1 - 8)

The Committee will be asked to confirm the minutes of the meeting held on 30 June 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 9 - 10)**

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

6.1 33 EDWARDS DRIVE, PLYMOUTH 11/00991/FUL **(Pages 11 - 14)**

Applicant:	Mr P Blackmore
Ward:	Plympton Chaddlewood
Recommendation:	Grant Conditionally

- 6.2 5 NETTON CLOSE, PLYMOUTH 11/00915/FUL (Pages 15 - 18)**
- Applicant: Mr L Netherton
Ward: Plymstock Dunstone
Recommendation: Grant Conditionally
- 6.3 1 RONSDALE CLOSE, PLYMOUTH 11/00914/FUL (Pages 19 - 22)**
- Applicant: Mrs S Reeves
Ward: Plymstock Radford
Recommendation: Grant Conditionally
- 6.4 54 HOWARD ROAD, PLYMOUTH 11/00918/FUL (Pages 23 - 26)**
- Applicant: Mr N Royston
Ward: Plymstock Radford
Recommendation: Refuse
- 6.5 34 MOLESWORTH ROAD, PLYMPTON, PLYMOUTH 11/00919/FUL (Pages 27 - 30)**
- Applicant: Mr B Phillips
Ward: Plympton St. Mary
Recommendation: Grant Conditionally
- 6.6 10 EASTFIELD CRESCENT PLYMOUTH 11/00951/FUL (Pages 31 - 34)**
- Applicant: Mr Nicholas Houslander
Ward: Compton
Recommendation: Grant Conditionally
- 6.7 30 HILL PARK CRESCENT PLYMOUTH 11/00829/FUL (Pages 35 - 40)**
- Applicant: Amber New Homes
Ward: Drake
Recommendation: Grant Conditionally
- 6.8 1 BREWHOUSE, ROYAL WILLIAM YARD, PLYMOUTH 11/00757/LBC (Pages 41 - 46)**
- Applicant: Draco Property Limited
Ward: St Peter & The Waterfront
Recommendation: Grant Conditionally
- 6.9 LAND AT MILLBAY ROAD, PLYMOUTH 10/01882/OUT (Pages 47 - 118)**
- Applicant: English Cities Fund
Ward: St Peter & The Waterfront
Recommendation: Grant Conditionally subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 28/10/11

6.10 LAND ADJACENT TO FOULSTON AVENUE, (Pages 119 - 140)
PLYMOUTH 11/00839/FUL

Applicant: Devon & Cornwall Housing
Ward: St Budeaux
Recommendation: Grant Conditionally subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 22/08/11

6.11 ELLIOTT HIRE, EATON BUSINESS PARK, (Pages 141 - 148)
PLYMBRIDGE ROAD, PLYMOUTH 11/01061/FUL

Applicant: The Una Group
Ward: Moor View
Recommendation: Refuse

6.12 NORTH WEST QUADRANT, DERRIFORD ROAD, (Pages 149 - 198)
PLYMOUTH 09/01899/OUT

Applicant: Wharfside Regeneration (Devon) Ltd
Ward: Moor View
Recommendation: Refuse

6.13 140 NORTH HILL, PLYMOUTH 11/00456/OUT (Pages 199 - 208)

Applicant: Pillar Land Securities
Ward: Drake
Recommendation: Refuse

6.14 FRIARY RETAIL PARK, EXETER STREET, (Pages 209 - 216)
PLYMOUTH 11/00804/FUL

Applicant: AXA P&C
Ward: St Peter & The Waterfront
Recommendation: Grant Conditionally

6.15 PROPOSED VARIATION TO SECTION 106 (Pages 217 - 220)
UNILATERAL UNDERTAKING TO AMEND CLAUSE
RELATING TO MEASURES TO MITIGATE THE
IMPACT OF THE DEVELOPMENT

The Director for Development and Regeneration will submit a report relating to planning permission 10/00180/FUL which was for the erection of 12 affordable/local needs or sheltered/supported residential flats at Woodland Terrace Lane, Lipson, Plymouth.

7. PLANNING APPLICATION DECISIONS ISSUED (Pages 221 - 264)

The Assistant Director of Development (Planning Services) acting under powers delegated to him by the Council will submit a schedule outlining all decisions issued from 20 June to 18 July 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 265 - 266)

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 I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PART II (PRIVATE MEETING)

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

that under the law, the Panel 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.

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Planning Committee

Thursday 30 June 2011

PRESENT:

Councillor Lock, in the Chair.

Councillor Browne, Vice Chair.

Councillors Churchill, Delbridge, Mrs Foster, Mrs Nicholson, Stevens, Thompson (substituting Councillor Mrs Bowyer), Tuohy, Vincent, Wheeler and Williams.

Apologies for absence: Councillors Mrs Bowyer

Also in attendance: Paul Westrope, Leade Planning Officer, Mark Lawrence, Lawyer, Ross Jago, Democratic Support Officer.

The meeting started at 1.01 pm and finished at 4.50 pm.

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

11. DECLARATIONS OF INTEREST

The following declarations of interest were made by Councillors in accordance with the code of conduct in relation to items under discussion at this meeting –

Name	Minute No. and Subject	Reason	Interest
Councillor Stevens	16.4 Land off Cundy Close, Plympton, Plymouth. 11/00577/FUL	Have relatives who reside in the area of the proposed site.	Personal

12. MINUTES

Agreed the minutes of the meeting held on 2 June 2011.

13. ELECTION OF VICE CHAIR

In the absence of Councillor Mrs Bowyer the Chair proposed Councillor Browne to act as vice-chairman for this meeting. The proposal was seconded by Councillor Delbridge and following a vote was agreed.

CHAIRS URGENT BUSINESS

14. WELCOME TO NEW MEMBERS

The Chair welcomed Councillor Williams to her first planning committee meeting.

15. **CHANGE OF AGENDA ITEMS**

Following a request from Councillor Patrick Nicholson, who was a registered speaker for this meeting, the Chair moved that item 6.5 was moved to the end of the planning applications to be considered.

Councillor Delbridge seconded the motion and following a vote it was agreed to move the item to the end of planning applications to be considered.

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

There were no questions from members of the public.

17. **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 17.1, 17.3, 17.6, 17.7, 17.8 and 17.9.

17.1 5 WARDLOW CLOSE, PLYMOUTH. I I /00707/FUL

(Mr. G Jones)

Decision:

Application **GRANTED** conditionally.

17.2 INTERLUBE SYSTEMS LIMITED, ST MODWEN ROAD, PARKWAY INDUSTRIAL ESTATE, PLYMOUTH. I I /00687/FUL

(Interlube Systems Limited)

Decision:

Application **GRANTED** conditionally.

17.3 DEVONPORT DOCKYARD, SALTASH ROAD, KEYHAM, PLYMOUTH. I I /00589/FUL

(HMS Drake)

Decision:

Application **GRANTED** conditionally.

17.4 UNIT 2 ERRILL RETAIL PARK, PLYMOUTH ROAD, PLYMPTON, PLYMOUTH. I I /00564/FUL

(Royal London Mutual Insurance Society Ltd)

Decision:

Application **GRANTED** conditionally.

17.5 LAND OFF BEAUMONT ROAD, PLYMOUTH. I I /00577/FUL

(Mr M Soper)

Decision:

Application **GRANTED** conditionally, subject to a S106 obligation and additional conditions to include a resident warden, S106 funding ring fenced for Tothill Playing fields and Library and a student occupation restriction, with delegated authority to refuse in the event that the S106 obligation is not completed by 7 July 2011.

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

(At the invitation of the Chair the Committee heard representations against the application from Councillor Mrs Aspinall, Ward Councillor.)

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

(Councillor Wheeler's proposal to refuse the application on grounds of difficult access to the site, lack of visitor parking, overdevelopment and the adverse impact on residential amenity, seconded by Councillor Williams was put to the vote and declared lost)

17.6 UNIVERSITY OF PLYMOUTH, DRAKE CIRCUS, PLYMOUTH. I1/00631/FUL

(University of Plymouth)

Decision:

Application **GRANTED** conditionally subject to an additional condition that noise generated by the generator measured at the nearest residential property shall not exceed 5dBA above background noise levels, in accordance with policy CS34 of the Core Strategy.

17.7 LAND AT ERNESETTLE LANE, ST BUDEAUX, PLYMOUTH. I1/00588/REM

(Archstone Lifestyle Properties)

Decision:

Application **GRANTED** conditionally subject to an additional condition that noise generated by the generator measured at the nearest residential property shall not exceed 5dBA above background noise levels, in accordance with policy CS34 of the Core Strategy.

17.8 ELLIOT HIRE, EATON BUSINESS PARK, 182 PLYMBRIDGE ROAD. PLYMOUTH. I1/00516/FUL

(The Una Group)

Decision:

Application **WITHDRAWN**.

17.9 PLYMOUTH AIRPORT, PLYMBRIDGE LANE, PLYMOUTH. I1/00655/REM

(Cavanna Homes (Cornwall) Ltd)

Decision:

Application **MINDED TO GRANT/DEFER/DEL AUTH.**

17.10 THE MARQUIS OF GRANBY PUBLIC HOUSE, 28 GRANBY STREET, PLYMOUTH. 11/00590/FUL.

(Crisplane)

Decision:

Application **GRANTED** conditionally, subject to a S106 obligation, with delegated authority to refuse in the event that the S106 is not completed by 1 August 2011.

17.11 LAND OFF CUNDY CLOSE, PLYMPTON, PLYMOUTH. 11/00149/FUL

(Persimmon homes South West)

Decision:

Application **MINDED TO GRANT** with delegated authority to grant to the Assistant Director for Planning Services in consultation with Chair, Vice Chair and lead labour member for further consideration of public access across the site.

(At the invitation of the Chair the Committee heard from Councillor Nicholson, Ward Councillor.)

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

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

(Councillor Wheeler's proposal to amend the recommendation as above was seconded by Councillor Stevens and following the vote was declared carried.)

(The above agenda item was moved. Please see minute 15 above)

18. PLANNING APPLICATION DECISIONS ISSUED

The Committee received a report from the Assistant Director of Development (Planning Services) on decisions issued for the period 23 May 2011 to 19 June 2011, including –

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

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

19. EXEMPT BUSINESS

There were no items of exempt business.

20. **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 – 30 June 2011

SCHEDULE OF VOTING

Minute number and Application	Voting for	Voting against	Abstained	Absent due to interest declared	Absent
13 Election Of Vice Chair	Councillors Lock, Browne, Churchill, Delbridge, Mrs Nicholson, Stevens, Thompson, Tuohy, Vincent, Wheeler and Williams.				Councillor Mrs Foster
15 Change Of Agenda Items	Councillors Lock, Browne, Churchill, Delbridge, Mrs Nicholson, Stevens, Thompson, Tuohy.	Councillors Vincent, Williams and Wheeler			Councillor Mrs Foster
17.1 5 Wardlow Close, Plymouth. 11/00707/Ful	Councillors Lock, Browne, Churchill, Delbridge, Mrs Nicholson, Stevens, Thompson, Tuohy, Vincent, Wheeler and Williams.				Councillor Mrs Foster
17.2 Interlube Systems Limited, St Modwen Road, Parkway Industrial Estate, Plymouth. 11/00687/Ful	Councillors Lock, Browne, Churchill, Delbridge, Mrs Nicholson, Stevens, Thompson, Tuohy, Vincent, Wheeler and Williams.				Councillor Mrs Foster
17.3 Devonport Dockyard, Saltash Road, Keyham, Plymouth. 11/00589/Ful	Unanimous				
17.4 Unit 2 Errill Retail Park, Plymouth Road, Plympton, Plymouth.	Unanimous				

Minute number and Application	Voting for	Voting against	Abstained	Absent due to interest declared	Absent
11/00564/Ful					
17.5 Land Off Beaumont Road, Plymouth. 11/00577/Ful (Proposed Amendment)	Councillors Stevens, Tuohy, Vincent, Wheeler and Williams.	Councillors Lock, Browne, Churchill, Delbridge, Mrs Nicholson, Thompson and Mrs Foster			
17.6 Land Off Beaumont Road, Plymouth. 11/00577/Ful (Incl. Additional Condition)	Councillors Lock, Browne, Churchill, Delbridge, Mrs Nicholson, Thompson and Mrs Foster.	Councillors Stevens, Tuohy, Vincent, Wheeler and Williams.			
17.7 University Of Plymouth, Drake Circus, Plymouth. 11/00631/Ful (Incl. Additional Condition)	Unanimous				
17.8 Land At Ernesettle Lane, St Budeaux, Plymouth. 11/00588/Rem	Unanimous				
17.9 Plymouth Airport, Plymbridge Lane, Plymouth. 11/00655/Rem	Unanimous				
17.10 The Marquis Of Granby Public House, 28 Granby Street, Plymouth. 11/00590/Ful.	Unanimous				
17.11 Land Off Cundy Close, Plympton, Plymouth. 11/00149/Ful (Amended Recommendation)	Unanimous				

PLANNING APPLICATIONS FOR CONSIDERATION

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

Addendums

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

Public speaking at Committee

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

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

- Ward Member
- Objector
- Supporter

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

Committee Request for a Site Visit

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

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

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

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

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

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

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

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

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

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

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

Decisions contrary to Officer recommendation

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

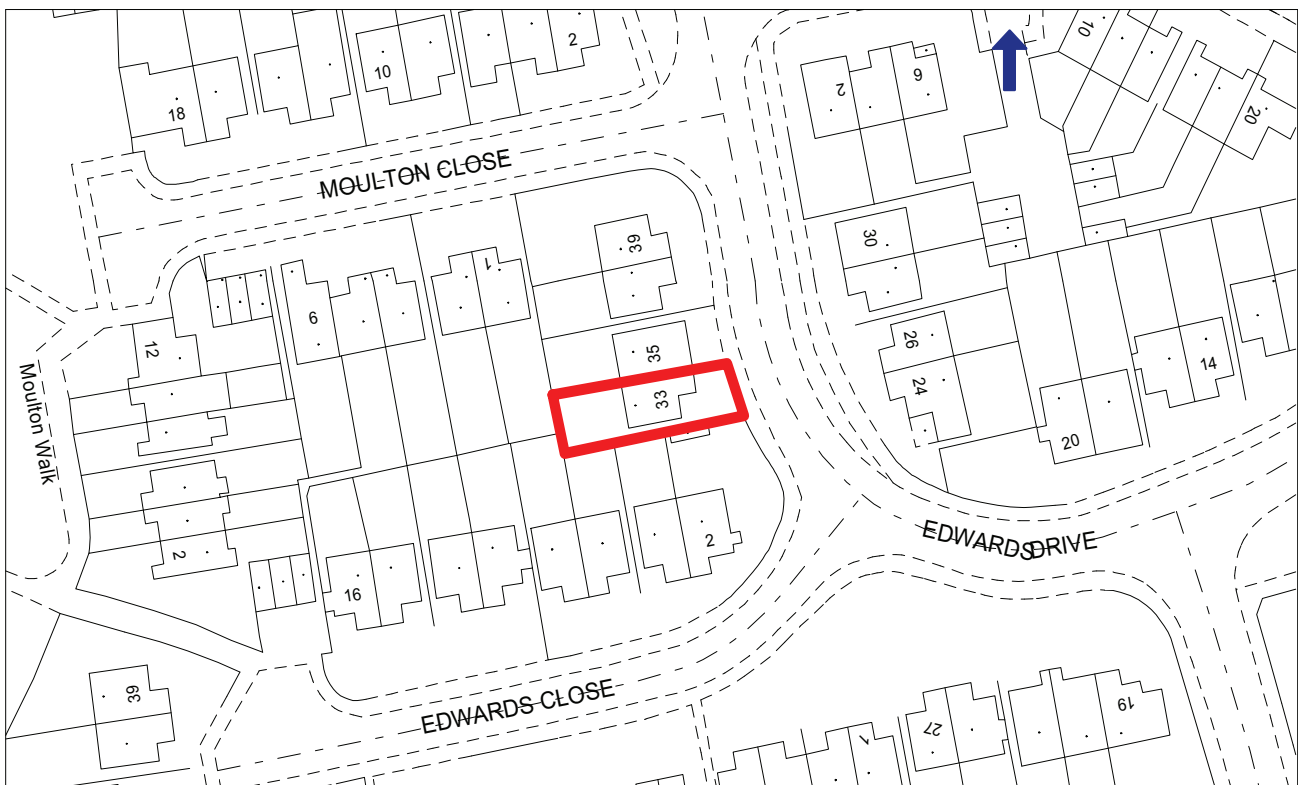
Where necessary Officers will advise Members of any other relevant planning issues to assist them with their decision.

PLANNING APPLICATION REPORT



ITEM: 01

Application Number:	I1/00991/FUL
Applicant:	Mr P Blackmore
Description of Application:	Two storey rear extension
Type of Application:	Full Application
Site Address:	33 EDWARDS DRIVE PLYMOUTH
Ward:	Plympton Chaddlewood
Valid Date of Application:	15/06/2011
8/13 Week Date:	10/08/2011
Decision Category:	Member Referral
Case Officer :	Simon Osborne
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



Officer Report

This application is reported to committee due to referral by Councillor Dr David Salter, Ward Member, whose concerns include the scale of the proposal and its impact on the character of the area.

Site Description

33 Edwards Drive is a two-storey three-bedroom semi-detached property located in Plympton. The adjoining property, 35 Edwards Drive, lies to the north, with Nos. 2, 4 and 6 Edwards Close to the south and the rear garden of 1 Moulton Close to the west.

Proposal Description

The proposal is for a two-storey rear extension to enlarge the ground-floor lounge and two of the first-floor bedrooms. The extension would measure approximately 2.1 metres deep and have a width of 5.65 metres; the extension would be 0.4 metre from the boundary with No. 35.

Relevant Planning History

10/01633/FUL- Two-storey rear extension – Refused

Consultation Responses

None required

Representations

5 letters of objection have been received regarding this application from the owner (not occupier) of 35 Edwards Drive, and from 1 Moulton Close and Nos. 4, 6 and 8 Edwards Close. The main issues are:

- Out of keeping with other properties in area
- Loss of light to dwellings and gardens (and associated environmental impacts)
- Solid brick side walls will appear overbearing and dominant when viewed from neighbouring properties
- Devalue properties

Analysis

This application is an amended version of a similar scheme (10/01633) which, following a Members' site visit, was refused by Planning Committee in December 2010 due to unreasonable impact on the light and outlook of 35 Edwards Close. Your officers' recommendation to committee on that application was to grant conditional permission.

Compared to the previous scheme, the current application shows the proposed extension moved away from the boundary with No. 35 by a further 0.1 metre in order to reduce its impact a little. The extension is now proposed at a distance of 0.4 metre from the boundary. The proposal would also now incorporate a hipped roof instead of the gable end previously proposed in an attempt to reduce its bulk and impact in terms of light reaching neighbouring properties.

The application turns upon policies CS02 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Supplementary Planning Document (SPD) 'Development Guidelines'. The main issues are the impact on neighbouring amenities and the impact on the character and visual appearance of the area, as detailed below.

The SPD states that, in order to ensure that a proposed development will not cause a harmful loss of daylight to a neighbouring property, the 45 degree guideline should be followed. The proposed extension would have a limited projection of 2.1 metres and would still very marginally break the "45 degree" guide with regard to the closest neighbouring windows on No. 35 (the 45 degree line clips the corner of the extension). Although the guide is marginally broken, it is noted that the ground floor 'window' of the neighbouring dwelling (which is most affected) is in fact large French doors. The room they serve therefore receives a considerable amount of light. The proposal has been amended to incorporate a hipped roof. It is considered that this helps to reduce the bulk of the extension and the associated reduction in height would go some way in limiting its impact in terms of loss of light to No. 35. Considering the small projection of the extension it is felt that in this case the limited encroachment of the "45 degree" guide would not result in an unreasonable loss of light or outlook to that room and No. 35 in general and would not appear unreasonably overbearing.

It is also considered that the extension would not appear unreasonably overbearing or dominant when viewed from other nearby properties. Due to the existing layout and relationship between the subject dwelling and other properties, and the limited depth of the extension, there would be no substantial impact in terms of loss of outlook, light or privacy.

The extension is considered to be reasonably sympathetic in materials and design to the existing dwelling. Although it is recognised that two-storey rear extensions are not a common feature in the immediate vicinity, it is not considered that the extension would have a significant adverse impact on the appearance of the subject dwelling and, given that it would not be highly visible from public vantage points, would not have a significant impact on the character or visual appearance of the area.

The planning issues raised in the letters of representation have been addressed above. Property values are not a material planning issue.

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

N/A

Equalities & Diversities issues

None

Conclusions

Your officers consider that the proposal is acceptable and therefore the application is recommended for conditional approval.

Recommendation

In respect of the application dated **15/06/2011** and the submitted drawings 4021/R1, Analysis Diagram, agent's letter dated 2 June 2011, applicant's letter dated 23 March 2011, 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 PLAN

(2) The development hereby permitted shall be carried out in accordance with the following approved plan: 4021/R1.

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

CS34 - Planning Application Consideration

CS02 - Design

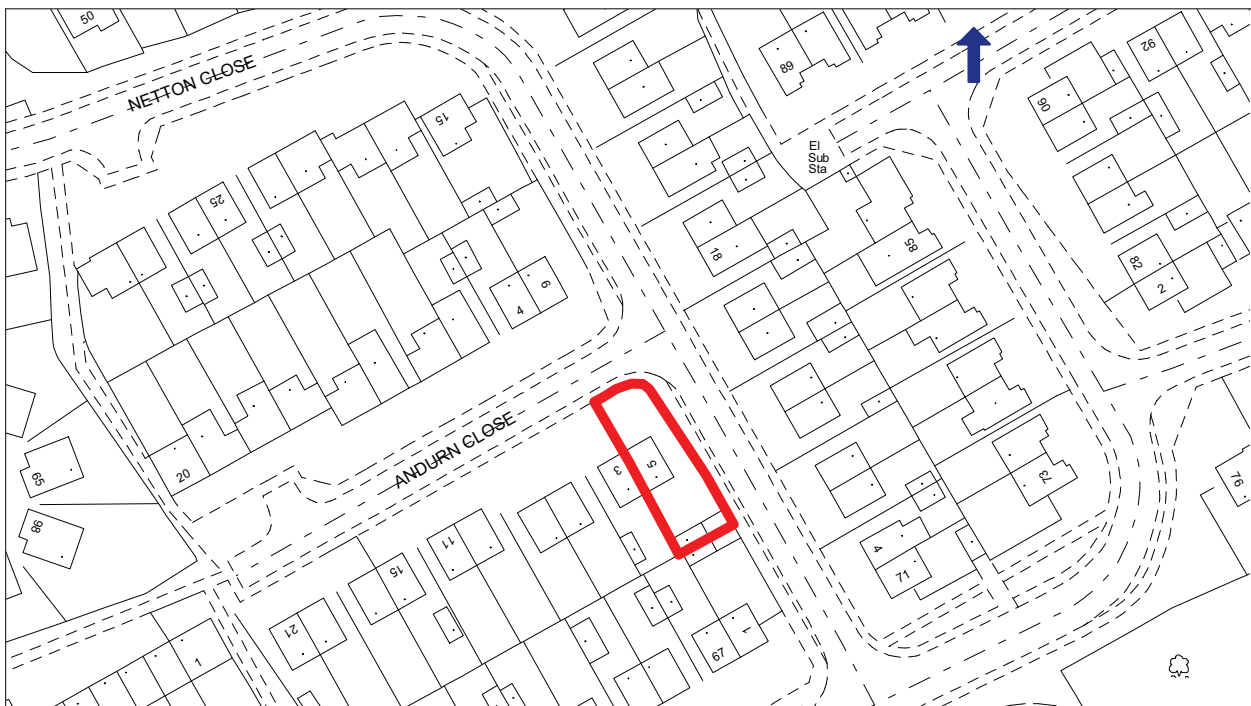
SPDI - Development Guidelines

PLANNING APPLICATION REPORT



ITEM: 02

Application Number:	I1/00915/FUL
Applicant:	Mr L Netherton
Description of Application:	Formation of hardstanding and access to Netton Close
Type of Application:	Full Application
Site Address:	5 NETTON CLOSE PLYMOUTH
Ward:	Plymstock Dunstone
Valid Date of Application:	06/06/2011
8/13 Week Date:	01/08/2011
Decision Category:	Member/PCC Employee
Case Officer :	Simon Osborne
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



Officer Report

Site Description

5 Netton Close is a semi-detached dormer bungalow located on the corner of Netton Close and Andurn Close. The property is bounded by the adjoined dwelling to the west and a neighbouring dwelling to the south.

Proposal Description

The proposal is for a hardstanding and access onto Netton Close.

Relevant Planning History

There is no previous planning history for 5 Netton Close.

Consultation Responses

Transport – no objections subject to conditions

Representations

No letters of representation received

Analysis

The application is brought to committee because the applicant is related to a Plymouth City Council employee.

This application turns upon Policies CS02 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Supplementary Planning Document “Development Guidelines” (SPD). The primary planning issues are the impact on neighbouring amenities, visual amenity and the highway as detailed below.

The proposed hardstanding would be located a considerable distance away from neighbouring dwellings; any impact on amenities would be negligible.

The hardstanding would be constructed from concrete and chippings to allow drainage, which is in line with guidance in the SPD. The hardstanding would have a limited impact on the appearance of the property as it would not involve any significant changes in ground levels and the majority of the garden would remain. There are many other hardstandings in the immediate vicinity and therefore the proposal would not detract from the character of the area.

The transport officer has no objections but has recommended that a length of 2.5 metres of the existing fence immediately south of the hardstanding should be reduced to 1.5 metres in height in order to improve visibility. The applicant has agreed this amendment.

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

N/A

Equalities & Diversities issues

No further issues

Conclusions

This application is recommended for conditional approval.

Recommendation

In respect of the application dated **06/06/2011** and the submitted drawings Site Location Plan (2 Sheets), Block Plan, Existing Front Elevation, Proposed Front Elevation (amended), Proposed Plan View, 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 (2 Sheets), Block Plan, Existing Front Elevation, Proposed Front Elevation, Proposed Plan View.

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.

INFORMATIVE: KERB LOWERING

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

Statement of Reasons for Approval and Relevant Policies

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

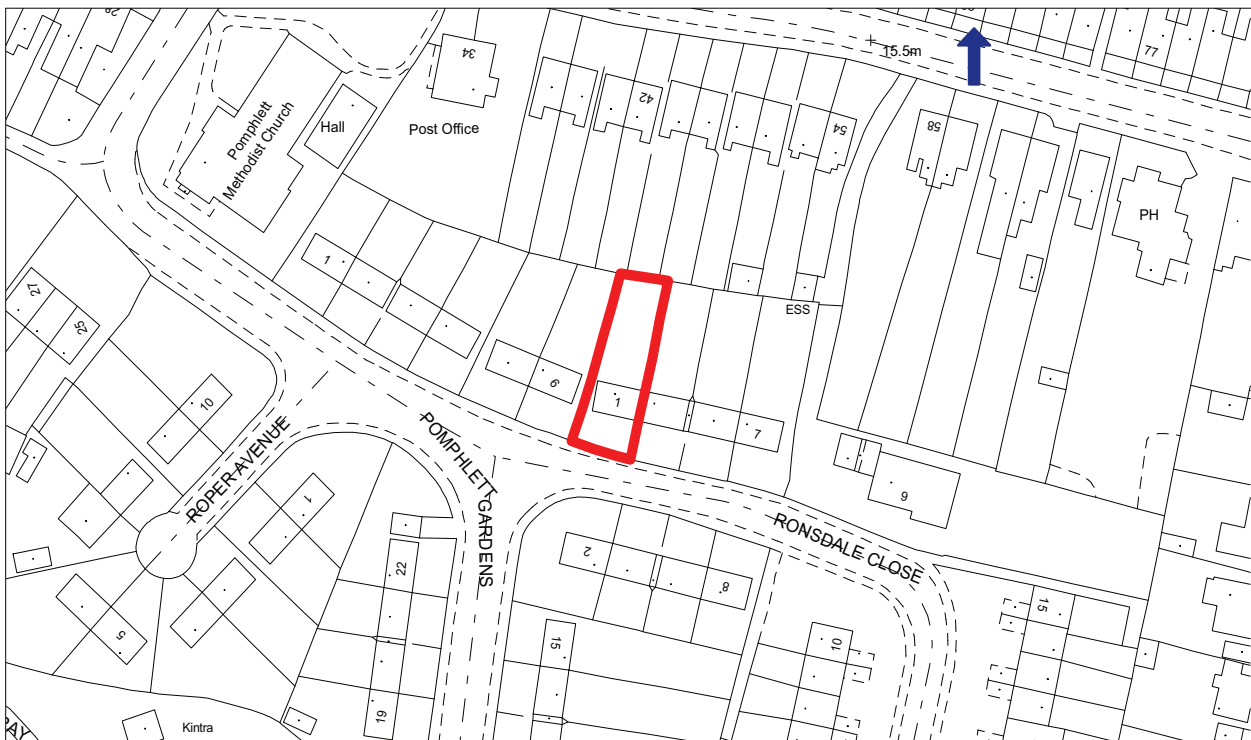
- CS28 - Local Transport Consideration
- CS34 - Planning Application Consideration
- CS02 - Design
- SPDI - Development Guidelines

PLANNING APPLICATION REPORT



ITEM: 03

Application Number:	I1/00914/FUL
Applicant:	Mrs S Reeves
Description of Application:	Two storey rear extension and single storey front extension/porch
Type of Application:	Full Application
Site Address:	1 RONSDALE CLOSE PLYMOUTH
Ward:	Plymstock Radford
Valid Date of Application:	06/06/2011
8/13 Week Date:	01/08/2011
Decision Category:	Member/PCC Employee
Case Officer :	Simon Osborne
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



Officer Report

Site Description

1 Ronsdale Close is a two-storey end-of-terrace two-bedroom dwelling located in the Plymstock area of the city. The property is bounded by the adjoining dwelling to the east (3 Ronsdale Close) and neighbouring dwellings to the west (6 Pomphlett Gardens) and north (properties fronting Pomphlett Road).

The property has an existing rear conservatory.

Proposal Description

The proposal is for a two-storey rear extension, alongside the conservatory which is to remain, and a single-storey front extension/porch.

The rear extension would project 4 metres from the rear of the house and would be 4.3 metres wide. It would provide an extended kitchen/diner at the ground floor and a third bedroom (en-suite shower/toilet) at first-floor level.

The front extension/porch would be 1.5 metres in depth, 5.5 metres wide and a height of 3.3 metres, providing a cloakroom (with toilet) and porch.

Relevant Planning History

There is no previous planning history for 1 Ronsdale Close.

Consultation Responses

None

Representations

No letters of representation have been received.

Analysis

This application is brought to committee because the applicant is a Plymouth City Council employee.

This application turns upon policies CS02 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Supplementary Planning Document "Development Guidelines". The primary planning issues are the impact on neighbouring amenities and visual amenity as detailed below.

REAR EXTENSION

The proposed extension would be located an adequate distance away from neighbouring dwellings so as not to break the Council's "45 degree" guide with regards to the closest neighbouring windows. Further to this, the extension would be located on the north elevation of the property where little sunlight is received. The extension is therefore not considered to have an unreasonable impact on the amenities of neighbouring dwellings in terms of loss of light and outlook.

The proposal includes a window in the side elevation serving the en-suite shower/toilet. It is therefore recommended that obscure glazing should be secured by condition, together with a restriction on future provision of windows at first-floor

level that are additional to those shown on the submitted plan. With this condition in place, the proposal is not considered to significantly increase overlooking.

The proposed rear extension would be sympathetic in detailing, materials and scale to the main dwelling and would not detract from its appearance. It would have little impact on the streetscene.

FRONT EXTENSION/PORCH

Although quite wide (5.3 metres), the front extension/porch would have a relatively small projection of 1.5 metres and would have little impact on neighbouring dwellings. It would appear sympathetic in materials, detailing and scale to the main dwelling and would not detract from its appearance or the character of the surrounding area.

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

Section 106 Obligations

N/A

Equalities & Diversities issues

The property currently has no downstairs toilet. The proposed development will improve accessibility by providing this facility.

Conclusions

It is considered that the proposals comply with the relevant policies and therefore the application is recommended for conditional approval.

Recommendation

In respect of the application dated **06/06/2011** and the submitted drawings site location plan, 2398, 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, 2398.

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.

WINDOWS

(3) 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 window in the side elevation (west) of the rear extension hereby approved shall at all times be obscure glazed and non-openable unless the parts that are openable are more than 1.7 metres above the floor of the room in which they are installed. The said window shall not at any time after its provision be altered and no further windows (other than those shown on the approved plans) shall at any time be installed at first-floor level in the rear extension hereby approved.

Reason:

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

CS34 - Planning Application Consideration

CS02 - Design

SPD1 - Development Guidelines

PLANNING APPLICATION REPORT



ITEM: 04

Application Number: 11/00918/FUL

Applicant: Mr N Royston

Description of Application: Single-storey side extension to provide private motor garage, formation of rooms in roofspace including hip to gable extension and rear dormer, rear conservatory and associated raised decking, and repositioning of front door

Type of Application: Full Application

Site Address: 54 HOWARD ROAD PLYMOUTH

Ward: Plymstock Radford

Valid Date of Application: 07/06/2011

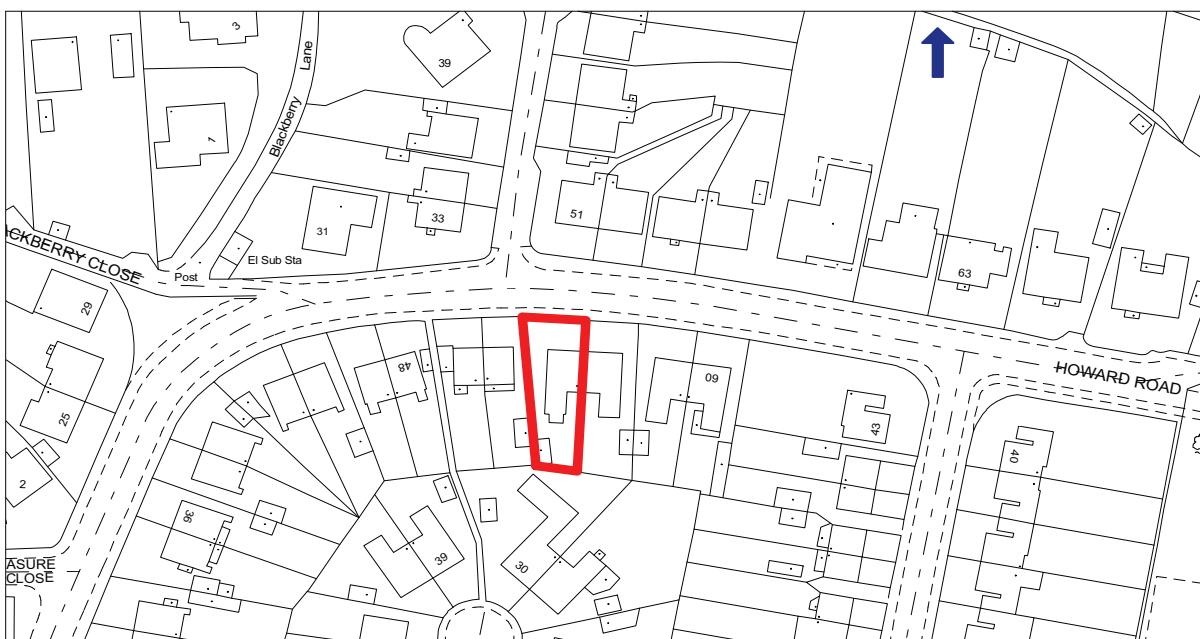
8/13 Week Date: 02/08/2011

Decision Category: Member/PCC Employee

Case Officer : Simon Osborne

Recommendation: Refuse

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



Officer Report

Site Description

54 Howard Road is a semi-detached two-bedroom bungalow located in the Plymstock area of Plymouth. The property is bounded by the adjoined property to the east and neighbouring properties to the west and south (rear).

Proposal Description

The proposal is for a single-storey extension to provide a private motor garage, formation of rooms in roofspace including hip to gable extensions, front rooflights and rear dormer, a rear conservatory and associated raised rear decking, and the repositioning of the front door.

The additional rooms in the roofspace would provide 2 bedrooms and a bathroom, with one of the existing ground-floor bedrooms being changed to dining room use so that the existing dining room can be converted to an extension of the kitchen. The end result would be a three-bedroom dwelling.

Relevant Planning History

There is no previous planning history for 54 Howard Road.

Consultation Responses

Transport – no objections

Representations

No letters of representation have been received.

Analysis

The application is brought to committee because the agent is an employee of Plymouth City Council.

This application turns upon Policies CS02 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Supplementary Planning Document “Development Guidelines”. The primary planning issues are the impact on neighbouring amenities and visual amenity as detailed below.

NEIGHBOURING AMENITIES

The proposed side extension would not project beyond the rear and front building lines of the neighbouring dwelling and would therefore have little impact on their amenities in terms of loss of light and outlook.

The proposed dormer and other roof alterations would have little impact on light or outlook but would increase the overlooking of neighbouring properties; however, such a dormer would be allowed under permitted development.

The proposed rear conservatory would project approximately 4 metres from the rear of the dwelling and would extend to the boundary with the adjoined property. As a result the proposal would break the Council’s “45 degree” guide with regard to the closest neighbouring window and would have an unreasonable impact on outlook from that window contrary to policy CS34. However, with regard to light, the rears

of the properties face south and therefore receive good general daylight and sunlight levels, with the latter only affected in the later part of the day, such that loss of light is not considered to be bad enough to warrant refusal.

Although at present the low boundary fences allow for overlooking into the neighbouring garden, should the neighbour wish they could erect a 2 metre fence to prevent this. The proposed decking would present a raised platform approximately 1.1 metres in height and therefore, although it does not increase the present overlooking, a two metre fence would no longer serve to prevent overlooking should the neighbour wish. It is therefore considered that the proposed decking would have an unreasonable impact on the neighbouring property in respect to overlooking contrary to CS34.

VISUAL AMENITY

It is considered that the proposed hip to gable extension on the main dwelling together with the gable found on the proposed side extension would imbalance the appearance of the pair of semi-detached bungalows. Further to this, although the ridge of the side extension is set down from the ridge of the dwelling it would be flush with the front of the main dwelling and therefore is considered to be inadequately subordinate. This further imbalances the appearance of the two semi-detached dwellings in terms of bulk and massing. The proposal is therefore considered to be contrary to policy CS34.

The proposed dormer would be large; however it is set in from the sides of the roof, set down from the ridge and up from the eaves. The dormer, together with the existing structures and proposed rear extension and raised decking the rear of the property, would appear to be a mishmash of different structures which is not visibly ideal; however, they would be located at the rear where they would not be visible from public vantage points and therefore the appearance of the proposals at the rear do not warrant refusal of the application.

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

N/A

Equalities & Diversities issues

No further issues

Conclusions

There are a number of problems with the proposals, as identified above, and these represent unacceptable aspects of the scheme that warrant refusal of planning permission.

Recommendation

In respect of the application dated **07/06/2011** and the submitted drawings Site Location Plan, 02, 03, 04, 05, 06, it is recommended to: **Refuse**

Reasons for Refusal

VISUAL AMENITY - STREETSCENE

(1) The Local Planning Authority considers that the proposed hip to gable extension, together with the gable end on the proposed side extension, would imbalance the appearance of the pair of semi-detached properties (Nos.54 and 56), detracting from their character and appearance and that of the surrounding streetscene. Further to this, the proposed side extension is considered to be inadequately subordinate, further imbalancing the appearance of the two properties. The proposal is therefore contrary to policies CS02 and CS34 of the Plymouth Local Development framework Core Strategy (2006-2021)2007 and to Supplementary Planning Document 'Development Guidelines' 2010.

OVERLOOKING

(2) The Local Planning Authority considers that the proposed decking would result in unreasonable overlooking of the adjoining neighbouring property (No.56), contrary to policy CS34 of the Plymouth Local Development framework Core Strategy (2006-2021)2007 and to Supplementary Planning Document 'Development Guidelines' 2010.

EFFECT ON OUTLOOK

(3) The Local Planning Authority considers that, by virtue of its depth and proximity to the boundary, the proposed rear conservatory would have an unacceptable impact on the outlook from the ground floor window of the adjoining neighbouring property (No.56) contrary to policy CS34 of the Plymouth Local Development framework Core Strategy (2006-2021)2007 and to Supplementary Planning Document 'Development Guidelines' 2010.

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:

CS34 - Planning Application Consideration

CS02 - Design

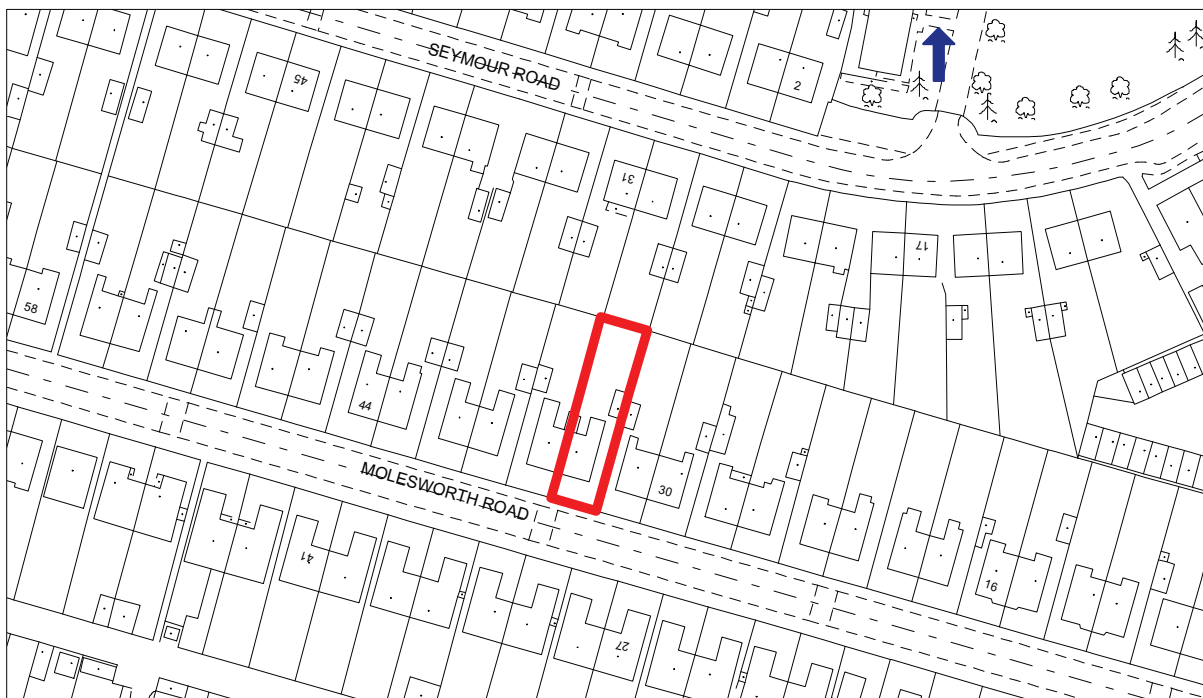
SPDI - Development Guidelines

PLANNING APPLICATION REPORT



ITEM: 05

Application Number:	11/00919/FUL
Applicant:	Mr B Phillips
Description of Application:	Two-storey side and rear extension and single-storey rear extension
Type of Application:	Full Application
Site Address:	34 MOLESWORTH ROAD PLYMPTON PLYMOUTH
Ward:	Plympton St Mary
Valid Date of Application:	07/06/2011
8/13 Week Date:	02/08/2011
Decision Category:	Member/PCC Employee
Case Officer :	Mike Stone
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



Officer Report

Site Description

34, Molesworth Road, Plympton is a two-storey semi-detached three-bedroom property with an attached side garage located in the Woodford neighbourhood. The immediate area is made up of mainly semi-detached residential properties.

Proposal Description

Two-storey side and rear extension, to provide fourth bedroom and enlarged garage, and single-storey rear extension to enlarge kitchen.

Relevant Planning History

07/00552/FUL - Single-storey rear extension, and extension to enlarge private motor garage – Grant conditionally.

Consultation Responses

Public Protection Service – recommend approval subject to an informative on carrying out a contaminated land assessment.

Representations

None received

Analysis

The application is brought to committee because the agent is an employee of Plymouth City Council.

The application turns upon policies CS02 (Design) and CS34 (Planning application considerations) of the adopted Core Strategy of Plymouth's Local Development Framework and on the aims of the Council's Development Guidelines Supplementary Planning Document. The primary planning considerations in this case are the impact on neighbour amenity and the impact on the character and appearance of the area.

The Development Enquiry Service has been used to seek an acceptable scheme that would maximise the space available to accommodate the applicant's growing family.

On the ground floor, the proposal is for an enlarged garage that would extend an additional 3 metres forward and 1.5 metres back; the new garage would be 10.5 metres long. Next to the garage, the kitchen would be increased in width from 3 to 6 metres and would cover an existing patio. The adjoining property, No.36, has its own slightly longer extension sharing the boundary, so impact on neighbours here will not be an issue.

On the first floor, a new 6.5 metre long and 6 metre wide floorspace would be created over the new garage and kitchen. This would replace the existing 3 metres square bathroom and would accommodate a new ensuite bedroom and separate bathroom. The new extension would have a hipped roof and would be finished to match the existing house.

Impact on the character and appearance of the area

The new side extension would be large but would have a generous set back of almost 8 metres from the front of the house; the extension would not appear overly dominant from the street. The use of matching materials will also help to create a feeling of unity between the old and the new parts of the house.

Neighbour amenity

The positioning and scale of the development ensures that it would not have an adverse impact on neighbour amenity in terms of loss of daylight.

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

Section 106 Obligations

None

Equalities & Diversities issues

The scheme includes internal works to provide a ground-floor toilet, which will improve accessibility to this facility.

Conclusions

The proposed scheme, although substantial, has benefited from being refined through the Development Enquiry Service where the issues of impact on the street scene and neighbour amenity were addressed at an early stage. The application is recommended for conditional approval.

Recommendation

In respect of the application dated **07/06/2011** and the submitted drawings 02, 03, 04, 05, 06, Location Plan, it is recommended to: **Grant Conditionally**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

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

Reason:

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

APPROVED PLANS

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

INFORMATIVE: CONTAMINATED LAND

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

Statement of Reasons for Approval and Relevant Policies

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

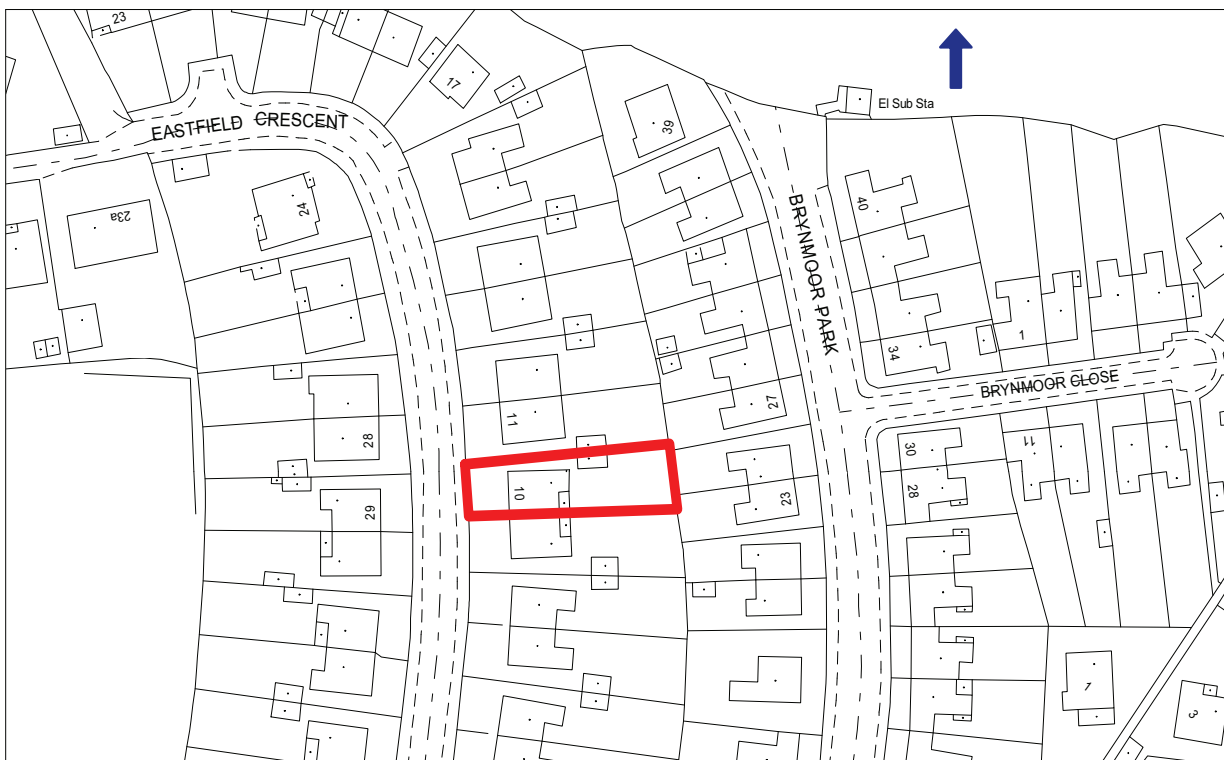
CS34 - Planning Application Consideration
CS02 - Design
SPDI - Development Guidelines

PLANNING APPLICATION REPORT



ITEM: 06

Application Number:	11/00951/FUL
Applicant:	Mr Nicholas Houslander
Description of Application:	Single-storey rear extension and associated decking
Type of Application:	Full Application
Site Address:	10 EASTFIELD CRESCENT PLYMOUTH
Ward:	Compton
Valid Date of Application:	27/06/2011
8/13 Week Date:	22/08/2011
Decision Category:	Member/PCC Employee
Case Officer :	Adam Williams
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



Officer Report

Site Description

10 Eastfield Crescent is semi-detached property within the Compton area of Plymouth City

Proposal Description

Single-storey rear extension and associated decking

Relevant Planning History

None

Consultation Responses

None

Representations

None

Analysis

This application is brought to committee because the applicant is related to an employee of Plymouth City Council.

The application turns upon Policy CS34 of the City of Plymouth Core Strategy 2006-2021 and on 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.

The proposal is for single-storey rear extension (to replace existing rear extensions) and timber decking. The proposed extension projects 3 metres and is 4 metres high at the highest point.

The proposed extension is not considered to harm the privacy of the adjoining property, 9 Eastfield Crescent, the fencing and vegetation surrounding the garden providing adequate screening. In addition, 9 Eastfield Crescent has a similar extension that was completed relatively recently. Due to this, it is considered the extension would not impact on outlook and sunlight.

Visually, the extension has been designed well and is considered an acceptable addition to the property; it is not considered dominant or overbearing and fits well within the scale of the building.

The decking raises no problems in itself.

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

expressed through third party interests / the Development Plan and Central Government Guidance.

Equalities & Diversities issues

None

Conclusions

The application is recommended for conditional approval

Recommendation

In respect of the application dated **27/06/2011** and the submitted drawings Hous10-03, Hous10-04, Hous10-06, Hous10-05, Block Plan and Site Location Plan, it is recommended to: **Grant Conditionally**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

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

Reason:

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

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: Hous10-03, Hous10-04, Hous10-06, Hous10-05, Block Plan, Site Location 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.

Statement of Reasons for Approval and Relevant Policies

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

SPDI - Development Guidelines

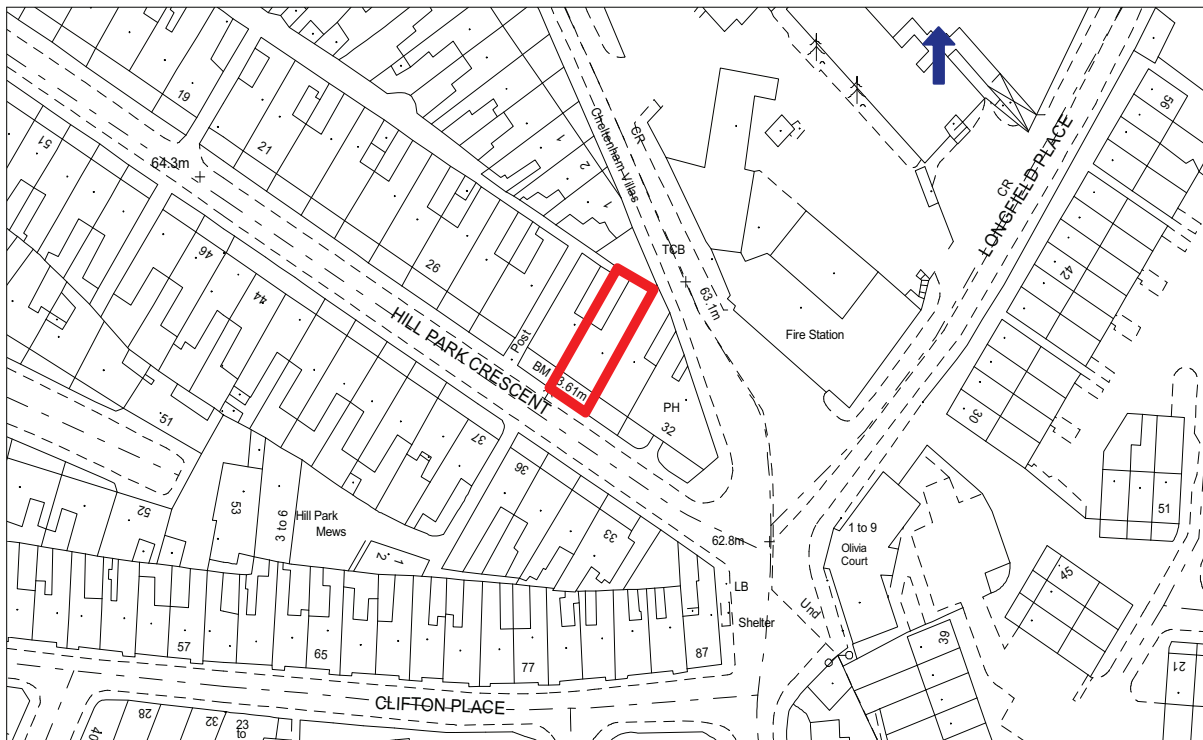
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PLANNING APPLICATION REPORT



ITEM: 07

Application Number:	11/00829/FUL
Applicant:	Amber New Homes
Description of Application:	Retention of extension to rear tenement to provide additional living accommodation for Flat 4
Type of Application:	Full Application
Site Address:	30 HILL PARK CRESCENT PLYMOUTH
Ward:	Drake
Valid Date of Application:	20/05/2011
8/13 Week Date:	15/07/2011
Decision Category:	Member Referral
Case Officer :	Paul Steen
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



Officer Report

This application is being considered by Planning Committee as a result of a Member referral by Councillor Steve Ricketts. This ward councillor is concerned about sustainability, neighbour impact, concerns on planning status of property, and development undertaken before permission sought.

Site Description

30 Hill Park Crescent is a mid terrace property situated in the North Hill area of the city. The property is at the eastern end of Hill Park Crescent and is used as shared accommodation/house in multiple occupation, in the form of four non self contained flats. There is a local distributor road, Greenbank Road, immediately beyond the rear garden of the property.

Proposal Description

The application seeks planning permission retrospectively to retain the extension to the rear tenement of the property, comprising of an increase in roof height, to provide additional living accommodation for flat 4. The extension measures approximately 8 metres by 4 metres, and comprises of a bedroom and en-suite bathroom.

Relevant Planning History

10/01963/OPR - Planning compliance investigation into use of property and alterations to rear tenement including raising height of roof – Opened 16/11/10

10/02125/OPR – Extension to existing two storey rear tenement – Withdrawn – 27 January 2011.

11/00335/EXUS - Use of property as house in multiple occupation consisting of four non self-contained flats – Certificate of lawful use issued – 20 April 2011.

Consultation Responses

Public Protection Service – No objection

Highway Authority – No objection

Representations

One letter of representation has been submitted, expressing objection to the application on the following grounds;

- Already too many flat and bed-sit conversions in this area.
- There is insufficient parking in the area, and illegal parking.
- Residents of this type tend to be temporary, will lead to increase in overfilling of rubbish bins and noise.
- Objector had application refused for similar grounds, as detailed above.

Analysis

The application stands to be determined primarily on Policy CS34 (Planning Application Considerations) of the Adopted Local Development Framework Core Strategy 2006-2021, and the relevant sections of the Development Guidelines Supplementary Planning Document (SPD).

The extension has been constructed above the existing rear tenement and increases the height of the rear tenement by approximately 2 metres. The rear tenement of this property therefore stands at the same height of the adjoining tenement at 31 Hill Park Crescent. Consequently, the increase in height is not considered to affect 31 Hill Park Crescent.

29 Hill Park Crescent is the adjacent neighbouring premises to the north west of the application site. The rear tenement at 29 Hill Park Crescent stands approximately 6 metres from the rear tenement of the application site. The extension may well result in some shadowing however, it is not considered that the increase in height of the rear tenement is sufficiently detrimental in terms of loss of light and outlook to warrant refusal.

In consideration of privacy, the extension has resulted in the installation of a new bedroom window, overlooking 27 Hill Park Crescent; if approved, it is recommended that a planning condition be imposed to ensure that the new bedroom window at second floor level in the west elevation is to comprise of fixed obscured glazing up to a height of 1.7metres from floor level.

The extension will utilise matching materials and will not appear out of character.

The application has attracted one letter of objection. The points raised by the objector above have been given consideration; however; it is not thought that the addition of one bedroom will cause sufficient demonstrable harm in terms of parking issues and noise to warrant refusal of planning permission. The responses of both the Public Protection Service and Highway Authority were noted in this respect.

Two points in the letter are not material planning considerations to be taken into account in determining this application, namely increase in refuse, and the fact that the objector had an application to convert a property in the immediate vicinity refused.

The use of the premises has been regularised under application ref: 11/00335/EXUS for a Certificate of Lawful Existing Use of the property as a house in multiple occupation consisting of four non self-contained flats. Following consideration of the evidence provided, including by Legal Services, the certificate was issued. Since that time, the issuing of the certificate has been questioned, on the basis that the evidence supplied was fraudulent. In response, the Council have advised that such allegations could only reasonably be investigated if evidence is provided. To date, no such evidence has been forthcoming.

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

N/A

Equalities & Diversities issues

N/A

Conclusions

Subject to a condition requiring the installation of fixed obscured glazing up to a height of 1.7 metres above floor level to the new bedroom window at second floor level on the west elevation of the rear tenement, the development is considered to be acceptable, and is therefore recommended for conditional approval.

Recommendation

In respect of the application dated **20/05/2011** and the submitted drawings AL01, AL02, AL03, AL04, AL05, AL06, and accompanying design and access statement, it is recommended to: **Grant Conditionally**

Conditions

APPROVED PLANS

(1) This permission relates to the following approved plans: AL01, AL02, AL03, AL04, AL05, AL06.

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.

OBSCURE GLAZING

(2) The side facing windows shall contain fixed and obscured glazing up to a height of 1.7 metres above floor level. Details of the type of obscured glazing, design and method of fixing shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme to be implemented within three months of the date of this notice, and retained in place at all times thereafter.

Reason:

In the interests of privacy and in accordance with Policy CS34 of the Local Development Framework Core Strategy 2007.

Statement of Reasons for Approval and Relevant Policies

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

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

CS34 - Planning Application Consideration
SPDI - Development Guidelines

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PLANNING APPLICATION REPORT



ITEM: 08

Application Number: I1/00757/LBC

Applicant: Draco Property Limited

Description of Application: Internal fit out including staff accommodation, wc facilities, freezer, fridge and storage areas, bar kitchen area, customer service counter, pizza oven and other works associated with A1 and A3 use

Type of Application: Listed Building

Site Address: I BREWHOUSE, ROYAL WILLIAM YARD PLYMOUTH

Ward: St Peter & The Waterfront

Valid Date of Application: 10/05/2011

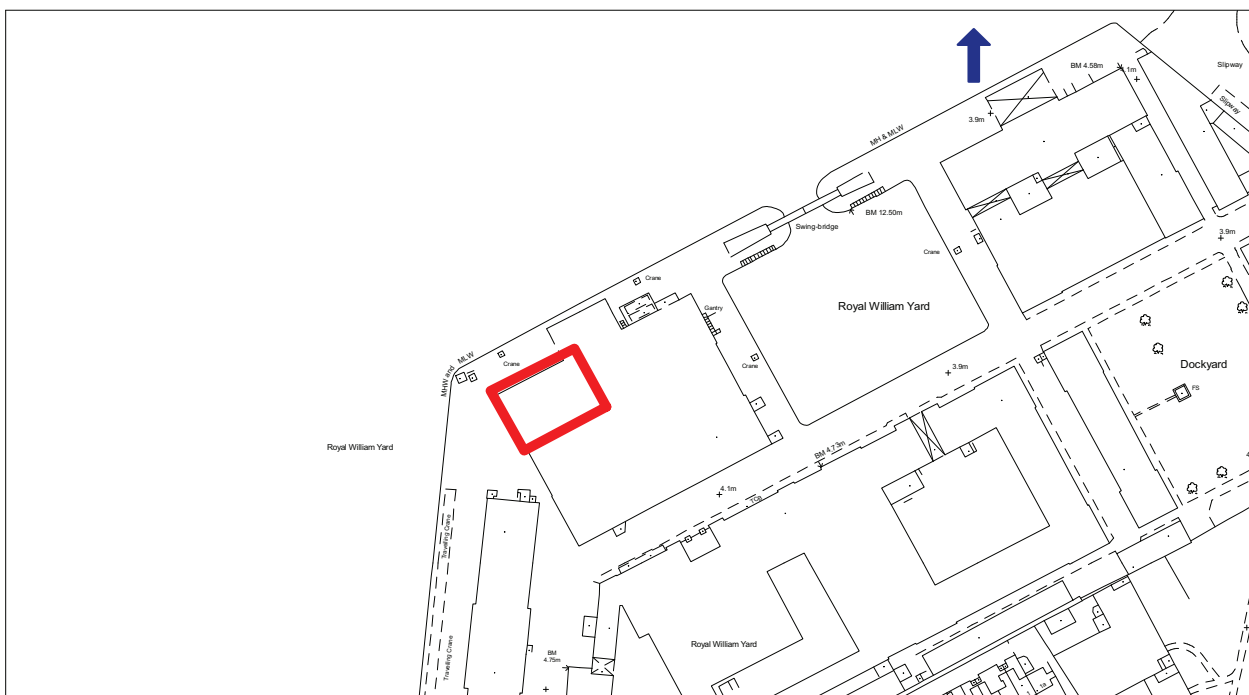
8/13 Week Date: **05/07/2011**

Decision Category: Member Referral

Case Officer : Mark Utting

Recommendation: Grant Conditionally

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Officer Report

This application has been referred to Committee by Councillor Chris Penberthy for three reasons:

- 1) The Royal William Yard has a complex history of planning applications
- 2) It is unclear whether some areas of work being undertaken have planning permission covered by these previous applications or not
- 3) The plans submitted include reference to a previous permission that does not appear to exist

Site Description

I Brewhouse is within the Royal William Yard which is characterised by large Grade I Listed Buildings currently used as a mixed use development with residential, office accommodation, restaurants.

Proposal Description

An application for listed building consent for works comprising an internal fit out including staff accommodation, WC facilities, freezer, fridge and storage areas, bar, kitchen area, customer service counters, pizza oven and other works associated with A1 and A3 use.

Relevant Planning History

02/01684/FUL - Change of use, conversion and alterations to buildings to form 133 res units, change of use of parts of the ground floor of the Brewhouse to exhibition/arts facility and to retail/hot food units (Classes A1/A3)

02/01681/LBC - Works of conversion and alterations to form a show flat in the North Block, second floor

02/01682/LBC - Works of conversion and alterations (associated with change of use of buildings to 130 residential units and use of parts of ground floor of The Brewhouse to exhibition/arts facility and retail/hot food

02/01683/FUL - Change of use, conversion and alterations to buildings to form 130 residential units, change of use of parts of the ground floor of the Brewhouse to an exhibition/arts facility and to retail/hot food units (Classes A1/A3)

03/00270/FUL - Public realm works including street furniture, lighting and resurfacing works

03/00271/LBC - Public realm works including street furniture, lighting and resurfacing works (Granted Conditionally)

03/01469/ESR10 - 600 place car park (with environmental and traffic assessments covering all anticipated Yard development) at the Mound (Withdrawn)

11/00155/ADV - Application for consent to display advertisement for four public information points (current)

11/00158/LBC – Proposed signage (LBC not required)

11/00198/FUL - Installation of parking management system and car registration cameras and pay stations (Granted Conditionally)

Consultation Responses

English Heritage – Application should be determined in accordance with national and local policy.

Representations

47 Clarence – 10 Royal William Yard: Does not object in principle but thinks that licensing hours should be restricted as well amount of seating.

23 Mills Bakery – Objects to licensing and planning. Considers tables outside of River Cottage to cause a safety hazard and health hazard with continual noise and smoke. Concerned about noise levels.

Flat 72, 8 RWY – Objects to planning application on following grounds: seating (amount, location and concerned that seating will spoil the view). Considers the design of the glass panel opening out of character and will infringe of privacy. Concerns over noise, cigarette smoke and food smells. Concerns over lack of park.

4 Clarence – 10 RWY – Welcomes proposal in principle but concerns regarding: Noise and opening hours including concerns over seating.

56 Mills Bakery – Not opposed to application to establish deli but thinks the amount of seating should be restricted. Concerned with licensing, playing of live music and car parking.

26 Brewhouse – Welcomes the proposed restaurant but objects to: glass window into winter garden, loss of privacy including the belief that pedestrians should be directed around the outside of the east wing for access, where only commercial premises occupy the ground floor space. Concerns over outdoor seating and proposed opening hours (noise).

Flat 4 Brewhouse – concerned with licence, privacy, noise, views, security.

Flat 28 Brewhouse – objects to outdoor seating, design aspects including glass window to winter gardens, noise

Flat 65 Brewhouse – Welcomes River Cottage but concerned over licensing

Flat 35 Brewhouse – Objects to noise and late night licence.

Flat 65 8 RWY – Generally supportive but concerns over sound proofing, ventilation/odour, waste, licensing, smoking areas.

Councillor Chris Penberthy (Writes on behalf of the 3 Councillors for St Peter and the Waterfront ward) – Pleased that there are plans for River Cottage wish to object to elements of the current application: Sound proofing, extraction, installation of glazing between unit 1 and the winter garden in Brewhouse.

32 Brewhouse – Doesn't object in principle but concerned about: noise, odour, waste, privacy.

59 Brewhouse – Objects. Concerns include sound proofing, ventilation, access, no consultation has taken place, bbq area.

60 Brewhouse – River Cottage welcome in principle but concerned about licensing.

43 Brewhouse – Objects – noise, deliveries, licensing.

73 Brewhouse – Objects – outdoor seating, noise, cigarette smoke, glazed door.

52 Brewhouse – Objects – In principal.

Analysis

This application turns upon policy CS03 (Historic Environment) of the City of Plymouth Core Strategy and Planning Policy Statement 5 (Historic Environment). The main consideration is the impact on character of the listed building.

Objective 4 of the Area Action Plan is to develop a stunning and high quality waterfront, where the public can enjoy the water and facilities located along the water's edge. In addition proposal MS01 – Royal William Yard of the adopted Millbay and Stonehouse Area Action Plan sets out the need for the sensitive restoration and reuse of the Royal William Yard. In light of the highlighted policies, the proposed internal works are considered to be in keeping with the character of the listed building.

It is important to note that it is only the impact of any works on the character of the Listed Building which can influence the outcome of a Listed Building Consent. There are a number of issues which have been raised in Letters of Representation are these concerns are highlighted below:

Sound Insulation

The sound insulation is not considered to impact on the character of the listed building.

Extraction

The flue is not considered to impact on the character of the Listed Building.

Glazed area between Unit 1 and the Winter Garden in the Brewhouse

There is no proposal for a glazed area between Unit 1 and the Winter Garden. The plan does not show any works carried out on the subject door. This is evident by comparing the existing and proposed plans, which are the same.

Outdoor Seating

The concerns over seating should not affect the outcome of this application. Drawing no. 1120/002 (Existing Site Plan) outlines the existing seating demise. This is an area identified due to licensing agreements which permits outdoor seating. It is unlikely that planning permission for seating would be required, however this would depend on whether proposals for seating constituted 'development'. An area of seats outside the property, for example, with no physical attachments to the ground would be unlikely to need planning permission. Notwithstanding this information, external seating is not part of the application for Listed Building Consent, which includes internal works only.

There are additional points raised in Letters of Representation which are not relevant to this application for Listed Building Consent. It is important to note that this is not a planning application. Objections raised to the principle of a restaurant are not relevant because planning permission has already been granted for this use and the Royal William Yard has always been marketed as a mixed use development. Other issues raised, including licensing, noise including live music, food smell, waste, smoking, ventilation and security, cannot be considered in determining this application because a) they are all ready determined; b) they are subject to other applications such as licensing and the building regulations; or c) they do not relate to an application for listed building consent.

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

N/A

Equalities & Diversities issues

None specific to this case

Conclusions

In conclusion, the proposed works to 1 Brewhouse are sensitive to the fabric of this historic building and listed building consent is therefore recommended to be granted, subject to conditions.

Recommendation

In respect of the application dated **10/05/2011** and the submitted drawings mwa-sk009 wood oven flue, 1120/100 rev G proposed ground floor, revised design and access statement, 1120/002 existing site plan, 1120/003 existing ground floor, 1120/001 existing site location plan, 1120/200 proposed sectional elevations, 1120/500 ground floor proposed floor finish, and accompanying design and access statement, it is recommended to: **Grant Conditionally**

Conditions

TIME LIMIT FOR COMMENCEMENT (LBC)

(1) The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason:

To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: mwa-sk009 wood oven flue, 1120/100 rev G proposed ground floor, revised design and access statement, 1120/002 existing site plan (within red line only), 1120/003 existing ground floor, 1120/001 existing site location plan (within red line only), 1120/200 proposed sectional elevations, 1120/500 ground floor proposed floor finish.

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.

ENTRANCE SCREEN AND DOORS

(3) No works shall commence until details of the proposed new glazed entrance screen and works to the entrance doors shall have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure appropriate design and quality that the details of the proposed work do not conflict with Policy CS03 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 effect on the Listed Building, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed works are acceptable and comply with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and (b) relevant Government Policy Statements and Government Circulars, as follows:

CS03 - Historic Environment

MS01 - Royal Williams Yard

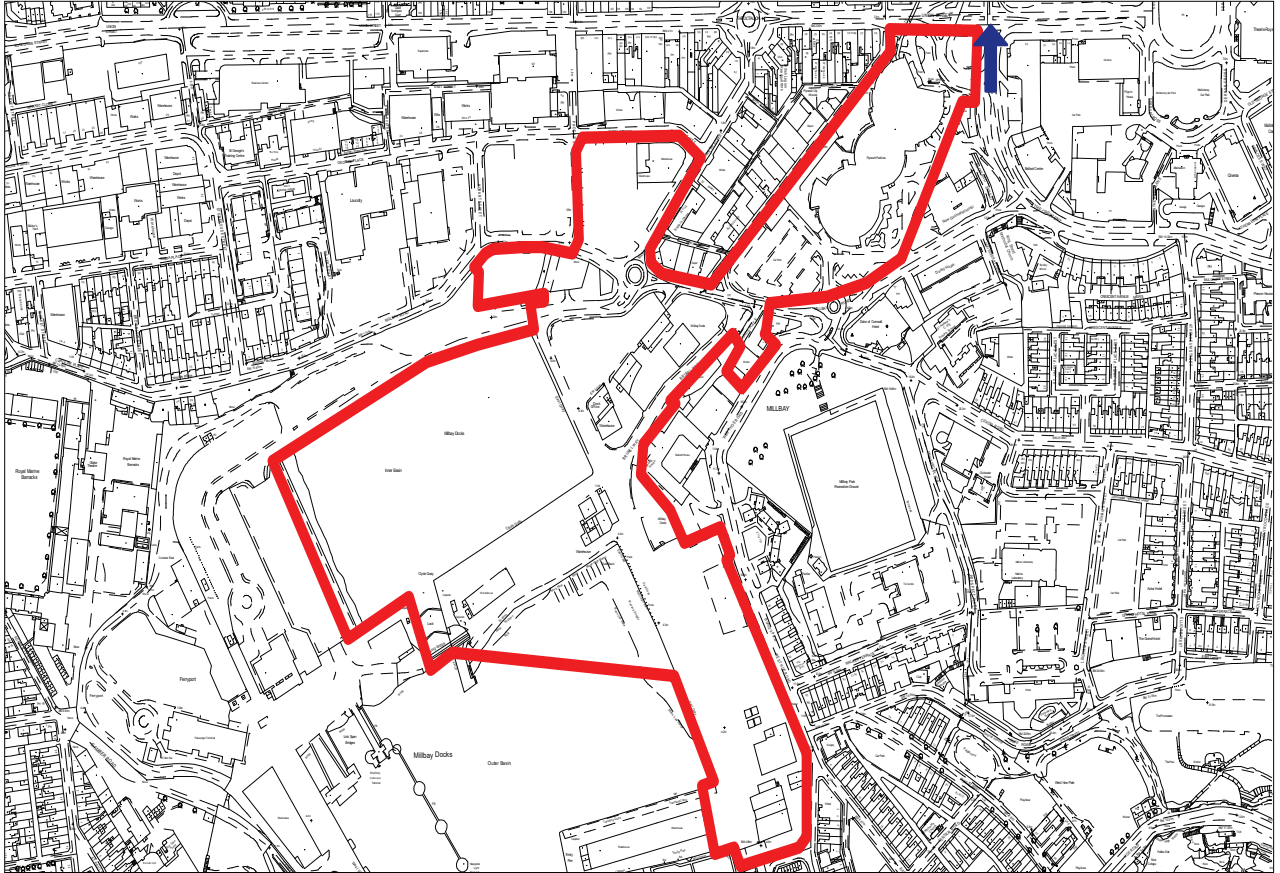
PPS5 - Planning for the Historic Environment

PLANNING APPLICATION REPORT



ITEM: 09

Application Number:	10/01882/OUT
Applicant:	English Cities Fund
Description of Application:	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
Type of Application:	Outline Application
Site Address:	LAND AT MILLBAY ROAD PLYMOUTH
Ward:	St Peter & The Waterfront
Valid Date of Application:	04/11/2010
8/13 Week Date:	03/02/2011
Decision Category:	Major Application
Case Officer :	Mark Evans
Recommendation:	Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 28/10/11
Click for Application Documents:	www.plymouth.gov.uk



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This application is a renewal of planning permission (ref. 06/01533/OUT) for a further three years for:- Mixed use 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 and 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.

The original officer's report is repeated below. Any updates to reflect material changes to the original report are highlighted in bold text as a "Report Update".

OFFICERS REPORT

Site Description

The application site extends to 14.5 ha west of Plymouth Hoe and south west of the city centre including the Plymouth Pavilions, Clyde Quay and a large part of the largely redundant and partly derelict land associated with the Millbay Inner basin and vacant quayside land north east and east of the Brittany Ferries terminal and port facilities and Millbay Harbour. The Ferry terminal behind West Quay is used daily throughout the year and the access road for all vehicular traffic runs across the application site. The eight storey Ballard House office building on elevated ground to the west of West Hoe Road (and south west of Millbay Park) is a prominent element on the skyline. A high stone retaining wall separates Ballard House from the majority of the site at waterfront level.

The ground surrounding the harbour has largely been levelled, comprising deposits of fill material associated with past phases of development associated with Brunel's Docks. The grade II listed quayside sea walls have recently been refurbished and repaired. A three storey stone building off Brunel way (former Dock Office) would be retained.

The application site also includes business premises associated with car sales, showroom and storage and parking areas off Millbay Road (in the applicant's ownership), together with land including the Plymouth Pavilions to the north east (in the ownership of the City Council) away from the harbour and north of Millbay Road and the Listed Duke of Cornwall Hotel and west of the Listed Continental Hotel. These two Victorian hotels were associated historically with the passenger port business generated around the Great Western Docks and have links with the present passenger ferry industry at Millbay. There is also a surface car park for public use (180 spaces). This boundary with the Pavilions area is the western boundary of The Hoe Conservation Area. The Pavilions facilities include a public leisure pool, ice rink and performance arena. This area would be redeveloped.

Victorian housing front West Hoe Road and is at a higher level than the East Quay waterfront, but a high stone wall largely screens ground level views across Millbay Harbour. The relatively new residential development of Millbay Marina, accessed off Custom House Lane, lies to the south.

Construction work is currently underway close to the site, and this is associated with this planning application as the application site is part of a wider area identified for comprehensive redevelopment and regeneration. The Environmental Statement that accompanies the application identifies the potential impact of development associated with that on the application site as well as that associated with nearby development associated with recent past planning permissions on parcels of land north of Millbay Road – (plots known as D1, and, D3). The potential regeneration area could also include land and small business premises --including also a nightclub and place of worship -- west of the Pavilions (between Bath Street and Martin Street) as well as Trinity Pier, Ballard House and harbour side land at North Quay. And car showroom premises north of Millbay Road (Volkswagen dealership). The Environmental Statement describes the impact of possible future development associated with this wider 'masterplan' area.

Report Update – The developments of Cargo (Site D3) and Phoenix Quay (Site D1) have been completed and planning consent has been granted for Site G (10/02131/FUL).

The extent of the application site within this wider masterplan area was pointed out at a Committee site visit that took place on the 17th January 2007, when a model illustrating the scale of possible development was also displayed.

Proposal Description

This is an outline application for a mixed use redevelopment of parcels of land in the applicant's ownership at the Millbay basin and is also in respect of redevelopment of a number of parcels of land in PCC ownership between Millbay harbour and the City centre.

The development proposed within the application site defined by a red line comprises:

-Demolition of the Pavilions Ice rink and swimming pool and provision of a reconfigured and expanded Arena (2,500 seat concert hall with multi-use accommodation for conferences, exhibitions and sports events/facilities.)

The applicant's point out that the owner of the Pavilions (PCC) would secure alternative sites for the pool and ice rink (although not part of this particular planning application).

- A new boulevard linking Millbay with the City centre;

-1,271 residential units (townhouses and apartments and including 39 live/work units on East Quay)

-In total the application site relates to 9,026 sq metres shops; 12,036 sq metres cafes and restaurants; 1,788 sq metres of bars and leisure;

The retail assessment indicates that this would comprise 12 tourist retail units and 11 retail leisure units on Clyde Quay and 15 shops associated with a new local centre (including a 1807 sqm supermarket/food store) north east of the inner basin (C1 and C2 land adjacent to the boulevard). In addition, 23 shops /restaurants (class A3, A4) would be associated with the new Arena complex.

- 40,206 sq metres of offices, marine research and light industry; and

- Two hotels (one on Clyde Quay - 80/100 rooms; one associated with the Arena-60/80 rooms).

- Yacht and boat moorings (mostly Inner Basin)

- Water taxi station (Outer Basin)

A master plan has been submitted. This illustrates the intended layout of the application site including the route of a landscaped boulevard linking Clyde Quay and the harbour side to the city centre, as well as illustrating the relationship to the possible development of other land around it.

A model of the masterplan has been displayed at public meetings and within Planning Reception and will be available to view prior to the Planning Committee meeting.

The proposed development of the site area forms an integral part of the more substantial area envisaged to come forward for the regeneration of Millbay, and an assessment has been carried out of the environmental effects of developing the wider masterplan area (defined by a green line on the submitted drawings and shown built out on the model). This application therefore also includes proposals for the remediation of a wider area affected by contamination, flood risk, noise, air quality and other environmental impacts associated with a scale of mixed use development comprising in total:

Up to 2,229 residential dwellings, 188,156m² (all areas stated are gross external); Up to 4,095m² of live/work space (39 units); Up to 100 studio apartments, 4,200m²; Up to 36,605m² of business floor space; Up to 24,747m² of leisure/retail floor space; Up to 21,000m² of land-based Marine Research & Development / Business (on West Quay and Trinity Pier); Up to 9,209m² hotel space, 140 to 180 bedrooms in 2 hotels;

Up to 3,009 parking spaces (66,912m²) within plots, excluding on-street parking; Landscaping and public realm works; Pedestrian routes; Highway works; Yacht and boat moorings;

Reconfigured 2,500 seat Arena and Conference venue, up to 10,448m² Cruise liner berth, visitor terminal and yacht club on Trinity Pier, up to 2,100m²;

The application is accompanied by a Statement of Public Consultation detailing the pre-application consultations. The application drawings are also accompanied by an

Environmental Statement, Sustainability Statement, Design and Access Statement, Planning Statement, Retail Impact Assessment and non-technical Summary of the Environmental Statement.

The application was submitted in September last year (**Report Update - 2006**) and following on from the initial round of consultations, the Planning Committee on the 11th January (**Report Update – 2007**), in exercising powers under regulation 19 of the 1999 Environmental Impact Assessment Regulations, formally requested the applicants to provide further information. This was requested to enable consideration to be better given to some of the likely environmental impacts and details of the mitigation measures required in the community interest. A response document was received in January and the additional information has also been the subject of advertisement and further consultation. In response to initial comments, the applicant's have provided further information and survey work to demonstrate likely impacts upon the highway network the City Centre and local communities..

Further additional details of the applicant's proposals

Delivery of the boulevard:

The availability of land for delivery of the northern section of the Boulevard (the Upper Boulevard) is dependant on the relocation of the Pavilions swimming pool and skating rink, both in the ownership of PCC. The phasing plan shown in the ES identifies its provision as part of the later phase 7 for the reason that the time when the land will become available cannot be more closely defined by the applicant. However, the applicants maintain that if the site becomes available earlier, then development of this area could be carried out sooner.

They also state that once the pool and ice rink have been relocated elsewhere in Plymouth, the Upper Boulevard would be constructed in parallel with the first phase of plot development on the Pavilions site.

The line of the Upper Boulevard along Bath Street is a public highway, and the applicants suggest that this can be utilised as a pedestrian route to Millbay. They suggest that if the proposed relocation of the swimming pool and the ice rink were delayed for a significant period, then the Upper Boulevard route could be enhanced by an avenue of trees and new surface treatment of the public realm. This 'interim scheme' would improve the amenity, ambience and attraction of the pedestrian experience and can be secured by S106 agreement.

Buses would also be able to use the Bath Street route to serve Millbay, (following removal of a stair tower to the footbridge across Union Street).

The provision of the final Upper Boulevard scheme would be associated with redevelopment of the Pavilions and the cost of this would be borne by the Pavilions site and, it is anticipated, by the future development of the third party land and premises between Bath Street and Martin Street (which would be required to contribute a fair proportion of the cost of the Boulevard works in due course through s106 agreements).

Public Realm:

Public realm works to the Inner Basin, East Quay, Clyde Quay, and the Lower Boulevard (i.e. southern section) would be undertaken directly by the applicants, and retained and maintained within their control as landowner. They would largely be delivered in parallel with the development works on Clyde Quay and East Quay, which would then provide the first significant new buildings at Millbay (apart from D1 and D3 already permitted).

The applicants maintain that the Lower Boulevard would form a complete element of public realm within this early phase, as a distinctive and identifiable gateway from Millbay Road to the new waterfront.

The new Boulevard would be constructed at a higher level than the existing Bath Street (up to 3m higher) as part of flood risk prevention measures, which, it is suggested, will benefit the whole of this area of Plymouth.

The applicant's state in their application that they have set aside a budget of £7.4M for such works within the Application Site area (£5.5m for that part of the application site in their ownership)

A further £2.7M budget has been estimated for public realm works within the wider Masterplan Area.

Public Arts Strategy:

The applicant's state that they would set aside a sum to engage an Art & Public Realm Consultant as part of their professional team to develop a Public Art Strategy for Millbay following the grant of Outline Planning Approval. They would also set aside an additional sum to commission a specific work of public art in conjunction with the first phase of waterfront development. The Art & Public Realm Consultant would be an integral part of the applicant's team and his/her commission would continue at least until completion of the first phase of development, in order to participate fully in the detailed design process, and to set principles for future practice.

An aspect of the Strategy would be related to Millbay's maritime history, and there is a presumption in favour of the retention of historic features such as bollards, inset railway lines, stone paving and cast-iron GWR drain covers. A full photographic and written record of all such features would be undertaken prior to development commencing.

The developers consider that the Public Art Strategy would identify scope for artists, including local artists, to design and produce integrated elements of the development works throughout Millbay, such as public realm details and features, building components and details, and interior works where accessible to the public. The emphasis would be on artists producing aspects of the building works rather than stand-alone public art. The funding for such integrated art would be contained within the construction costs of the phased building and public realm works. (The construction costs for the application site are estimated to be £200m)

Transportation concerns:

Revised information relating to the Transport Assessment was received in response to requests for further details of the sustainable transport measures envisaged in order to avoid, reduce and mitigate against the significant adverse effects of the proposed additional trips on the highway network and on existing and proposed junctions. Further details have been received on the works to be undertaken to specific junctions, taking into account the environmental effects. A main concern has been to try to identify and assess the main effects that the level of car parking proposed could have on the environment and information upon the alternatives studied by the applicant have been considered by the Highways authorities.

A signing strategy, indicating the measures envisaged in order to remedy adverse highway safety and capacity effects arising from the proposed development was also requested and submitted.

Retailing concerns:

A revised Retail Impact assessment was received in response to concerns about the main effects that the proposed retailing could have on the vitality and viability of the City Centre, Local shopping centre and existing shopping hierarchy. This revised submission specifically seeks to provide further information relating to the local centre, adopting a smaller catchments area than that previously used in relation to the supermarket /convenience store and other related AI service uses that will be included in the local centre.

Further justification for the scale of comparison floor space proposed is now set out.

In the case of the tourist / leisure related shopping the revised assessment considers implications for the proposed floorspace in the city centre.

Noise, contamination and flood risk:

Information has now been received to clarify the measures envisaged in order to avoid, reduce and, if possible, remedy the significant adverse effects of noise, contamination and flood risk and assess the main effects that the development is likely to have on noise, contamination and flood risk in the environment.

The applicant's agents have reviewed the policies contained within the Adopted Plymouth Core Strategy in the context of the proposals in the outline planning application for Millbay and consider that their proposals would be the catalyst for significant urban regeneration within the Millbay area. The mix of uses would meet not only the retail and leisure needs of the new community but would also make a significant contribution towards the strategic housing requirement and deliver a substantial amount of new office floorspace. Furthermore, they maintain that their proposals would assist in delivering the city vision contained within Strategic

Objective 2, substantially improving the quality and attractiveness of this part of Plymouth. They have supplied details of how they consider that their development proposals address all the objectives contained within Area Vision 2 and other Core Strategies.

Relevant Planning History

As this is a large area the number of previous planning applications is large and the type of applications varied, however the salient planning applications of particular relevance on and in close proximity to the site are:

75/00119/FUL – Ballard Institute, West Hoe, Road- Erection of 8 storey office block including car parking and ancillary facilities – Permitted 19/01/76

77/00105/FUL- Ballard House, West Hoe Road- Conference/social centre with recreational facilities- Permitted 13/12/77.

77/00211/FUL – Ferry Port Motors, Millbay Road-Open car display and sales area with outline permission for erection of showroom. - Refused 04/04/77

79/00272 – Ferry Port Motors, Millbay Road- Erection of building as car showrooms and workshops with associated car compound display and parking areas and use of existing building as general store for vehicle parts and motor boats – Permitted 09/03/79.

85/02381/FUL Classic Spares, Bounds Place- Erection of office and boundary wall to car breakers yard- Permitted 11/10/85.

85/03614/OUT- Plymouth Pavilions, Millbay- Outline application to develop land by the erection of a leisure complex with associated car parking and ancillary facilities (regulation 5 proposal) – Permitted 07/02/86

87/02179/OUT – Land at Millbay Docks – Outline application to redevelop docks by the erection of customs offices speciality shopping, office accommodation and associated car parking together with..... – Withdrawn 14/01/91.

87/02178/FUL-Millbay Marina Village, Custom House Lane - erection of 46 houses and 40 flats – Permitted 18/11/87.

97/00266/OUT- Ferry Port Motors, Millbay Road- Outline application to partially redevelop site by erection of 2 prefabricated buildings to provide additional sales space & to demolish 2 former railway buildings – Permitted 23/03/98.

02/00269/OUT- Land at Millbay Docks- Outline app to redevelop land N, E and S of Millbay Docks Inner Basin for residential (Class 3), retail (Classes A1, A2 and A3), hotel (Class C1) leisure (Class D2) uses, marina in Inner Basin- Withdrawn 04/03/03.

02/00268/OUT- Outline application to develop part of the docks between West Hoe Road and the outer basin for mixed use purposes including residential (Class C3) and retail (Class A1) uses with revised vehicular and.....- Withdrawn 04/03/03

05/00191 – Redevelopment of D1 land, (formerly in applicant's ownership- east of Miller Court) to provide 123 residential units and 1,244 sqm of B1 business floor space.-permission (subject to compliance with S106).

05/00192 – Redevelopment of D3 land in applicant's ownership (former Vosper Motorhouse premises) to provide 134 residential units and 1,898 sqm of B1 business floorspace - permission (subject to compliance with S106).

06/00767/ESR10 – Land at Millbay Road - Environmental Impact Assessment - Scoping Request for proposed mixed land use development- Environmental Impact Assessment R10 15/06/06.

Report Update - 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 obligation 25th January 2008

06/01936 Construction of 2,950 sqm B1 boathouse with covered mooring area (Commissioning facility for Princess Yachts) on filled land on the western side of the Inner Basin – within the application site and part of the outline proposal – Granted 30/04/07

07/00009 – Development at Millbay Marina Village - 94 residential apartments, in three blocks, with associated car parking areas, infrastructure and landscaping works - Permission granted subject to S106 31/05/07.

Report Update - 10/02131/FUL - 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. Approved.

09/01507/FUL – Engineering operations for the repair and refurbishment of quay walls and revetments at the Millbay inner basin and Clyde Quay. Approved.

10/01270/FUL - Change of use of Quay from commercial use to public use incorporating construction of new pedestrian access routes, associated surfacing works and landscaping, construction of seating and information boards (temporary 5 year consent). Approved.

Consultation Responses

Highway Authority

Report Update - As this application is for renewal of the previous permission for a further 3 years, the Highway Authority do not wish to raise any objections to the proposal. However, the comments/observations made in respect of the earlier application (no.06/01533/OUT) are reiterated together with the various associated conditions and S.106 obligations that were attached.

For Member's information, the comments of the Highway Authority on the previous planning application are as follows:

06/01533/OUT –

Traffic Impact

As one would expect with a development of this magnitude, the proposals will lead to a significant impact upon the operation of the local road network in terms of additional trips by all modes but by private car in particular.

The completed development results in an extra 1,114 arrivals and 790 departures in the am peak hour (7am-10am) and 1,020 arrivals and 1,248 departures in the pm peak (3pm-7pm).

The results of modelling work unsurprisingly demonstrates a significant increase in the number of movements taking place on various links such as Western Approach, Union Street etc and at specific junctions (Octagon, Western Approach/Union Street) with average journey times across the network area shown to increase .

It is considered necessary to replace the existing roundabout at The Octagon with a new signal controlled junction. The existing junction of Western Approach with Union Street is also subject to major alterations in order to provide the additional land required (Pavilions site).

Detailed modelling of both of these and two other junctions -Martin Street/Millbay Road and Durnford Street/Union Street - highlights considerable problems at both of these junctions in the pm peak, with traffic shown to queue back from the Western Approach/Union Street junction back through The Octagon junction (based on both junctions running a 120 second cycle time in the pm peak which is far in excess of the usual 90 second cycle time for junctions where pedestrian facilities are present).The works required to all these junctions are described in the section 'off-site highway improvement works' below .

The development will also impact upon the operation of the junctions of Stonehouse Bridge/Devonport Hill and North Cross. Results from modelling work carried out in respect of proposed developments at South Yard Enclave and Mount Wise demonstrates that the former junction will be operating well over-capacity in the pm peak hours and clearly traffic generated by Millbay will add to these problems. It is therefore considered justified that this development contributes towards improvements to this junction that would allow it to accommodate the additional traffic movements generated by all 3 sites.

With regard to North Cross junction, it is the view of PCC that the installation of a Microprocessor Optimised Vehicle Actuation facility (MOVA) would help this junction to cope with the additional demands being placed upon it arising from the Millbay development.

Car Parking

A total of 2,773 off-street car parking spaces have been proposed to serve the regeneration scheme of which almost 76% are allocated to the residential units (2,160 spaces).

The Council's Parking Strategy (appended to LTP2) recommends that for sites located on the edge of the City Centre Area that have good accessibility (which is considered to be the case at Millbay), a 40-50% reduction should be applied to the Maximum Car Parking Standards. At present the level of car parking serving Millbay is 49% below the number of spaces required by applying the Maximum Standards but this is primarily due to the fact that a minimal amount of car parking has been proposed to serve the offices (315 spaces at a standard of just 1 space per 174 sq.m.). By comparison the level of car parking serving the residential element (which represents the majority of the total car parking allocation for the development) is just 31% below the Maximum Standards and therefore does not accord to the requirements of the Parking Strategy (40-50% reduction from Maximum Standards). This proposed level of car parking to serve the residential (almost 1 space per units including on-street provision) could lead to an impact upon the highway network greater than that currently forecast applying the agreed trip rate. With a substantial number of the units being flats and the close proximity of the site to the City Centre with excellent transport links, the development is likely to attract a number of residents who choose to be non-car owners due to the sustainable location of the site and clearly it cannot be assumed that all potential occupiers will be car-owners.

In order to overcome these concerns, the applicant has agreed to re-evaluate the level of car parking proposed at a review stage that will occur during phase 4 of the development. If it is demonstrated at that time that the impact of the development in terms of traffic movements is over and above that predicted in the TA, the level of car parking for the remaining phases will be reduced to address the revised car parking standard being applied to residential uses within the City Centre (possibly in the region of a maximum of 1 space per 2 units for flats).

The details of how the monitoring will take place still needs to be agreed with the applicant although it is recommended that traffic movements associated with the

blocks of residential development could be monitored through the installation of Automatic Traffic Counters at the entry/exit points from the car parks. The monitoring required in support of the Travel Plan could also be utilised to review trip movements and car parking standards.

It is suggested that Reserved Matters Applications should not be approved for areas of development beyond phase 4 without the applicants having the opportunity to reduce the level of car parking on the remaining development phases should the Review demonstrate that the level of car parking is leading to capacity issues on the highway network over and above that forecast (proposed S106 - clause 21)

To further encourage residents to consider whether or not they consider the availability of an off-street car parking space as being essential, it has been agreed that all car parking spaces serving the residential units will be offered for sale separately. (This measure is included within the Section 106 Heads of Terms – clause 11.1).

A total of 150 on-street spaces are proposed and the use of these spaces will need to be controlled through a pay and display regime with a maximum wait of 3 hours in order to avoid all-day commuter parking. The use of these spaces could revert to permit parking in the evenings (after 9pm), hence increasing the availability of car parking to residential uses.

A 218 space public off-street car park is proposed within Block A1 (phase 4) in order to serve the retail and leisure uses within the development. Details relating to its' management and use will need to be agreed with the Highway Authority (and in particular the Parking Manager) and made subject to a Condition (required as part of the Reserved Matters submission for phase 4).

The applicant has confirmed that this car park will be closed in the evenings in order to discourage use by residents but it is suggested that it could be available for use when events are taking place within the refurbished Arena area (at the Pavilions site).

Traffic Regulation Orders will be required in a number of locations in order to restrict on-street parking to specified bays. The fees associated with preparation, advertisement and implementation of such TRO's would need to be secured through Section 278 Agreements. In addition to areas within the development, there will also be a need to install either waiting restrictions (in the form of double yellow lines) or permit parking bays within areas of existing highway where such restrictions are not currently provided. Such restrictions would assist in the removal of unrestricted all-day commuter parking.

Off-Site Highway Improvement Works

A schedule is appended to the Committee report specifying the various improvement works that need to be delivered by the development under a Section 278 Agreement and details of when the improvements are required in relation to each development phase. In addition to the improvements identified within the attached schedule, a further sum of £385k should be secured from the development (through a Section 106 Agreement) to fund improvements at the junction of

Stonehouse Bridge/Devonport Hill, North Cross Roundabout (installation of MOVA as previously mentioned) and potential improvements at the junctions of the Local Road Network with the Trunk Road Network (Marsh Mills, Manadon and Camel's Head).

Major junction works are proposed at both the junctions of Western Approach with Union Street (required to deliver the redevelopment of part of the Pavilions site), The Octagon and Martin Street with Millbay Road (both of which are changing from a roundabout to a signalised junction).

It is suggested that, prior to the completion of the development in the future, the pedestrian crossings at The Octagon junction will need to be staggered in order to operate more effectively for both vehicle and pedestrian movements. The highway improvements envisaged here will probably require the acquisition of a small strip of curtilage land owned by PCC that currently forms part of an amenity strip fronting a block of flats. Until such time that this small area of land is available (transferred from Housing to Highways), the applicant is proposing to provide improvement works at The Octagon to facilitate direct pedestrian crossings. A staggered scheme will be provided once the necessary land has been secured to complete the final scheme (identified during phase 7).

Union Street forms part of the abnormal loads route, with regular use by low-loaders delivering semi-completed and completed boats to and from Princess Yachts International who are based at Newport Street. Highway improvement works will need to take into account the width of such abnormal loads with regard to the location of traffic signal heads, signs etc.

Improvements to Union Street to provide 2 lanes of traffic westbound between Western Approach and The Octagon will result in the loss of an existing dedicated parking/loading bay. This facility was only recently provided to cater for the existing retail units that front onto this section of Union Street and therefore it is suggested by the applicants that an alternative facility be provided to the rear of these units when the wider area is redeveloped (site F2 which may well be the subject of a future CPO process). It is suggested that the applicant be required to provide alternative parking/loading facilities to compensate for the loss of this facility on Union Street.

The majority of the localised improvement works along existing streets such as Martin Street, Millbay Road etc will not be delivered until the latter stages of development (phases 6 and 7) and in a piecemeal way as each individual block is developed. Whilst this is far from ideal in traffic terms, it is accepted that the phasing of the improvement works to Martin Street and Millbay Road are needed to raise considerably the finished levels of the roads in order to overcome flooding issues raised by the EA.

Concerns were initially raised by Associated British Ports regarding access to and from the Cross-Channel Ferry Port identifying a need to alleviate the highway capacity problems that are currently being experienced regarding the arrival of disembarking Ferry traffic. It is recommended that the new traffic signals at the junction of Martin Street with Millbay Road be used to affectively 'stack' traffic back

within the Ferry Port, releasing it onto the network in a more controlled manner through the timing of the signals. Such an approach has the support and agreement of ABP as vehicles exiting the Ferry Port will be accessing a less congested network.

In view of the fact that these problems with Ferry traffic arrivals already exist without any of the development having been implemented, it is recommended the works to replace the roundabout at the junction of Martin Street with Millbay Road with traffic signals be delivered during phase 4. For both safety and primarily capacity reasons, it is recommended that the pedestrian crossings at this junction again be staggered.

All of the new junctions should be SCOOT validated and a commuted sum payment will be required (secured through the Section 278 Agreement) to cover the future costs associated with the maintenance of any new traffic signal installations arising from the development.

The City Boulevard is seen as essential in the overall delivery of Millbay as it creates the visual link from the City Centre Area as well as serving the primary means of access to the development for sustainable modes of transport (walking, cycling, public transport etc). This is confirmed by the various sustainable transport strategies included in the applicant's TA.

It is accepted that the final Boulevard scheme is dependent on the re-development of the adjoining Pavilions site (phase 7), land that is not in the control of the applicant but PCC. The general principles regarding the use of the Boulevard are acceptable with buses/taxi only at the northern end onto Union Street (in order to avoid the need for bus priority measures at this junction controlled by a rising bollard or similar mechanism. The design details will be submitted in accordance with Conditions/Section 106 requirements). A scheme with improvements to the existing Bath Street needs to be implemented if there is delay in implementation of the northern boulevard scheme – for the interim period, - with the creation of an access for use by buses/taxi only onto Union Street. It is suggested that improvements to Bath Street to provide improved facilities for walking, cycling and public transport should be completed to the satisfaction of the Local Planning Authority prior to the commencement of phase 4. The route should be made available for 2-way movement by buses and it has been highlighted to the applicant, that the existing lift tower on the side of the pedestrian footbridge over Union Street can be removed in order to provide further space at the junction of Bath Street with Union Street.

Walking/Cycling

Adequate pedestrian facilities in the form of staggered crossings are proposed at all of the new and revised junction layouts along with the provision of further pedestrian improvements (tactile paving crossing points and island refuges) at various locations throughout the development.

The new City Boulevard will provide the primary pedestrian route in terms of linking Millbay to the City Centre Area although in the interim period improvements to Bath Street will encourage increased walking to and from the site. The eventual

redevelopment of the Pavilions site will result in the loss of the existing footbridge over Union Street, which links the Pavilions with Western Approach Multi-storey car park. The footbridge is a very well used facility, particularly when concerts etc are taking place at the Arena when there can be as many as 1,000 people using it in an evening. A suitable replacement surface level crossing facility should be provided on Union Street to deal with a high number of pedestrian movements and crossings would have to be considerably larger than shown on the current layout plan for this junction. Street furniture/landscaping would also be required along the northern side of Union Street in order to prevent pedestrians from crossing Union Street at the current point of entry/exit from the Western Approach MSCP.

It has to be accepted that, due to land ownership issues, it will not be possible to provide a continuous waterside pedestrian route through to the Royal William Yard. A number of short pedestrian routes are proposed between East Quays and West Hoe Road to provide links between these areas. There is a considerable difference in levels between West Hoe Road and East Quays for a long stretch, and at reserved matters stage it is suggested that at least one or two of these routes should be shown to be ramped in order to allow for use by wheelchair users, cyclists etc.

The Cycling Strategy is considered to be comprehensive and includes all necessary measures required in order to encourage cycling to and from the site as a viable alternative to the private car.

In addition to encouraging cycling along the City Boulevard which is identified as a key on-road cycling route, a continuous on-road route is proposed along Millbay Road (from the Duke of Cornwall Roundabout to Durnford Street), which forms part of National Cycle Network Route 2/27. A further on-road route is proposed along West Hoe Road in order to link to National Cycle Network Route 27.

The last remaining on-road route is along Martin Street to The Octagon. This is likely to be a popular route with cyclists exiting the development and making their way towards the City Centre (Octagon Street/King Street has already been identified by the Plymouth Right to Ride Network as a popular route for use by cyclists travelling to/from the City Centre).

Advanced Cycle Stop Lines (ASL's) are proposed at both The Octagon and Martin Street/Millbay Road junctions and it is suggested that these are to be welcomed.

A total of 450 cycle parking spaces have been proposed to serve the development, of which 50 would be made available for public use. It is suggested that this be increased to a minimum of 75 spaces located in areas which are well over-looked and preferably covered.

A Section 106 Contribution of £75k has been proposed by the applicants following discussions, to fund improvements to walking infrastructure with a further £75k towards cycle infrastructure. With respect to the latter, it is suggested that this be used to fund the installation of a Toucan crossing at the existing signalised junction of King Street with Western Approach in order to cater for the high number of cycle crossing movements that will occur at this junction arising from the development.

Public Transport

In view of the close proximity of the site to the City Centre, public transport could play a pivotal role by providing a realistic alternative to the private car and reduce the impact of the development upon the local highway network.

The proposed public transport initiative includes extending existing services that currently terminate on Royal Parade onto Millbay (before returning to Royal Parade) in order to increase bus frequency to a maximum of 10 minutes. It is considered that this has a greater potential for success than the provision of new services/routes which can take a number of years to establish before becoming commercially viable. This approach has been discussed and agreed with the PT operators.

A public transport gravity model demonstrates that most employment related trips would be to the North (Derriford area), with a number of trips also being made to the East (Plympton/Plymstock) and West (Devonport).

A financial contribution of £1.73m is required to fund the purchase of new vehicles operating on the extended routes and to destinations such as Derriford, Plympton, Elburton along with revenue support (see Section 106 Contributions).

A key element of the public transport strategy is the provision of an area for a bus interchange within the core area of the development to act as a focal point for bus travel. Buses could wait-up here in order to collect/drop-off passengers and if necessary, change service. It is suggested that such a facility should be provided along the northern and southern boundaries of Block F1, and, at the appropriate reserved matters stage, provision should be shown for ground floor cafes etc in close proximity in order to facilitate pleasant passenger waiting areas. In addition to serving local bus passengers, the interchange could also provide an area where coaches could collect/drop-off cruise ship passengers and provide a suitable collection point for visitors attending events/concerts taking place within the refurbished Arena. In view of the fact that Block F1 will not be developed until the latter phases of the development of the Masterplan area, it has been acknowledged by the applicant that a temporary facility will need to be provided to the satisfaction of both the Highway Authority and local bus operators.

The City Boulevard would be the key route for bus services (both diverted and extended) to and from the Millbay development and would include the provision of dedicated bus priority (westbound only) at the junction of Western Approach with Union Street. Traffic control measures such as a rising bollard would be installed on the Boulevard to the north of its' junction with Bath Place to ensure that access onto Union Street from the northern Boulevard is restricted to buses and taxi's only. As the land for the final City Boulevard scheme is not likely to be made available until Phase 7 at the earliest, it has been acknowledged by the applicant that an interim scheme should be implemented along Bath Street (including the creation of the access onto Union Street) which should potentially allow for 2-way bus use.

In addition to the public transport interchange facility, bus stops which include boarders, shelters and RTPI will be provided in a number of locations, with particular focus on stops being provided on both the City Boulevard and Millbay Road.

Water taxi

A ramped pontoon structure (to allow for disabled access) is proposed at the western end of Clyde Quay in order to provide a suitable berthing area for water taxi services. The redevelopment of Clyde Quay would take place within phase 3 and therefore a condition is suggested requesting details as part of the reserved matters submission for that phase.

Travel Plan

In order to establish sustainable travel patterns for persons either travelling to or from the development, it is essential that travel plans are developed for the purposes of both business and residential including measures that will help secure the level of modal shift required. It is considered that the applicant's Travel Plans have been well thought out.

Amongst the measures put forward to secure the modal shift targets are the provision of a free 3-month travel pass for each of the residential units in the development (in order to encourage greater bus patronage) along with contributions towards initiatives such as a car club. The provision of RTPI displays within the building blocks would also assist in encouraging an increase in public transport journeys.

In view of the scale of the development it is considered to be essential that a Travel Plan Co-ordinator is employed in order to develop both individual residential and business Travel Plans in accordance with the over-arching Travel Plan Strategy for the Millbay development. It is suggested that the funding for such a post be secured through Section 106 Contributions and that this role be located within the proposed Estate Management Company that will have offices within the development and provide an on-site Travel Plan point of contact.

A re-evaluation of the car parking standards applied to the development could be carried out at a review stage during phase 4 and this could then afford an opportunity to review progress with all the transport measures currently envisaged (See S106 Heads).

Layout

Much of the internal site layout will be considered and addressed through the submission of Reserved Matters applications for the various phases of development along with a set of Design Codes. It is envisaged that the primary and secondary streets will have a design speed of 20 mph and the tertiary streets 10 mph in order to encourage greater walking and cycling within the development area, and the City Boulevard will be designed and constructed as a shared surface route in order to encourage greater use by cyclists/pedestrians in addition to limited use by vehicular traffic including buses. It is envisaged that the wide open nature of the Boulevard,

with an 8m wide footway on the eastern side and 5m on the western side, will provide a 'relaxed' feel to the street and help encourage active ground floor uses with table and seating areas on the highway.

The applicant refers to the provision of some on-street parking and loading bays which should be 2.5m in width, (not 2m as mentioned in the TA).

Concerns have been raised by some residents in the adjoining Millbay Marina Village regarding the creation of an access through to East Quays from Custom House Lane. The applicant has confirmed that rights exist to create this link and that the use of this link by vehicles will be restricted to service/emergency vehicles only. It is suggested that a condition is imposed to secure some form of access control measures (i.e. Key pad and barrier), to restrict the use of the access to the vehicles specified.

Signing Strategy

A signing strategy has been submitted in support of the TA which adequately addresses the signing needs for all modes of transport on the highway network. The strategy pays particular attention to the signing of Cross-Channel Ferry traffic both to and from the Ferry Port and how the use of Intelligent Transport Solutions such as Variable Message Signing could assist in the management of such traffic (highlighting the most appropriate route depending on destination, suggesting alternative routes if some routes are congested etc). It has been agreed with the applicant that a contribution of £160k be secured in support of Intelligent Transport Solutions which includes Variable Message Signing.

The Signing Strategy also includes reference to new directional signing for cyclists and pedestrians (the latter being subject to a wider City Centre review)."

Section 106 Agreement

The following contributions are sought from the development towards various measures which have all been referred to in the above-mentioned comments:-

£2.3m - Public Transport Infrastructure and Service Improvements

£385k – Mitigation Measures (related to both the Local and Trunk Road Networks)

£75k – Off-Site Cycle Improvements

£75k – Off-Site Walking Improvements

£160k – Intelligent Transport Solutions (including Variable Message Signing)

£10k – Paramics Waterfront Model

£300k – Further Modal Shift Measures (whether or not this contribution is required depends on the results of the review taking place during phase 4).

It should be remembered that the above-mentioned contributions relate only to the ECF area of the Masterplan which in terms of the number of residential units, equates to approximately 59% of the total number of units proposed.

Report Update – The previously approved and completed Heads of Terms within the S106 Obligation are considered necessary to mitigate the impacts of the development and are considered to be fully compliant with Regulation 122 of the Community Infrastructure Levy Regulations 2010. It is therefore recommended that the application be conditionally approved subject to satisfactory completion of the Section 106 Obligation as previously approved under planning consent 06/01533/OUT to enable appropriate mitigation of the impacts of the development on local and strategic infrastructure as previously identified.

Highways agency

12th October --TR110(02) 6 month Holding Direction issued that the local planning authority shall not grant permission to enable the Agency to consider further information to assess the A38 trunk road impact .

2nd November –observations and comments upon the original Transport Assessment (within the Environmental Statement Appendix Volume 2).These comments were incorporated in a formal request for further information (Regulation 19) issued by the local planning authority.

16th February –concerns expressed in respect of the revised Transport Assessment - -that the proposed bus frequencies would not be adequate; that more frequent bus services should be re-routed through the site; that options for mitigating the trunk road impact needed to be addressed and that outline travel plans required more details. The Agency expressed the view that they would encourage further mixed land uses and a significant level of parking restraint across the development in line with the policy requirements of the second Local Transport Plan (LTP2) for Plymouth.

11th April –revised Holding Direction issued for a further 6 months, stating that when agreement is reached the Direction will be lifted and replaced with one of conditions.

27th July – removed the Holding Direction - expressing regret at the delay in resolving matters concerning significant impacts on the already-congested A38 Parkway, identifying a number of areas where the Agency and the City Council need to work closely together - replaced it with a Direction of Planning Conditions (5) and three Planning Obligations to be attached to any grant of planning permission (These are highlighted in the recommended conditions and clauses).

Report Update – Highways Agency - No objections subject to conditions.

Queens Harbour Master

Expresses contentment with the proposals in the outline planning application, and suggests that future details with lighting plans should demonstrate that any increase in lighting levels (such as from a landmark building on the western end of Clyde Quay) would not degrade existing navigation lights/aids.

Further details of the water taxi facilities should also be submitted as the inclusion of adequate facilities for future development of water transport as a means of access to the area is encouraged. They request that they be consulted again at the reserved matters stage in respect of the proposed waterfront developments.

Environment Agency

Initially objected to the application on the grounds of insufficient information in relation to Flood Risk (in line with government guidelines in PPG25 and now PPS25) and Ground Contamination and an inadequate Environmental Statement.

Following the consideration of further information the Agency now accept that the development can be safe from flood over the recommended lifetime of 100 years, however the proposed protection measures will not completely defend buildings and pedestrians from wave overtopping and details will be required of the wave return wall; building techniques; warning and evacuation procedures. Conditions are suggested (incorporated in the recommendation) , and comments are made about possible off-site improvement works to raise ground levels and protect the Octagon/Union Street area from flooding.

The Agency accepts that the applicant's Environmental Statement provides a useful review of the potential for contamination associated with the past history of the site, together with an assessment of risks that might be present and acknowledges that the applicants recognise that the management of cross boundary ground contamination will have to be carefully considered as each phase of the site is developed. However the Agency has concerns that areas of groundwater contamination could cross development phase boundaries and considers that the extent and severity of contamination and remedial options needs to be investigated before outline planning permission is granted and conditions can then be tailored to the preferred remedial option as many techniques rely upon long term monitoring and long term requirements for maintenance. They point out that this advice is consistent with government planning advice (PPS23: Annex 2, Development on Land affected by Contamination).

Report Update - Environment Agency - No objections to the renewal of 06/01533/OUT on the assumption that conditions 48, 62, 63 and 64 will remain in any new permission. We also recommend that condition 49 is updated as outlined below in order to make the condition more prescriptive with respect to covering surface water drainage:

Condition 49: 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 (if a phased approach to development is adopted confirmation that the phase does not compromise any other phases should be submitted);**

- **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.

Environmental Services (Public Protection Service)

Initially expressed concerns about possible noise impact on residents; an inadequate air quality assessment related to likely increases in traffic flows and a lengthy construction phase; and the need for further ground investigation and risk assessment of Land quality/contamination to be submitted on a phase-by-phase basis in line with current UK guidance.

It was suggested that conditions were required to control noise impact during construction, and from piling operations and from noise/low frequency vibration from ferries and traffic and from Union Street late night activities. Following further discussions a sound attenuation planning condition is suggested consistent with government planning advice (PPS24: Annex 4). This is incorporated in the recommendation. Further information was submitted in response to the concerns about air quality and the conditions suggested appropriate at this outline stage are also incorporated in the recommendation. The ES comments on the contamination issue are in respect of risks to human health and due to the varied industrial history there could be site specific potential contaminants and receptors and their view is that remediation measures for ground contamination should be agreed for each phase prior to the commencement of development, and a condition is suggested (incorporated in the recommendation) together with ones relating to limiting wind-blown dust during construction and need for further gas monitoring.

Report Update - Public Protection Service - We note from the Supplementary Environmental Statement submitted with the above application that no additional information has been submitted in relation to air quality, land quality or noise. Consequently the Public Protection Service reiterates previous comments and concerns regarding this

application which will need to be addressed in the course of the application.

No objections subject to conditions.

Land Quality Observations

- **Any further ground investigation and risk assessment must be submitted on a phase-by-phase basis inline with current UK guidance.**
- **A site-specific desk study must be submitted for each phase along with the detailed application for that phase of development.**
- **Remediation must be agreed for each phase with the Local Authority prior to commencement of development.**
- **Validation reports must be submitted to the Local Authority for each phase.**
- **The presence of any significant unsuspected contamination that becomes evident during development of the site shall be brought to the attention of Plymouth City Council and an investigation and remediation scheme agreed with Plymouth City Council to be implemented.**
- **Additional conditions should be attached to the existing Plymouth City Council construction code of practice to ensure that neighbouring residents are not put at risk from contamination in wind blown dust during construction. All vehicles must be sheeted coming onto and going off site whether empty or full to mitigate against risks of exposure to contaminated material. All stockpiling must be sheeted and kept to manageable heights and should be situated away from site boundaries.**
- **Details of engineered cover systems must be agreed with the Local Authority to ensure suitability and chemical analysis must be submitted.**
- **Further gas monitoring is required in all areas given the potential on and off site sources, gas monitoring should be conducted in line with current UK guidance. As well as monitoring during periods of low barometric pressure in light of the location of the site monitoring should take into consideration tidal variations.**
- **Validation of the undercroft parking must be submitted to ensure that ventilation is sufficient, if not, it may be necessary to install active extraction to prevent build up in the properties.**
- **When deciding whether to use piled foundations consideration should be given to whether this could create a preferential pathway into the properties for gas.**
- **Where mixed end use is proposed the most stringent guidelines must be adopted for example Soil Guideline Values.**

Should permission be granted for the above site, Public Protection Service recommends that a Land Quality condition is placed on the permission with regard to land quality.

South West Water

No objection to the application –in discussion with the applicant’s consultants as full details of drainage will need to be agreed.

Report Update - South West Water - Whilst still having no objections in principle to the proposals they will have a significant impact upon the public sewer network in terms of new buildings being constructed directly over them. South West Water (SWW) therefore recommends that no building works should therefore commence on site until such time as an appropriate building over agreement has been entered in to with SWW.

Devon Fire and Rescue Service

Details of desirable design features to facilitate safe access for fleet vehicles/secure refuse storage/fire safety detection and hydrant schemes (passed to the applicants to influence detailed design stage).

Natural England

No objection to the application, and it is their view that either alone or in combination with other plans or projects the development would not be likely to have a significant effect on the interest features of the Plymouth Sound and Estuaries Special Area of Conservation (SAC).

English Heritage

Acknowledged notification of application, but no comments received.

Report Update - English Heritage - The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Plymouth City Council Design Panel

Views were received in October 2006

The panel welcomed the response made to the previous review in respect of the boulevard width and the width along the east quay, reiterated a concern that the extent of the application excluded the properties on the north east side of the boulevard; and expressed the view that there remained a lack of resolution of the relationship with The Continental Hotel (its access, parking and servicing) and the junction of Union Street and The Crescent.

The panel are of the view that the delivery of the boulevard is of paramount importance to the success of the scheme, essential to the first phase of development and their great concern is that the scheme is exposed to the risk of the boulevard not being delivered in its entirety and the creation of a waterside development that is dislocated from the structure of the city centre.

Whilst satisfied that the width of the boulevard has been addressed a concern was raised that a 3 tree arrangement on the lower section of the boulevard would be

difficult to implement on a practical level and that the size of the tree planting should also be considered with the overall quality of the landscaping.

The panel were also unconvinced that a clear strategy had been presented at that time for the movement and parking of vehicles including service vehicles, coaches, public transport and cycles, particularly in relation to East Quay. The concept of creating a 'Mobi-Hub,' a transport interchange facility needed to be addressed with details of where this might be located (e.g. it was suggested that the public square on the west side of the boulevard might be suitable).

A specific concern was raised about the quality of the pedestrian route cutting through the block behind the Arena to the back of the Continental Hotel. By encouraging pedestrians to follow the vehicular routes, the fronts rather than backs of buildings might be encountered, and provide a better approach in this location.

Tall Buildings

The panel had previously agreed that it supported the use of a tall building at the north end of the boulevard as a landmark device but would like to have seen it repositioned on the west side of the boulevard at the junction with Union Street. (This option had been explored but the design team had not been able to resolve this satisfactorily from a highways point of view).

The panel remained to be convinced of a need for a tower on Clyde Quay

The panel continues to feel that essential qualities of the views, the dynamic activity and the impressive scale of the harbour would be diminished by the introduction of this element centrally in the space formed by the harbour. The quay would be better served by a low rise roofed but open structure for use as an event space and for other civic activities. There seem to be profound technical difficulties in constructing and servicing a tall residential building in this location. They urged the applicants to consider whether the marginal economic contribution that the tower makes to the scheme would not, in fact, result in a net loss of value - as the development around the harbour edge is made less attractive by its presence.

The panel were mindful of past CABA views, but they accept in principle the tower at the Union Street end. The panel also supports the applicant in relation to the proposed building forms on East Quay where the proposal follows the principles of the Vision for Plymouth by maintaining views through to the Drakes Island and to the sea by the use of finger or pier buildings. However they agree that the expression of these buildings should embody a strong character and make a positive contribution to this important and advantageous waterfront location.

The panel believes that, in the fullness of time and due to its excellent orientation towards evening sunlight, East Quay will become an attractive, sociable part of the city and possibly the most successful 'place' within the masterplan. They were very pleased to hear that the building forms along the quayside would be designed to be sufficiently robust to allow conversion to retail and bar/restaurant uses from those currently proposed.

The panel state that they would encourage vigilance from all parties to ensure that this principle is maintained as further details emerge.

CABE

Views were received in November 2006. The Commission thinks that the Masterplan is heading in the right direction, and supports all the main principles – waterside focus, boulevard, mixed use, and realistic approach, but questions whether the ambition is bold enough.

The ability to change perceptions of the area will relate to the delivery of the public realm and the key, in terms of integrating the area into the city will be the delivery of the link junction, where the boulevard meets Union Street. They are concerned that the phasing of the Pavilions redevelopment is not secure and urge the local authority to push this forward as the resolution of this junction will be essential to mark the Millbay area and make it feel like a natural accessible part of Plymouth. They suggest that the authority consider whether a phased boulevard approach would be appropriate. They fully support the principle of relocating the swimming pool and ice rink and of the re-skinning of the Arena to give it a more urban form and urge that this is progressed and the local authority champion the investment in high quality public realm.

They suggest that the waterfront presents a fantastic opportunity, particularly as a gateway site providing an arrival point into England by ferry, but think that what is missing is a strong idea for the character of the place and that the townscape aspirations need to match those of Nice or Marseille. The waterfront residential blocks combining finger blocks with courtyard form are complex and they suggest that there needs to be a clear idea as to what the waterfront is going to be. A possibly denser building form could result without so many public pedestrian routes connecting the waterfront to the West Hoe Road and with a stronger vehicular connection with the Millbay Marina Village.

They do not think that tall buildings are essential to the principles of the masterplan – and question whether an iconic tall building is appropriate on Clyde Quay, pointing out that the boulevard and waterfront are strong elements and the ferries and silo building are dominant markers. They suggest that approval for tall buildings should not be given in this outline application although a convincing case for tall buildings might be put forward in the future.

They are disappointed that environmental issues do not appear to be integral to the masterplan principles, and suggest that it is essential that these issues are addressed at this stage. They conclude by stating the importance for setting exemplar standards of quality and protecting them through design codes.

Report Update – The formal status of CABE has reduced from a Government Quango to a charity and CABE has merged with the “Design Council”.

SW Regional Assembly

Subject to the following matters being answered satisfactorily, the proposal appears to be in general conformity with the Regional Spatial Strategy:

The Draft RSS Affordable Housing Policy (policy H1) requires the provision of at least 30% of all housing developments annually across each local authority area and Housing Market Area to be affordable with higher rates specified where there is greatest need. The planning application proposes to deliver only 25%, and it is suggested that the local planning authority may wish to consider the implications for future proposals in the city as there may be a case for providing some of the additional affordable housing above 25% elsewhere.

The Draft RSS .Housing Densities Policy (policy H2) requires housing densities of at least 50 dwellings per hectare which should be reflected in the application.

At the next planning stage (reserved matters) the submitted details should reflect the application of sustainable construction techniques and use of sufficient on-site renewable energy to reduce carbon emissions on site by 10% (Draft RSS Policies G and RE5).

Government Office for the South West (GOSW)

GOSW are now aware of the Inspector's letter in respect of the soundness of the Millbay and Stonehouse AAP and have recently revised their comments.

If the application is no longer a significant departure from the Local Plan then it will not need to be referred to the Government Office for the Secretary of State's consideration of call-in, unless it falls under one of the other Directions (Shopping or Flooding)

Report Update – The Government Office for the South West has been formally closed.

Report Update - Police Architectural Liaison Officer (PALO) - The Devon and Cornwall Constabulary are not opposed to the granting of planning permission for this application.

Representations

Associated British Ports

Originally expressed concerns about likely impact upon Port and Marine operations, but following discussions with Environmental Services Unit have no objections subject to imposition of a condition to reduce likelihood of future concerns from residents about noise.

Brittany Ferries

Currently carry in the region of 600,000 passengers each year through the port on services to France and Spain. The General Manager states that they welcome proposals that will improve the port and local environment for their business, staff and passengers---improving access links to the port for passenger and freight vehicles. They would be concerned that at every stage the developers and potential residents appreciate in advance that buildings will be adjacent to a working port, the nature of which has existed since 1972 -with early morning and late evening arrivals

and departures seven days a week with the associated ship engine noise; occasional audible shipboard announcements and overnight parking of freight lorries (with refrigerated units running). There are no immediate plans to increase the size of the oil storage facility, but would be concerned if progress was hindered on future proposals for increasing the number of tanks (or indeed any projects to enhance the existing business).

Right to Ride Network

Object as, in their view, the application does not comply with the Council's policy on encouraging transfer from car to cycling. Proposals within the site for cycling (with a low-speed environment) are welcomed but provision is not being made to encourage access to the site by cycle and unrealistic reliance is placed on National Cycle Network Routes 2 (NCN2) and 27(NCN27). The boulevard is shown as a major cycling asset, but no consideration is given as to how cyclists are to reach it from outside the site. They suggest that there should be a cycle link from the city centre to the boulevard across the junction of Union Street and Western Approach and also suggest that there should be a development of NCN2 with a cycle friendly crossing of Western Approach between Frankfort Gate and King Street and the route then continuing across Union Street (with care to avoid conflict with HGV traffic turning left to the ferry port).

Plymouth and South West Cooperative Society

Objected to the original proposal on retail grounds in April and maintain their objections mindful of the applicant's criticism of their comments in May. They have concerns regarding the amount of comparison floor space proposed and suggest that it is essential that this is limited by condition to ensure that there is no negative effect on the city centre. They also believe that a unit of 2257 sqm is too large and not in accordance with policy. They support Core Strategy policy CS07.4 for a local centre with tourist/leisure facilities. They are concerned that the scale of comparison floorspace goes further than supporting leisure and tourism in the area –it would become a retail attraction in its own right which could be harmful to the city centre. They believe that the level of convenience retail will not harm other centres, but the Council should safeguard against the possibility of a change to comparison goods floorspace in the future. They urge the Council to control and limit the amount and type of retail floorspace to small units to ensure the continued viability of the city centre.

Letters of objection from Stoke residents

The Stoke Damerel Conservation Society (3 letters of objection and the latest enclosing photographs and map of locations from which views of Plymouth Sound would be spoiled by any development on Clyde Quay); letters of objection from the residents of 9,11,12 and 13 Penlee Gardens and the Penlee Vale Residents Association (2 letters); letters of objection from the residents of 8,10,16 ,24 ,28 and 32 Penlee Way and from the residents of 2,74,79,83 and 89 Somerset Place and 4,14,22 and 26 Raynham Road ; letters of objection from the residents of 122,126 and 142 Wingfield Road and 36,42 and 46 St Michael's Terrace; and also objection letters from 192 Devonport Road, 102 Molesworth Road,24 South Hill, 19 Garfield Terrace,10 Stopford Place, 10 Fitzroy Terrace,9 Beyrout Place, 7 The Grove, 5 New Zealand House,1 Berkeley Cottages,1 Underhill Villas.

Redevelopment of the Millbay area is welcomed but all are concerned about the impact that proposed waterfront high-rise buildings will have (particularly an excessively high square-shaped hotel and apartment building built on Clyde Quay) upon majestic, cherished key views for residents, pedestrians and visitors overlooking the Sound. The current view is described as a dynamic landscape of light and colour associated with naval and civil ships moving in and out of port, and views of the Sound from Plymouth Hoe are said to be sacrosanct and a platform for viewing events over the Sound. From the Stoke area (and other parts of the harbour hinterland) panoramic views of the seascape from the Hoe to the Breakwater, Drake Island and Mount Edgcumbe would be detrimentally affected by a visual 'screen' of high rise development across the bay. Shoreline residents and those living in new properties in Millbay Road would also be detrimentally affected. The waterfront should not be fenced off with high rise development, and it is suggested that the Sutton waterfront is now 'cut – off' from the City by high-rise apartments and that this should not be allowed to happen at Millbay. The proposed boulevard needs to be wider to merit the term 'boulevard' (rather than a tree-lined street).

The overwhelming view expressed in various ways, is that there would be an overdevelopment of the site in building an excessively tall building on Clyde Quay out of character and unsuited to a marine environment and damaging to the people of Plymouth. Some suggest that such a building, designed in character with the City, should be re-sited to a less prominent location, further back from the waterside and there is a suggestion that an architectural competition is warranted as there is a need for cohesion, design excellence and sensitivity to height and skyline. There is a concern that some existing waterfront high-rise buildings have no beauty that the Grain Silo, CFE building, Ballard building, Quality Inn and Moat House are eyesores and we should learn about impact on visual harmony from the 3 blocks of flats in Devonport. A more modest development should take place on Clyde Quay, and the Stoke Damerel Conservation Society and Penlee Vale Residents Association endorse the views of the October Design Panel that a low roofed open structure would be more appropriate on Clyde Quay—perhaps for civic and recreational/event functions.

The two groups also comment (in February) in respect of the additional study that was undertaken by the applicants to illustrate the visual effect on views from inland locations, and they suggest that the applicant's photographs are misleading as they represent a plan rather than a profile view seen from lower levels in Stoke. The Society, following a briefing meeting with the applicants, enclose better photographs of important views of Millbay (and the photographs together with all the letters of representation are available to view prior to the Committee meeting).

Other individual views question the need for additional hotel accommodation in the area; question whether the street network would become congested; and suggest that there is a need to provide adequate car parking.

Report Update – Neighbours have been notified of the application and six site notices posted. No letters of representation have been received with respect to the current renewal application.

Letters of objection from Millbay Marina Village residents

Letters have been received from the Millbay Marina Village Management Company, owners and occupiers of 2,4,12,16,20,22,24 Custom House Lane and 1,3,5,7,12,18 The Bridge, Custom House Lane.

Whilst redevelopment of the Millbay docks area to provide a vibrant waterfront environment is welcomed, all are concerned about proposals for linking East Quay Road and Custom House Lane and the Lane then attracting increased traffic, adding to congestion, noise and danger outside dwellings if it is used as a main access into/out of the application site for traffic from/to the junction with Great Western Road (part of a one-way system). Some assert that there is no public right of way and some that effective measures should be put in place to ensure that access is limited to emergency vehicular access only.

Other individual views question the need for 1232 additional dwellings when what is needed is a considerable number of 3-4 bedroom houses with gardens; suggest that there should not be undue stress put upon the West Hoe Surgery; that an important link between the East Quay waterfront path and the South West Coast Path needs clarification; and that to place delivery of the proposed boulevard in phase 7 (the last phase) is a mistake as experience in regenerating Stonehouse and Mount Batten would indicate that this could deter investors and result in poor access eventually. One resident points out that since this is the last significant piece of waterfront available for redevelopment in the City (and probably the South Coast), it is disappointing that the applicants include berthing for sailing boats and water sports vessels only within the Inner Harbour, when the area between Trinity Pier and Clyde Pier could provide a marina and other water sports facilities to meet an increasingly popular demand, and enhance the attractiveness of the development.

Report Update – Neighbours have been notified of the application and six site notices posted. No letters of representation have been received with respect to the current renewal application.

Letters from other City Residents

There is only one letter of objection from outside the above areas (to date) –from 317 Old Laira Road, Laira expressing similar concerns to many of the Stoke residents about the impact of the scale of development envisaged on Clyde Quay.

Report Update – Neighbours have been notified of the application and six site notices posted. No letters of representation have been received with respect to the current renewal application.

Analysis

Proposals for regenerating a large part of the Millbay area can be of major strategic significance for the growth of Plymouth and the current proposals associated with this application have followed on from extensive pre-application discussions involving the Design Panel and CABA as well as with officers of the Council mindful of existing policies, the emerging Regional policies and the Millbay and Stonehouse Area action Plan (AAP) policies and proposals for Millbay.

Compliance with Regional and sub regional policies and Proposals.

This planning application relates to a development that could be of regional significance for the development of Plymouth as a Principal Urban Area in accordance with policies within the Secretary of State's established Regional Planning Guidance (RPG10) and for the development of Plymouth as a Strategically Significant City in the South West in accordance with the South West Regional Assembly's policies and objectives of the Draft Regional Spatial Strategy(RSS - recently the subject of an Examination in Public).

RPG10 (policy IM1) states that Developers and landowners will need to contribute to the infrastructure needed to serve their developments both by direct provision on-site and through Planning Agreements where infrastructure is off-site .It is considered to be particularly relevant to the determination of this particular planning application, requiring extensive commitments from both the applicant and PCC as the landowners of the application site.

RSS (policy SR35) states that the focus of development in Plymouth is on the intensification of the City's urban area, maximising densities whilst seeking high quality design standards, and that investment will be made in key infrastructure. It is considered to be particularly relevant to the determination of this particular planning application to note that the key infrastructure recognised at regional level is;

- The Provision of a new boulevard link between Millbay and the City Centre and a High Quality Public Transport (HQPT) extension through the City Centre to Millbay and Devonport and
- The replacement of Conference facilities to create a new Arena and facilities.

Clearly the landowners within the application site will need to continue to work closely together to deliver this infrastructure of regional significance, and the requirements of the suggested S106 should be adhered to if planning permission is granted as recommended.

It is considered that if the development is planned on a comprehensive and integrated basis within the overall masterplan and phasing regime it will comply with regional policy providing that the developers continue to work closely with the local planning authority (RSS, Development Policy F). This involves entering into, and complying with the required S106.

Soundness of the Council Proposals for the area and concerns about tall buildings.

The applicant's believe that the outline planning application has now reached a stage following the detailed negotiations and discussion for a decision to be taken. If outline planning permission is granted, this will clearly enable major regeneration, redevelopment and investment to take place in the City and in particular in an area where it is agreed investment is essential.

They do not consider that the AAP Inspector raises any point which detrimentally affects or impacts on the Millbay outline planning application.

There are three areas which relate particularly to the outline planning application:

1. Climate Change and Sustainability Strategy;

It is suggested that the applicants need to work towards achieving the BREEAM, Eco Homes and Code for Sustainable Homes Standards as specified in the attached S106 Agreement Heads of Terms (clause 3.4, 3.5 and 8.5).

2. Planning Obligations relating to off-site Recreational Impacts;

Contributions from the applicants are warranted towards managing off-site recreational impacts within Plymouth Sound and Estuaries SAC and Tamar Estuaries SPA and these are included in the suggested S106 (clause 5.5)

3. Tall Building within Proposal MS03.

The Inspector places the onus on developers to demonstrate that any impact on the views of Plymouth Sound from higher parts of the City has been thoroughly examined. The applicant's proposals relating to tall buildings fall within the application site and within the "zone of opportunity for tall buildings" defined on the Proposals Map. An assessment has been undertaken as part of the Environmental Impact Assessment and an additional assessment as part of the subsequent Regulation 19 submissions. Mindful of the concerns of many Stoke residents and the Design Panel, the applicants have submitted plans and sections for massing options for Clyde Quay –with and without a tower (and these will be displayed at your meeting).

It is therefore suggested that the details of the Clyde Quay development can be addressed in detail at the reserved matters stage, mindful of this background work and the need for appropriate cross-sections, and, for the avoidance of doubt, clause 1 of the proposed S106 indicates that the design Illustrations in the Design and Access Statement for a tower are not to be taken as commitments.

Compliance with the Council's detailed requirements for regenerating this area.

The overarching aim of the vision for regenerating this part of the City relates to a wider area than that of the application site or masterplan area. However, it is considered that the proposal as submitted in this outline application for redeveloping sites around the water should, if implemented in accordance with the proposed phasing programme, provide the major spur for regenerating the wider area to provide an attractive mixed-use neighbourhood that maximises its rich heritage -as envisaged in the approved Core Strategy (Area Vision 2).

Indeed, to some extent a catalyst for further development in the locality has already been established with developments underway on plots D3 and D1 within the masterplan area. The extent of mitigation measures now required in the S106 has had to be mindful of the fact that the planning decisions for D1 and D3 had only limited requirements imposed upon them –in an endeavour to help to kick-start development in this somewhat run-down area.

The approved Core Strategy Area for regenerating this area (Vision 2) lists 10 objectives to secure delivery. Proposals in the Area action Plan largely meet those objectives. The application site is covered by Proposal MS03, which sets the framework for the creation of a new sustainable neighbourhood in the area and meets all Core Strategy objectives except the third (relating to Union Street). Other AAP proposals also contribute to this aspiration – MS04, M05 and MS06 and it is considered that the masterplan is compatible with the Council's aspirations for the regeneration of the wider area.

A strong basis upon which to consider the merits of the outline planning application and set the required conditions and clauses for reserved matter applications would be to analyse the extent to which the application complies with the Core Strategy objectives and detailed requirements of Proposal MS03 to deliver the new neighbourhood.

New neighbourhood

The masterplan demonstrates that attractive connections could be made between this area and other neighbourhoods. It also demonstrates that an attractive new neighbourhood and legible urban quarter of unique character and identity could be developed within the application site centred on a new publicly accessible Millbay waterfront and water area at the Inner Basin and a unique new Boulevard link designed to integrate well with the City Centre.

The Council's first objective for this area is also to try to foster local pride and the AAP requires that the new neighbourhood include a mix of uses that will be used by the wider community. It is suggested that the proposed Estate Management Company should have a role to play in delivering this objective, in high quality maintenance and in encouraging community involvement in the public realm and access to waterfront facilities –hence the suggested S106 clauses relating to this aspect are considered to be justified (clauses 2.9, 5.4, 10 and 20).

The applicant's point out that they agree to include a provision in the Section 106 to address the need, through the Management Company, to establish local management initiatives to encourage and facilitate local cohesion between new residents and the existing community. However they are unhappy with clause 20.3 and 20.4 as arrangements have to be agreed with the local planning authority. They suggest that they will keep the local community notified. They offer to consult, inform and confirm in writing to the Local Planning Authority the approach and procedures proposed. However it is suggested that what is required is positive engagement of the local community to ensure their involvement (in accordance with Policy CS01 to provide for sustainable linked communities.) It is suggested that the local planning authority has a helpful and important role to play in securing this and that changes to clause 20.3 and 20.4 are unwarranted.

Overall housing provision

MS03 requires in the region of 1300 residential units for the area and that 390 of these units are affordable. Core Strategy CS15 requires 30% affordable housing. The

supporting text to CS15 states that less than 30% may be agreed based on a suitable financial appraisal.

The planning application indicates the provision of 1,271 residential units. It is suggested that the numbers are considered acceptable to address new dwelling requirements (CS15). However the application is for 26% affordable.

The applicant has argued that the scheme would not be viable with 30% affordable units and other infrastructure requirements of the scheme. The Council's valuers have assessed the viability of the scheme and confirm that the scheme cannot support 30% affordable housing. As such the proposal can be accepted to be in accordance with Council policy.

Retail impact of the development on the vitality and viability of the City Centre

Policy CS07 sets out the retail hierarchy in the City. The local centre element of the application and the provision of leisure and tourism facilities clearly meet the requirement of this policy.

Proposal MS03 sets out the requirements for a sustainable new neighbourhood in Millbay and includes requirements for cafes restaurants and shops and local and leisure/tourist related shopping facilities and a new local centre. MS03 does not specify a figure for the retail facilities. Clearly consideration of the amount of retail floorspace which would be warranted and the likely impact on the City Centre needs to be addressed in accordance with Council policies (CS07 and CS08) and PPS6 and the applicant's Retail Impact Assessment has been analysed (see detailed comments below). The conclusion is that the imposition of planning conditions is essential to properly address these concerns.

Detailed analysis

The application is for 9026 m² Gross External Area (GEA) of A1 retail floor space. 3007 m² GEA of this would be local shopping facilities to form the new Millbay local centre, of this 1807 m² GEA would be a convenience led supermarket containing 202 m² net comparison floor space and 1200 m² GEA would be A1 Service floors space for uses such as estate agents, hair dresses and dry cleaners. A further 6019 m² GEA would be Comparison floor space not part of the centre.

The application is considered to be in accordance with the framework set by the Council's approved Core Strategy (Area Vision 2, and particularly points 2, 4, 5, 8, 9 and 10). Strategic Objective 7 promotes new shopping provision in the City, with an emphasis on the City Centre and requiring that the level of retail floorspace in the application area should be of a scale that could not weaken the City Centre and harm prospects of attracting new retail investment necessary to achieve the regeneration of the City Centre.

It is the amount of proposed Comparison floorspace that is of principle concern.

The applicant's have indicated that the comparison shopping would be in the form of specialist retailers aimed at the tourist/leisure market and would therefore be complementary to the City Centre's retail offer. It is considered that it is essential that conditions are imposed to control this in accordance with Council policy and compliance with the requirements of Core Strategy CS06 and Policy CS08 (which amplifies the requirements of government guidance in PPS6).

Quantitative Need

The assessment for quantitative need has been based on the results of the Council's 2006 shopping study although some figures have been manually adjusted, reflecting changes and area specific considerations.

Having reviewed the applicant's retail assessment of available capacity, it is concluded that by 2011 quantitative capacity for convenience and comparison need has been adequately demonstrated.

Qualitative Need

Taking in to account the currently limited range of facilities available in the vicinity of the application site and the increase in population proposed, there is considered to be a justified qualitative need for the proposed level of convenience retail floor space to serve the current and future population.

Comparison Need

However, it is considered that there is a limited qualitative need for the proposed level of comparison retail floor space proposed (6019 m²). PPS6 is clear that it is quantitative need that must be demonstrated and that qualitative need may provide further justification. It is considered that the lack of proven qualitative need for the retailing of the proposed level of comparison goods should not, by itself, justify refusal of the application, but the implications need to be carefully considered.

The proposed comparison floor space is not part of the new centre (which is 3007 m²) GEA and does not form part of any centre. It is however part of the extensive redevelopment/ regeneration scheme and therefore there is need for a careful balancing act in ensuring the continued health of the City Centre and supporting the regeneration of Millbay.

Supporting the regeneration of Millbay and the continued health of the City Centre

Policy CS06 sets out the key priority of the Core Strategy that the City Centre should be the primary comparison shopping retail destination in Plymouth and indeed the sub-region. However, 6019 m² of comparison floorspace at Millbay could constitute a threat to the current viability of the City Centre, and could also act as a significant competitor to the City Centre for new retail investment.

The City Centre has seen a substantive change in the last year with the opening of Drake Circus which has attracted existing City Centre retailers from the existing high street units. The further development of new purpose built retail floorspace in

Millbay development has the potential to further exacerbate this problem drawing still further City Centre retailers out of the City Centre. This issue is constantly faced in the retail industry, the importance is to ensure that the timings of potential levels of movement are spread out to allow the health of the City Centre to improve and re-balance. The lead in-time to deliver the proposed level of floorspace at Millbay is considered to be substantive enough to allow the City Centre time to address the impact of Drake Circus. In addition Millbay still has a great potential to affect the continued health of the City Centre – in a positive manner if the size of retail units available in this area are effectively controlled through the imposition of suitable planning conditions.

The impact on the City Centre is a fundamental issue in establishing the acceptability of the scheme and although a detailed assessment of the available expenditure and impacts on trade diversification have been provided, the applicant's retail assessment is considered to be extremely weak in failing to consider and address many of the indicators set out in the government guidance (PPS6 para 3.22). These relate to the impact of the scheme on future public and private investment needed to safeguard the vitality and viability of the City Centre and the impact on the number of vacant properties in the City Centre. Nevertheless new provision of retail floor space in attractive locations will not only attract retailers from existing units but will also attract new retailers to an area. Together, the City Centre and Millbay could build upon the attractiveness of the City as a retailing/ leisure destination. It is evident that specialist retailers aimed at the tourist/leisure market could be complementary to the City Centre's retail offer and it is considered that, as indicated above, with the staged approach to delivery over time, and in complying with appropriate and essential planning conditions, the high level of retail floor space proposed as part of the outline planning application could be beneficial and should not have substantive adverse impact on the vitality and viability of the City Centre to warrant refusal .

New office quarter

The application is considered to be in accordance with Core Strategy Policy CS04 requiring a new office quarter to be located in the Derry's Cross/Millbay area, although the location of the offices would not be adjacent to each other. MS03 requires a new office quarter for the City Centre of between 35,000 and 40,000 square metres (B1 use). The application is for 29,706 square metres GEA, (but 36,605 square metres GEA offices within the Masterplan Area for Millbay). It is proposed that an office block be provided in the initial phase of development (D4) and it is considered reasonable to expect to consider a reserved matters application for this prior to the development of later phases, hence the suggested S106 clause 1.3. It is proposed that Offices would also be provided as part of the Pavilions redevelopment, off the north boulevard.

Community facilities

MS03 requires the provision of Community facilities to support the new and existing neighbourhoods and also requires a community focus. The applicants agree that provision of a building is not necessarily the full answer, but rather a mix of uses, activities and facilities focused around accessible public realm.

The applicants have explained an intention to provide community facilities via a visitor centre, following submission and approval of a separate temporary planning application in the near future, and this building might be used in the future for community events. The applicants refer to provision of a Marketing Centre for the early years of development, which will facilitate use by visitors and the community for exhibitions and meetings by prior arrangement with the Management Company.

It seems that the building could function mainly as a marketing suite for the development and it might be difficult to use it for dual purposes. The suggested S106 clauses therefore try to secure from the applicants an agreement to better integrate the development with the existing and emerging community (Clause 20.3 and 20.4)

Hotels

A hotel (80-100 rooms) is proposed on Clyde Quay (in accordance with MS03) in the initial development phase. An additional hotel (60-80 rooms) is also proposed on the south eastern end of the refurbished Arena in the Pavilions site as part of the proposed new conference complex for the City.

Other tourism and leisure related uses

MS03 requires other tourism and leisure related uses and the applicants refer to the intention to deliver a high content of leisure retail uses (shops, cafes and restaurants) as part of the development. The application refers to water space, moorings, pedestrian quays and walkways as well as the public realm boulevard and the applicants refer to full public access to extensive waterfront quays, boardwalks, and moorings.

It is suggested that security of public access be achieved by suitable clauses in the S106 (see 'new neighbourhood' section above).

Employment and the need for Small scale marine and water related employment

Clause 19 of the S106 is suggested to reflect the requirement of MS03 for local employment opportunities and also follows advice from the Council's Employment policy unit.

MS03 requires BI employment uses to include small-scale marine and water related employment and the site includes West quay and the applicants indicate provision for marine research and development and industrial fit-out (Document 8). MS03 requires small scale marine and water related employment at Clyde Quay. The design and access statement suggests that the lower floors of development on Clyde Quay will be for leisure uses.

In general it is important that waterside areas do allow for marine and water related employment uses as well as the leisure uses often associated with waterside locations. A planning condition could be added to any consent indicating that the reserved matter application for the development of Clyde Quay should include some provision for marine and water related employment use. However, the applicants do not see the need for a condition as the matter can be considered at reserved

matters stage mindful of the fact that within close proximity to Clyde Quay and the application site is West Quay and Trinity Pier allocated for marine industrial and marine science uses, and the Inner Basin quays give access to moorings and launch pontoons. They suggest that these allocations would serve to minimise conflict of semi-industrial activities (often fenced off, noisy and untidy) with residential occupants and public waterfronts. They also indicate that commercial marine uses such as chandlery, boat equipment, dive school, would all be welcome to rent available retail premises on Clyde Quay.

Retention of the Port building

This building lies outside the application site area, but within the masterplan area and is shown as being retained. The Dock office, within the site, is to be retained.

A comprehensive and integrated scheme

MS03 also requires that the development should be carried out as a comprehensive and integrated scheme ensuring it benefits existing residents as well as potential new users and that it includes the infrastructure necessary to serve the new neighbourhood.

The scheme for that part of the application site owned by the applicants has been designed as a comprehensive scheme with the City Council's involvement over a number of years so that the full extent of a new Boulevard could be explored. The application includes the Pavilions site, which is owned by the City Council, and it is understood that a landowner's development agreement has been the subject of lengthy discussion between the two parties (the details of which are not considered to be material planning considerations).

The scheme for the application site has also been designed as a comprehensive scheme involving the wider master plan area, and this was the subject of Environmental impact assessment as part of the planning application process.

It is suggested that one of the main requirements now is to try to avoid the delivery of a piecemeal scheme without delivery of the boulevard that is such an important element for the success of this regeneration scheme. An interim scheme can be delivered by the applicants as part of the S106 as such would be a prudent step to enable essential redevelopment to get underway (Document 6).

However, interim environmental and access improvements will not deliver the comprehensive scheme required by Core Strategy and AAP and, it is suggested, should not become permanent.

It is suggested that the S106 includes a clause to secure the continued cooperation/assistance from the applicants in a partnership to facilitate future CPO proceedings if they are necessary (clause 9).

The proposed S106 relates to the infrastructure necessary to serve the development within the applicant's ownership, but the new neighbourhood will also include land in the ownership of the City Council and it is a fair requirement that the

redevelopment here would also address the infrastructure needs of the new community (in accordance with RPG10 IM1, and Core Strategy CS33).

There is a presumption against any development that involves the loss of a recreation facility except where alternative facilities of equal or better quality will be provided as part of the development (Core Strategy CS30)

The Head of Corporate Resources and Asset Management confirms that the following would be a requirement for redevelopment of the land owned by the City Council (mainly the Pavilions site with the North Boulevard and part of the Western Approach junction):

- The land will not be made available until the swimming pool and ice rink have been relocated to the satisfaction of the local planning authority.
- will contribute £75,000 to the provision of leisure facilities in the locality before development of the PCC land commences
- will contribute £0.5m to the provision of education in the locality before development of the PCC land commences
- will contribute £100,000 to the provision of health facilities in the locality before development of the PCC land commences
- will pay a fair contribution to provide highway schemes listed as S278 works (current value of your contribution is £1.624m)
- will contribute £575,000 to the provision of modal shift infrastructure in the locality before development of the PCC land commences
- will contribute £38,000 to the provision of walking/cycling facilities in the locality before development of the PCC land commences
- will contribute £42,000 to the Variable Message System before development of the PCC land commences
- will provide 268 residential units with 30% being affordable dwelling units and 20% Lifetime homes standard
- will not provide more than 200 residential units until the Boulevard north is provided to the satisfaction of the local planning authority.
- will ensure that 1% of the budgeted construction costs be earmarked for integrated arts and craft content in accordance with an agreed Public Arts Strategy before development of the PCC land commences.
- will contribute £25,000 to the employment of the Public Arts consultant before development of the PCC land commences
- will fund the Council's CPO proceedings up to a certain amount

Pavilions site

MS03 adds to the Core Strategy Millbay Vision diagram and requires the demolition and relocation of the swimming pool and ice rink elements of the Pavilions and the refurbishment and improvement of the Arena with additional space for conference facilities to serve the City. The applicant's proposals are to wrap the Arena with other development to improve its external appearance and provide an attractive frontage and entrance onto the new Boulevard in accordance with regional aspirations (RSS – see section above); MS03 and Core Strategy Policy CS12 (which deals with Cultural/Leisure development). The application meets point 2 of the

policy which mentions Millbay, and paragraph 8.13 specifically mentions proposals for the Pavilions. It is noted that the application ties the D2 floorspace to development associated with the Arena, and this meets the Council's aspirations and the implications of CS12. D2 includes concert halls/live music venues and cinemas –and a condition would have to be imposed if the Use Class needed to be limited (the site is owned by the City Council). Details could be considered at reserved matters stage and the important issue of delivery of the Pavilions scheme is dealt with in the section above 'a comprehensive and integrated scheme' and reflects concerns expressed by consultees and others.

Western approach junction

MS03 requires the redesign of the Western approach junction

The applicant's have provided information in order to redesign the western approach road junction and point out that improvements to the Western Approach/Union St junction are not required in highways /movement terms until the Pavilions site is developed. It is considered that in order for the Boulevard to be a successful link between Millbay and the City Centre it is essential that this junction is improved, but accepted that the changes in configuration and deliverability of these improvements are linked with the successful delivery of the redesigned and redeveloped Pavilions area within the last phase of development. The applicants rely on the City Council to determine when alternative leisure facilities are available to enable this redevelopment to take place. This situation is referred to above in the section 'compliance with regional and sub-regional policies' and it is suggested that the need for the landowners to work together, beyond the determination of this application, has to be accepted. The PCC commitment as landowner is detailed in the section below 'a comprehensive and integrated scheme'.

Design and the Historic Environment

The need to secure a high quality development has been the subject of extensive discussions. These have been positive, but a framework needs to be set to ensure that high quality development is delivered following determination of reserved matters applications.

The importance of the Boulevard is highlighted in Council proposal MS03 and the requirement for it to be integrated into the proposal. It also stipulates 5-7 storey development along the Boulevard, with higher buildings on key corners and landmark locations. The application documents indicate provision for some of the buildings along the Boulevard to extend higher which would not be in compliance with MS03. However the applicants point out that the only proposal higher than 5 stories on the Boulevard is at the landmark location next to the Western Approach. It is suggested that Clause 1 of the proposed S106 might avoid future misunderstanding, leaving this particular detail to be addressed at reserved matters stage when a proper judgement and assessment of a particular design can be better made.

Tall buildings should be in accordance with the tall building strategy, which is currently being completed but has been in draft for some time. One of the requirements of that guidance is that tall buildings should be submitted in full, rather than as part of an outline application. The applicants have not done so in this case

but have supplied information upon the likely impact. This matter is addressed further below.

The scale of development around the development area is very important and the proposals must relate in a positive way to that scale and not dominate it. This is especially the case on Great Western road where the scale is currently quite domestic, but there is a huge drop in ground levels down to the quayside at East Quay, providing the opportunity to build higher buildings. The applicants have dealt with this by providing 8 storey finger blocks extending at right angles to Great Western road with 3 storey town houses fronting on to Great Western road. The applicant's point out that it is envisaged that the East Quay finger blocks would be 4 storeys, rising to 8 storeys at the furthest distance from Great Western Road, with 3 storey townhouses and lanes leading to the waterfront between blocks. It is suggested that the issue of dominance can be considered at reserved matters stage, but that conditions requiring full details of cross - sections and levels will be required and this requirement should be imposed by condition (below).

The suggested S106 clauses and planning conditions reflect the requirements of MS03 for Public Art and for adequate archaeological appraisals and interpretation facilities, and the reserved matters details should address the importance of securing activity at ground level with retail/leisure and live/work uses as indicated in the Design and Access Statement and in linking positively with the surrounding areas.

MS03 requires the submission of Design Codes. A section of the Design and Access Statement includes some building design statements; however it is suggested that they do not constitute a full and appropriate Design Code for this scale of development and a S106 clause is therefore suggested to better influence and set a framework for high quality design as an integral part of future reserved matters applications (clause 1.4) The Code should be agreed prior to the start of development.

Residential mix

The applicants are not keen to agree the housing mix at the outline stage. Nevertheless it is suggested that it is essential that they agree to build in accordance with the mix envisaged as part of the Environmental Statement –at least up to the Review stage (clause 3.7). Indeed, the Council's Housing Service have reservations about the proposed mix with its predominance of flats and 1 - 2 bed apartments (Document 8) and would prefer to see a higher proportion of 2, 3 & 4 bedroom houses/maisonettes than that envisaged by the applicants to better address City housing needs (as identified by the Housing Market and Housing Needs Assessment 2006), to create a long term sustainable mixed community, and to give families the opportunity to live in all areas of the city and enjoy city living.

It is considered that the most relevant policies to this issue are CS15 and MS03 point 11. CS15 refers to a "mix of dwelling types, sizes and tenure, to meet the needs of Plymouth's current and future population." MS03 seeks to create a sustainable mixed residential neighbourhood, point 11 refers to "accommodation for families and single people and for young and older family units"

Clearly neither policy is prescriptive in terms of the numbers of units or the proportions of the total numbers of units which should be of a particular size or type.

As stated by several consultees and local residents, the delivery of the Boulevard would be essential to link this new city quarter to the City Centre and ensure that the development of Millbay is complementary to the role and growth of the City Centre. The environment around the docks would be high rise and high density in character, and hence the high proportion of apartments proposed. In addition, the development is part of the city growth agenda and will provide part of the new office quarter which should generate high quality jobs in business services industries. It is suggested that these jobs could generate a more likely need for small to medium sized apartments. In addition, the amount of retail floor space and provision for bars and restaurants in the area and close to a busy ferry port and a noisy boat mooring area (halyard rattle etc) means that most of the residential development is unlikely to appeal to many families.

In this context it is possible to see why the applicants have decided to not provide a higher proportion of houses and larger apartments which may appeal to families. There is however, a clear need for these types of dwellings in Plymouth and other sites across the city may be more appropriate for providing the kinds of larger family units which Housing Services point out are badly needed. It is suggested that this issue can be revisited at the review stage (clause 21) when there may be scope to alter the housing mix and as subsequent Reserved Matters applications are submitted Housing Services point out that there is some evidence from the sale of units at D1 and D3, that family housing is marketable in the Millbay area, and that the results of a neighbourhood housing needs study of the Millbay /Stonehouse area will be used at review stage to inform the housing mix, alongside updated wider housing market and housing needs information.

Transport and Public Access – Condition subject of Highways Direction.

It is suggested that the views of the Highways authorities that are referred to in this report ('Consultation Responses') are endorsed. However, at the time of writing this report, there is a detail concern over a condition that is currently the subject of a Direction by the Highways Agency.

All the conditions and S106 clauses required by the Highways authorities are incorporated in the recommendation and suggested conditions below. Essentially, it is considered that they reflect the requirements of RPG10; RSS (TR4) ; Structure Plan (TR10);Core Strategy CS33 and Transport and Public Access requirements of MS03 for avoiding congestion compromising strategic routes and the local highways network and priority to be given to sustainable transport , multi-model transport links, appropriate traffic management and on-street parking, links to a water transport service and the need to provide a dedicated public access to and along the entire waterfront to include public recreation.

However, the issue of concern relates to condition...(see conditions below).

This relates to the bus service which should be improved and if a condition is warranted it is suggested that it should be compatible with the contributions required with the Section 106 Agreement (clause 6.1 and Document 10).

It is envisaged that this is a matter of detail that should have been resolved by your Committee meeting and an update will then have to be given of any revision to the Direction required by the Agency.

Securing Community Benefits

The RSS refers to priorities for infrastructure (see section 'Compliance with regional and sub regional policies' above) and The Core Strategy Area Vision 2 (AV2) for this part of the City indicates that the highest priority will be given to the delivery of the whole of the boulevard and public realm improvements, strategic infrastructure and the provision of affordable housing.

These matters are addressed in detail above, and contributions have been sought in accordance with Core Strategy CS33.

The Leisure Services manager would prefer a higher contribution to meet recreation needs, although appreciating that this application should, with appropriate conditions, facilitate public access to the waterside and water body.

The Lifelong Learning Unit (LLU) would also prefer a higher contribution to address education needs.

An appropriate contribution to education provision

Core Strategy Strategic objective 9 refers to support for the School implementation Plan and MS03 requires an appropriate contribution to primary and secondary education provision related to the scale and nature of the development proposed. There is an unresolved issue relating to this matter and this is highlighted in this report as the section 106 heads of terms need to reflect what is considered to be an appropriate contribution (clause 4.5). Based on the number and type of dwellings in the application this would generate 71 Primary places and 52 Secondary places. The City Council's fair contribution to addressing the mitigation measures is referred to in the section 'A Comprehensive and Integrated Scheme' above.

The applicants are proposing to pay S106 contributions for primary school education arising from the development of land in their ownership, acknowledging that development of their plots D1 and D3 have commenced (**Report Update – D1 and D3 now completed**) and on the understanding that there was not a need for Secondary contribution (at the time that consultations were undertaken).

However, the Lifelong Learning Unit (LLU) believe that the applicant's understanding of the Secondary School situation is a misconception, but admit that this was only highlighted at a late stage in dealing with the application and not immediately

following receipt of additional details submitted with the Regulation 19 response (January). The essential need is understood to be for meeting primary education needs. The amount (£2m) was not acceptable to the LLU and based on the cost of a new school at £6m this equates to a cost /place of £41.6k /place and this rate could be equated to a tariff /dwelling. The LLU considered that this would be seen as a more straightforward calculation for all future applications in the Millbay and Stonehouse area. A figure of £2000/dwelling was calculated (but acknowledged as still not sufficient for LL needs). The submission made by education at the outset of the application calculated the primary element as 192 places, using IPS4 calculations this equates to £1.6m. The applicant's are offering £2m and during discussions the LLU suggested that early up front funding is necessary to secure the site, which would include CPO and development costs. The applicants were happy to consider this.

The applicants now maintain that they cannot afford this at the timing suggested.

They are of the view that their proposals include a substantial financial contribution towards the provision of new primary education facilities (£2m) to meet the requirement of the Core Strategy and they are unable to accept the drafting as put forward in clause 4.5 and suggest that the clause should reflect the fact that they would consider phasing the capital contributions, but that there should be three elements: the initial contribution to the feasibility study (£100,000), then a contribution to the land acquisition (£700,000) and the final payment towards the actual provision, and the balance being made prior to the commencement of development of Phase 6 - envisaged to be mid 2012 (and not mid 2010 as drafted - see phasing in Document 4) . **Report Update – The timing of this phasing will be altered to reflect the extended timescales.**

The Lifelong Learning unit are concerned that slipping the money would simply be an unwarranted additional cost on public money to meet needs generated by this development and cannot see why the Planning Committee should agree to this when they are not getting anywhere near what they consider necessary . It is suggested that clause 4.5 is an appropriate contribution to primary education provision related to the scale and nature of the development proposed in accordance with Council policies (CS33 and MS03).

Contamination

A condition should be attached to any consent as suggested by the Environmental Services Unit requiring a contamination assessment of the whole area prior to the commencement of development (addressing the concerns of the Environment Agency about ground water movement) and treatment is needed where appropriate prior to the development of each phase.

Flood Risk

The applicants proposed development has been guided throughout its evolution by advice from the Environment Agency and where necessary residential development is proposed above flood risk levels and areas. It is considered that the Flood Risk Assessment demonstrates that the development proposals would be safe, without

increasing flood risk elsewhere (in accordance with CS21) and the additional information required by the Environment Agency is warranted and can be the subject of condition. Indeed, the mitigation measures that are proposed could substantially reduce the risk of flooding towards Union Street and the City Centre, and would have a significant beneficial impact overall. The proposals are to incorporate sustainable urban drainage systems in order to manage effectively surface water runoff and reduce the likelihood of future flooding and drainage problems.

Phasing plan

It is considered that the applicant's submitted phasing plan, required by MS03, is an important element to help regulate this development to meet the aspirations of the developer, the existing community and the proposed new community. It also is an important framework for addressing the sensitive issues of delay in the delivery of the Pavilions site, outside the applicant's control. MS03 requires that the Boulevard and other public realm improvements are delivered as an early phase of the development. This is not possible but it is suggested that investment in the regeneration of Millbay should not be unduly delayed and needs to be secured and that clauses 2.4 – 2.6 are reasonable requirements for the applicant to address the issue.

Need for a Review stage

It is suggested that a review stage will be necessary prior to the commencement of phase 5 (mid 2010) to assess progress and to review a list of matters (clause 21).

Report Update – The timing of this review stage will be altered to reflect the extended timescales.

In particular, there have been detailed negotiations regarding transport and in particular the proposed car parking provision for the scheme (see Highway authority comments). This has resulted in the applicants reducing the overall number of car parking spaces proposed within the development and increasing potential capital contributions to address modal shift. It is proposed to review not only the overall scheme but in particular the car parking standards at the Review stage and there is an incentive to amend them to meet extant PCC policy standards if it is demonstrated that there is evidence of traffic congestion beyond the TA predictions (clause 6.3 refers to a need for an additional £300,000).

Section 106 Obligations

The suggested S106 is attached as a separate document (titled Draft Heads of Terms).

There will also be a requirement for an Admin fee.

Report Update – The previously approved and completed Heads of Terms within the S106 Obligation are considered necessary to mitigate the impacts of the development and are considered to be fully compliant with

Regulation 122 of the Community Infrastructure Levy Regulations 2010. It is therefore recommended that the application be conditionally approved subject to satisfactory completion of the Section 106 Obligation as previously approved under planning consent 06/01533/OUT to enable appropriate mitigation of the impacts on local and strategic infrastructure previously identified and support the development of a sustainable linked community.

Conclusion

This development could provide one of the most significant contributions to the regeneration and urban renaissance of the City.

The application, if approved and implemented in accordance with the S106 clauses suggested, would secure the essential measures that are needed to mitigate for the impact of this major new development upon the local community facilities and infrastructure, and it would also enable a large number of new homes and jobs to be delivered in a sustainable manner to help meet the City's regional growth needs.

It would provide a sound basis for the establishment of a sustainable community with an amount of retailing and leisure uses which should be an attraction for the inhabitants of Plymouth and beyond and be complimentary to the health and attraction of the City Centre.

It would require the continued cooperation of the owner of the Pavilions site, in the manner envisaged in this report.

These clauses and conditions are also essential if the local planning authority is to set a sound framework for the submission of detailed proposals for new buildings and places of the highest design standards in the community interest. The detailed 'reserved matters' applications for the various blocks and phases of development should' over the years ahead, provide the foundations for a high quality, high density urban environment and new quarter for the City, linked by an attractive boulevard to the City Centre, and bring new life to this former docks area, close to the City's busy ferry port link with the Continent. It is appreciated that the scheme has to be financially viable and the suggested reduction in the amount of affordable housing is considered to be justified in this case – providing 26% affordable housing across the site instead of 30%. The applicant's open book appraisal of economic viability was independently assessed to corroborate their assumptions and support the level of provision that they put forward.

However, without the suggested S106 clauses there are concerns that this development could be piecemeal, unsustainable, isolated and not open to unrestrained public access to the waterside and harbour or community involvement. It is a major development that warrants a degree of community inclusion and involvement in the years ahead. If developed unsympathetically to community concerns and public interest this scale of development could have adverse environmental impacts and lead to serious congestion across the City, and an unwarranted strain on stretched community facilities and the retail health of the City Centre.

Report Update - 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.

Report Update - Equalities & Diversities issues

The redevelopment of the Millbay area and land around the city's ferry port will significantly regenerate the area and will provide much needed commercial uses, residential accommodation and affordable accommodation in the locality.

At least 20% of the residential 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.

Report Update - Conclusions

There has been no significant or material changes to planning policy since the previous grant of outline planning consent and associated S106 Obligation, which are still considered to satisfactorily mitigate the impacts of the development upon local and strategic infrastructure. This is a significant material planning consideration.

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.

This proposal to renew the outline application demonstrates the applicant's on-going commitment to regenerating the area through a mixed use development and it is hoped will satisfy a key objective for maintaining development momentum in Millbay in difficult economic circumstances.

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 28th of October 2011.

Recommendation

In respect of the application dated **04/11/2010** and the submitted drawings Site plan MB10 001; Block plan MB10 021; Indicative Masterplan MB10 004; EIA boundary plan MB10 007; Phasing Plan MB10 15; Boulevard North and South MB10 20; Revised transport assessment Jan 2007 drawings 13/11/48 figs C1,D1,E1,F2,G2,H2; Revised Retail Impact Assessment Jan 2007 local centre plan 6; Sustainability Statement and Statement of Public Consultation; Environmental Statement and Addendum Jan 2007 section 8 fig G location of office space.,it is recommended to: **Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 28/10/11**

Conditions

APPROVAL OF RESERVED MATTERS

(1) Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto, and the hard and soft landscaping of the site (hereinafter called "the reserved matters" for each area numbered within the block plan drawing MB 10021) shall be obtained from the Local Planning Authority in writing before any development comprised within that area is commenced. The reserved matters for each area numbered within the block plan shall be submitted to and considered by the LPA as a single application. The development shall be carried out in accordance with those approved details.

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. Reserved matters for each area are required to be submitted as a single application to enable proper consideration of the full impacts of the development on this large site.

SUBMISSION OF RESERVED MATTERS

(2) Detailed plans and particulars of the reserved matters for each block referred to in condition 1 above shall be submitted together (unless otherwise agreed in writing by the local planning authority) and include detailed planting plans finished floor levels and existing and proposed ground levels in relation to a fixed datum, and scaled cross-sections through the proposed buildings and across the application site

to neighbouring development. Development shall then be carried out strictly in accordance with those approved details.

Reason:

To ensure that full and adequate details are provided to enable assessment of the proposed development, including assessment of the relative heights of ground and buildings in relation to the streetscape, the proposed development and the existing structures within and bordering the application site.

TIME LIMIT FOR SUBMISSION

(3) Application for approval of the reserved matters for the development of blocks B, D4, H, A1, A2, A3, G, C1 and C2 shown on the approved block plan (drawing MB 10021) within phases 2 -5 inclusive of the approved phasing plan (drawing MB 10 15) shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Application for approval of the reserved matters for the development of blocks C3 and C4a and C4b shown on the approved block plan (drawing MB 10021) within phase 6 of the approved phasing plan (drawing MB 10 15) shall be made to the Local Planning Authority before the expiration of four years from the date of this permission. Application for approval of the reserved matters for the development of blocks E1,E2,E3 and E4 shown on the approved block plan (drawing MB 10021) within phase 7 of the approved phasing plan (drawing MB 10 15) shall be made to the Local Planning Authority before the expiration of five years from the date of this permission.

Reason:

To comply with Section 92 of the Town and Country Planning Act 1990 and the need to phase the development in the interests of public safety, convenience and amenity.

TIME LIMIT FOR COMMENCEMENT

(4) The development hereby permitted shall be begun either before the expiration of three years from the date of this planning permission, or before the expiration of two years from the date of approval of the reserved matters for the development of blocks B, D4, H, A1, A2, A3, G, C1 and C2 shown on the approved block plan (drawing MB 10021) within phases 2 - 5 inclusive of the approved phasing plan (drawing MB 10 15), whichever is the later.

Reason:

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

SUBMISSION OF RESERVED MATTERS PHASE 2 - BLOCK B

(5) Detailed plans and particulars of the reserved matters referred to in condition 1 above shall include details, submitted together, of the proposed rising sill to the Inner Basin and details of the proposed berthing pontoons and boat moorings within the Inner Basin and access thereto, (including details of safety barriers around the Inner Basin) within the phase 2 area shown on the approved phasing plan (drawing MB 10 15).

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 PHASE 3 - BLOCK D4

(6) Detailed plans and particulars of the reserved matters referred to in condition 1 above for the block D4 area shown on the approved block plan (drawing MB 10021) shall include details, submitted together, of all the street level frontages including details of the primary office entrance onto Millbay Road. Details shall also be submitted of the undercroft parking for a maximum of 90 cars to be parked with space for vehicles to turn so that they may enter and leave the site in forward gear, and with details of the access from Sawrey Street.

Details plans shall also be submitted together of the design, layout, levels, gradients, materials and method of construction, drainage, lighting, street furniture and tree planting of Martin Street bordering the east of block D4 (and within the phase 3 area shown on the approved phasing plan, drawing MB 10 15) and of those parts of Sawrey Street, Phoenix Street and Millbay Road comprising the roads and footways along the northern, western and southern boundaries of block D4 (and within the phase 3 area shown on the approved phasing plan drawing MB 10 15).

Detailed plans and particulars of the reserved matters referred to in condition 2 above shall include cross sections and levels through block D4 showing the relationships with the higher land to the north and across the city centre.

The development shall be carried out in accordance with those approved details.

Reason:

To ensure that adequate details of the streetscape and access are provided to enable assessment of the proposed development in the interests of visual amenity and safety and to enable assessment of the relative heights of ground and buildings and to ensure that the details of development within block D4 are in accordance with the approved and intended disposition of public realm and highway improvements.

SUBMISSION OF RESERVED MATTERS PHASE 3 - BLOCK A3

(7) Detailed plans and particulars of the reserved matters referred to in condition 1 above for the block A3 area shown on the approved block plan (drawing MB 10021) shall include details, submitted together, of all the street level and pedestrian path frontages and details of landscaped play and amenity areas. Details shall also be submitted together of the undercroft parking with space for vehicles to turn so that they may enter and leave the site in forward gear, and with details of the access from West Hoe Road and East Quay (including upper terrace access details).

Details plans shall also be submitted together of the design, layout, levels, gradients, materials and method of construction, drainage, lighting, street furniture and tree planting of East Quay bordering the west of block A3 (and within the phase 3 area shown on the approved phasing plan, drawing MB 10 15) and of the boundary treatment with the roads and footways along the West Hoe Road to the east and Custom House Lane to the south.

Detailed plans and particulars of the reserved matters referred to in condition 2 above shall include cross sections and levels through and across block A3 showing the relationships with the existing dwellings on higher land to the east along the

West Hoe Road, and the existing apartments to the south along Custom House Lane and across the Trinity Pier to the west and the ferry port and West Quay. The development shall be carried out in accordance with those approved details

Reason:

To ensure that adequate details of the streetscape and access are provided to enable assessment of the proposed development in the interests of visual amenity and safety and to enable assessment of the relative heights of ground and buildings and to ensure that the details of development within block A3 are in accordance with the approved and intended disposition of public realm and highway improvements.

SUBMISSION OF RESERVED MATTERS PHASE 3 BLOCK H

(8) Detailed plans and particulars of the reserved matters referred to in condition 1 above for the block H area shown on the approved block plan (drawing MB 10021) shall include details, submitted together, of higher level walkway details as required as part of flood mitigation measures, details of street level and pedestrian path frontages and lighting levels and retail and leisure frontages and hotel entrance details and details of the hotel servicing and drop-off areas. Details shall also be submitted of the 'off-site' car parking area to serve the hotel with details of the access from West Hoe Road and East Quay.

Details plans shall also be submitted together of the design, layout, levels, gradients, materials and method of construction, drainage, lighting, street furniture and tree planting of South Boulevard (shown on approved drawing MB 10 20) and East Quay within the phase 3 area shown on the approved phasing plan, drawing MB 10 15) the proposed Harbour Square at the south end of the Boulevard within the eastern part of block H.

Detailed plans and particulars shall also be submitted together of the proposed water taxi berthing pontoon and facilities and access thereto and details of the proposed stepped deck access to the waterline from Harbour Square, boardwalks and public access facilities for boat launching and mooring with details of any berthing pontoons within the Outer Basin and safety barriers proposed along the edge of the Outer Basin within the phase 3 area shown on the approved phasing plan (drawing MB 10 15).

Detailed plans and particulars of the reserved matters referred to in condition 2 above shall include cross sections and levels through block H showing the relationships with the higher land to the north across Stoke and the City Centre and to the east across The Hoe, and with the ferry port to the west, and along the proposed boulevard.

The development shall be carried out in accordance with those approved details

Reason:

To ensure that adequate details of the streetscape and access are provided to enable assessment of the proposed development in the interests of visual amenity and safety and in the interests of safe navigation and to enable assessment of the relative heights of ground and buildings and to ensure that the details of development within block H are in accordance with the approved and intended disposition of public realm and highway improvements

SUBMISSION OF RESERVED MATTERS PHASE 4 BLOCKS A1 AND A2

(9) Detailed plans and particulars of the reserved matters referred to in condition 1 above for the block A1 and A2 areas shown on the approved block plan (drawing MB 10021) shall include details, submitted together, of all the street level and pedestrian path frontages including details of the frontage details of all proposed live-work units facing East Quay, and details of the upper terrace access to them, and details of the landscaped play and amenity areas. Details shall also be submitted of the undercroft parking with space for vehicles to turn so that they may enter and leave the site in forward gear, and with details of the access from West Hoe Road and East Quay.

Details plans shall also be submitted of the boundary treatment with the roads and footways along the West Hoe Road to the east and with the Ballard House development to the north.

Detailed plans and particulars of the reserved matters referred to in condition 2 above shall include cross sections and levels through and across block A1 and A2 showing the relationships with the existing dwellings on higher land to the east along the West Hoe Road, and the Ballard House office block to the north, and across East Quay and the Outer Harbour to the west and the ferry port.

The development shall be carried out in accordance with those approved details

Reason:

To ensure that adequate details of the streetscape and access are provided to enable assessment of the proposed development in the interests of visual amenity and safety and to enable assessment of the relative heights of ground and buildings and to ensure that the details of development within block A1 and A2 are in accordance with the approved and intended disposition of public realm and highway improvements.

SUBMISSION OF RESERVED MATTERS PHASE 5 BLOCKS C1 and C2

(10) Detailed plans and particulars of the reserved matters referred to in condition 1 above for the block C1 and C2 areas shown on the approved block plan (drawing MB 10021) shall include details, submitted together, of all the street level, and pedestrian path frontages including frontage details and boundary treatment of the entrance to the port from Millbay Road along North Quay, and frontage upper terrace level details of all proposed retail and leisure units facing East Quay and street level details facing South Boulevard (shown on approved drawing MB 10 20). Details shall also be submitted at the same time of the measures for integrating the former Dockyard Office building into the development. Details shall also be submitted of the undercroft parking for 150 cars with space for vehicles to turn so that they may enter and leave the site in forward gear. These details shall include details of the access from Millbay Road and of customer access and trolley bay facilities and servicing and waste storage facilities relating to the proposed supermarket within this area.

Detailed plans and particulars of the reserved matters referred to in condition 2 above shall include cross sections and levels through and across blocks C1 and C2 showing the relationships with the Duke of Cornwall Hotel on higher land to the east, and the Ballard House office block across the proposed boulevard to the south east and across East Quay and the Inner Harbour to the west and the ferry port.

The development shall be carried out in accordance with those approved details

Reason:

To ensure that adequate details of the streetscape and access are provided to enable assessment of the proposed development in the interests of visual amenity and safety and to enable assessment of the relative heights of ground and buildings and to ensure that the details of development within blocks C1 and C2 are in accordance with the approved and intended disposition of public realm and highway improvements.

SUBMISSION OF RESERVED MATTERS PHASE 5 BLOCK G

(11) Detailed plans and particulars of the reserved matters referred to in condition 1 above for the block G area shown on the approved block plan (drawing MB 10021) shall include details, submitted together, of all the street level and pedestrian path frontages including frontage details and boundary treatment to the entrance to the port along North Quay, and the frontage details to Millbay Road and to the proposed Millbay Square within the eastern part of block G, south of Phoenix Street. Details plans shall be submitted of the landscaped play and amenity areas and also of the design, layout, levels, gradients, materials and method of construction, drainage, lighting, street furniture and tree planting of the proposed Millbay Square with details for the protection of retained trees during the course of development.

Details shall also be submitted of the under croft parking for 30 cars with space for vehicles to turn so that they may enter and leave the site in forward gear These details shall include details of the pedestrian connection between Millbay Road onto the lower level of North Quay within the western boundary of block G.

Detailed plans and particulars of the reserved matters referred to in condition 2 above shall include cross sections and levels through and across block G showing the relationships with North Quay and the Inner Harbour and the Clyde Quay proposed development to the south, and with the development of block D3 (shown on plan MB 10021) across Millbay Road to the north.

The development shall be carried out in accordance with those approved details

Reason:

To ensure that adequate details of the streetscape and access are provided to enable assessment of the proposed development in the interests of visual amenity and safety and to enable assessment of the relative heights of ground and buildings and to ensure that the details of development within block G is in accordance with the approved and intended disposition of public realm and highway improvements.

SUBMISSION OF RESERVED MATTERS PHASE 6 BLOCKS C3 AND C4

(12) Detailed plans and particulars of the reserved matters referred to in condition 1 above for the block C3 and C4 areas shown on the approved block plan (drawing MB 10021) within the application site shall include details, submitted together, of all the street level, and pedestrian path frontages including street level details facing South Boulevard (shown on approved drawing MB 10 20).

Details shall also be submitted of the landscaped play and amenity areas, and of the proposed under croft parking for 199 cars with space for vehicles to turn so that they may enter and leave the site in forward gear These details shall include details of the access from Millbay Road.

Detailed plans and particulars of the reserved matters referred to in condition 2 above shall include cross sections and levels through and across blocks C3 and C4 showing the relationships with the Duke of Cornwall Hotel and the open space area

on higher land to the east, and the Ballard House office block to the south and across the boulevard to the proposed development of blocks C1 and C2 to the north west.

The development shall be carried out in accordance with those approved details

Reason:

To ensure that adequate details of the streetscape and access are provided to enable assessment of the proposed development in the interests of visual amenity and safety and to enable assessment of the relative heights of ground and buildings and to ensure that the details of development within blocks C3 and C4 are in accordance with the approved and intended disposition of public realm and highway improvements.

SUBMISSION OF RESERVED MATTERS PHASE 7 BLOCK E1

(13) Detailed plans and particulars of the reserved matters referred to in condition 1 above for the block E1 area shown on the approved block plan (drawing MB 10021) shall include details, submitted together, of all the street level, and pedestrian path frontages including street level details facing North Boulevard (shown on approved drawing MB 10 20).

Details shall also be submitted of the proposed undercroft parking with space for vehicles to turn so that they may enter and leave the site in forward gear. These details shall include details of the access from Millbay Road.

Details plans shall also be submitted of the design, layout, levels, gradients, materials and method of construction, drainage, lighting, street furniture and tree planting of North Boulevard (shown on approved drawing MB 10 20) and shall also be submitted of the boundary treatment with the roads and footways along the Millbay Road.

Detailed plans and particulars of the reserved matters referred to in condition 2 above shall include cross sections and levels through and across block E1 showing the relationships with the Duke of Cornwall Hotel on higher land to the east, and across the boulevard to the proposed development of blocks D4 and D3 to the west and with proposed development to the north.

The development shall be carried out in accordance with those approved details

Reason:

To ensure that adequate details of the streetscape and access are provided to enable assessment of the proposed development in the interests of visual amenity and safety and to enable assessment of the relative heights of ground and buildings and to ensure that the details of development within block E1 is in accordance with the approved and intended disposition of public realm and highway improvements.

SUBMISSION OF RESERVED MATTERS PHASE 7 BLOCK E2

(14) Detailed plans and particulars of the reserved matters referred to in condition 1 above for the block E2 area shown on the approved block plan (drawing MB 10021) shall include details, submitted together, of all the street level, and pedestrian path frontages including street level details and proposed entrance and lobby space details facing North Boulevard (shown on approved drawing MB 10 20) and frontage details facing Millbay Road.

Details shall also be submitted of the 'off-site' car parking area to serve the hotel and Arena complex.

Details plans shall also be submitted of the design, layout, levels, gradients, materials and method of construction, drainage, lighting, street furniture and tree planting of North Boulevard (shown on approved drawing MB 10 20) and the routes running along the north and south boundaries of block E2 and along the proposed landscaped pedestrian link comprising the eastern boundary.

Detailed plans and particulars of the reserved matters referred to in condition 2 above shall include cross sections and levels through and across block E2 showing the relationships with the Continental and Duke of Cornwall Hotels to the north east and south east, and across the proposed development of block E1 to the south and blocks E3 and E4 to the north and with the existing Western Approach multi-storey car park.

The development shall be carried out in accordance with those approved details

Reason:

To ensure that adequate details of the streetscape and access are provided to enable assessment of the proposed development in the interests of visual amenity and safety and to enable assessment of the relative heights of ground and buildings and to ensure that the details of development within block E2 is in accordance with the approved and intended disposition of public realm and highway improvements.

SUBMISSION OF RESERVED MATTERS PHASE 7 BLOCKS E3 and E4

(15) Detailed plans and particulars of the reserved matters referred to in condition 1 above for the blocks E3 and E4 areas shown on the approved block plan (drawing MB 10021) shall include details, submitted together, of all the street level, and pedestrian path frontages including street level details facing North Boulevard (shown on approved drawing MB 10 20), Western Approach and Union Street and frontage details facing Millbay Road.

Details plans shall also be submitted of the design, layout, levels, gradients, materials and method of construction, drainage, lighting, street furniture and tree planting of Union Square (at the junction of Union Street, Western Approach and The Crescent); North Boulevard (shown on approved drawing MB 10 20); the proposed routes crossing between blocks E3 and E4, and of the boundary treatment along the proposed landscaped pedestrian link comprising the eastern boundary. Details shall also be submitted of the landscaped play and amenity areas.

Detailed plans and particulars of the reserved matters referred to in condition 2 above shall include cross sections and levels through and across blocks E3 and E4 showing the relationships with the existing Western Approach multi-storey car park and the higher land to the north of the City Centre, and with the Continental Hotel and existing development to the south east across to The Hoe, and along the proposed boulevard to Clyde Quay, the Inner Basin and the ferry port.

The development shall be carried out in accordance with those approved details

Reason:

To ensure that adequate details of the streetscape and access are provided to enable assessment of the proposed development in the interests of visual amenity and safety and to enable assessment of the relative heights of ground and buildings and to ensure that the details of development within blocks E3 and E4 are in accordance with the approved and intended disposition of public realm and highway improvements.

LANDSCAPE DESIGN PROPOSALS

(16) No development within each block shown on the approved block plan (drawing MB 10021) shall take place until full details of landscape works have been submitted to and approved in writing by the Local Planning Authority for each block. Details submitted shall include; proposed finished levels, means of enclosure, pedestrian access and circulation areas, hard surfacing materials, street furniture and retained historical features, limestone walls and trees where relevant.

All trees planted in the public realm areas of the site shall be semi-mature specimens unless otherwise approved in writing by the local planning authority.

The existing trees within block G (drawing MB 10021) shall be retained, and properly protected during construction operations in accordance with BS 5837:1991, until such time as development of that block commences in accordance with details to be approved in writing by the local planning authority.

Reason :

To provide adequate levels of public amenity in accordance with policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SOFT LANDSCAPE WORKS

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

Reason:

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

PROVISION FOR TREE PLANTING

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

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

TREE REPLACEMENT

(19) 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 and are subsequently properly maintained, if necessary by replacement.

LANDSCAPE MANAGEMENT PLAN

(20) A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas within each area of phasing (shown on drawing MB 10 15), other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of that phase of the development 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 and are subsequently properly maintained, if necessary by replacement.

HARBOUR SQUARE - BLOCK H

(21) No dwelling shall be occupied in Block H until the public square referred to as Harbour Square in the application (junction of Clyde Quay, water front and Boulevard) has been substantially completed and landscaped to the satisfaction of the local planning authority in accordance with a scheme having the prior written approval of the local planning authority, unless otherwise agreed in writing by the local planning authority, and until the berthing pontoon on Clyde Quay (for future use by water taxi's or any other such craft) has been constructed in accordance with plans previously agreed in writing by the Local Planning Authority.

Reason: to protect public amenity and enhance the public realm in accordance with policy CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and to provide adequate docking facilities to allow future use by water taxi's and other such craft to drop-off/ collect passengers in the interests of accessibility to the development by sustainable modes of transport.

MILLBAY SQUARE BLOCK G

(22) No dwelling shall be occupied in Block G until the public square referred to as Millbay Square in the application (junction of Millbay Road and Martin Street) has been substantially completed and landscaped to the satisfaction of the local planning authority in accordance with a scheme having the prior written approval of the local planning authority, unless otherwise agreed in writing by the local planning authority.

Reason: to protect public amenity and enhance the public realm in accordance with policy CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007

CITY SQUARE BLOCK E4

(23) No dwelling shall be occupied in Block E4 until the public square referred to as City Square in the application (junction of Union Street and Western Approach)) has been substantially completed and landscaped to the satisfaction of the local planning

authority in accordance with a scheme having the prior written approval of the local planning authority, unless otherwise agreed in writing by the local planning authority.

Reason:

To protect public amenity and enhance the public realm in accordance with policy CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

ACCESS (CONTRACTORS)

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

Reason:

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

PEDESTRIAN/ CYCLE ACCESS

(25) No building shall be occupied until a means of access for pedestrians and cycles has been constructed in accordance with the approved plans.

Reason:

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

PROVISION OF SIGHT LINES

(26) No work shall commence within a phase of development on site until details of the sight lines to be provided at the junction between the means of access and the highway have been submitted to and approved in writing by the Local Planning Authority. The approved sight lines shall be provided before the development is first brought into use.

Reason:

To provide 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.

SERVICE ROADS

(27) No building shall be occupied within a block of development until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

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.

CAR PARKING PROVISION EAST QUAY (A1-A3)

(28) The development within blocks A1-A3 shall not be occupied by more than 150 residential units until space has been laid out within the site in accordance with the Approved plan for a maximum of 887 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 Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CAR PARKING PROVISION WEST QUAY (B)

(29) The development within block B shall not be first occupied until space has been laid out within the site in accordance with the approved plan for a maximum of 34 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 Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CAR PARKING PROVISION CORE HARBOUR NORTH (C1/ C2)

(30) The development within blocks C1 and C2 shall not be first occupied until space has been laid out within the site in accordance with the approved plan for a maximum of 150 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 Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CAR PARKING PROVISION CORE HARBOUR SOUTH (C3/C4)

(31) The development within blocks C3 and C4 shall not be first occupied until space has been laid out within the site in accordance with the Approved plan for a maximum of 199 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 Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CAR PARKING PROVISION MILLBAY ROAD (D4)

(32) The development within block D4 shall not be first occupied until space has been laid out within the site in accordance with the Approved plan for a maximum of 90 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 Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CAR PARKING PROVISION NORTH HARBOUR (G)

(33) The development within block G shall not be occupied until space has been laid out within the site in accordance with the approved plan for a maximum of 30 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 Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CAR PARKING RESTRICTION CLYDE QUAY (H)

(34) No part of block H shall at any time be used for the parking of vehicles other than that part specifically shown for the purpose on the approved plan (unless otherwise agreed in writing by the local planning authority).

Reason:

In the opinion of the Local Planning Authority the level of car parking should be limited in order to assist the promotion of sustainable travel choices in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PROVISION OF PARKING AREA

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

REASON:

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

CAR PARKING RESTRICTION

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

REASON:

In the opinion of the Local Planning Authority the level of car parking provision should be limited in order to assist the promotion of more sustainable travel choices in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CYCLE PROVISION

(37) Before the first occupation of each block (shown on drawing MB 10021) spaces for cycle parking shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

A minimum of 75 cycle parking spaces shall be made available for public use located in areas that are conspicuous to view from public areas of the site.

REASON:

In order to promote cycling as an alternative to the use of private cars in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CYCLE STORAGE

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

REASON:

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

LOADING AND UNLOADING PROVISION

(39) Details of the loading and unloading arrangements for each block of development (shown on drawing MB 10021) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on that particular block.

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/ UNLOADING AREAS

(40) The areas for the loading and unloading of vehicles on the approved plans shall not be used for any other purposes unless an alternative and equivalent area of land within that curtilage is provided for loading and unloading in accordance with details having the prior written consent 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.

CODE OF PRACTICE DURING CONSTRUCTION

(41) Prior to the commencement of the development hereby approved,

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 and dust 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;

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

CONSTRUCTION MANAGEMENT PLAN (as Directed by the Highways Agency)

(42) The development hereby permitted shall not commence until there has been submitted to and approved in writing by the local planning authority (in consultation with the Secretary of State for Transport) a construction management plan. The plan shall include construction vehicle movements, construction operation hours, and construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Codes of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The development proposals shall be carried out strictly in accordance with the approved construction management plan.

Reason:

As Directed by the Highways Agency to protect the residential and general amenity of the area from any harmfully polluting effects during construction work in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

COMPREHENSIVE TRAVEL PLANS (As Directed by the Highways Agency)

(43) Comprehensive Travel Plans will be developed for all elements of the development hereby permitted. The acceptability of these Travel Plans will need to be agreed in writing by the Local Planning Authority and Local Highway Authority, in consultation with the Secretary of State for Transport, in advance of the first occupancy of any phase of development.

The Travel Plans will need to be prepared in line with prevailing policy and best practice and shall include as a minimum:

- The identification of targets for trip reduction and modal shift
- The methods to be employed to meet these targets
- The mechanisms for monitoring and review
- The mechanisms for reporting
- The penalties to be applied in the event that the targets are not met
- The mechanisms for mitigation
- Implementation of the travel plan to an agreed timescale or timetable and its operation thereafter
- Mechanisms to secure variations to the Travel Plan following monitoring and reviews.

The Travel Plans for the residential element of the development shall also incorporate a scheme, to the satisfaction of the Local Planning Authority and the Secretary of State for Transport, by which residents shall have access to Bus Pass Vouchers upon occupation of their dwelling. The strategy for the distribution of Bus Pass Vouchers by company (up to the value of the Bus Pass Contribution to be paid under the accompanying Section 106 Planning Obligation) shall be agreed in writing with the local planning authority in consultation with the Secretary of State for Transport prior to the occupation of any dwelling.

Reason:

As Directed by the Highways Agency to protect the amenity of the public and encourage greater use of public transport for journeys being made to and from the development as an alternative to the private car in the interests of sustainability in accordance with Policies CS01, CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF CAR PARK MANAGEMENT

(44) Prior to the commencement of works of phase four of the development hereby approved, details of the means of management of the 218 space public car park shall be submitted to and approved in writing by the Local Planning Authority.

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.

DETAILS OF VEHICULAR ACCESS RESTRICTION TO EAST QUAY

(45) Prior to the commencement of any works on phase three of the development, details of control measures to restrict vehicular access to East Quay from Custom House Lane to emergency and service vehicles only shall be submitted to and approved in writing by the Local Planning Authority and thereafter use of this access shall be limited to emergency and service vehicles only.

Reason:

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

DETAILS OF INTERIM HIGHWAY IMPROVEMENT WORKS TO BATH STREET

(46) Prior to the commencement of any works on phase three of the development hereby approved details of the interim highway improvement works to Bath Street (including landscaping) shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that an appropriate route is provided to and from the development in the absence of the completed Boulevard, for use by sustainable modes of transport including walking, cycling and public transport as an alternative to the private car in the interests of sustainability in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF TEMPORARY TRANSPORT INTERCHANGE

(47) Prior to the commencement of works on phase three of the development hereby approved details of the Temporary Public Transport Interchange Facility shall be submitted to and approved in writing by the Local Planning Authority and such shall be provided and remain in place thereafter until such time that a permanent interchange is provided in the locality to the satisfaction of the Local Planning Authority.

Reason:

To protect the amenity of the public and encourage greater use of public transport for journeys being made to and from the development as an alternative to the private car in the interests of sustainability in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

FLOOD RESILIENT/ RESISTANT CONSTRUCTION

(48) Prior to the commencement of development, a scheme for flood protection and flood resilient/ resistant construction shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To protect the amenity of the development with regard to flood risk in accordance with Policies CS01, CS21 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007..

SURFACE WATER DRAINAGE DETAILS

(49) 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:-

- (i) details of the drainage during the construction phase;
- (ii) details of the final drainage scheme (if a phased approach to development is adopted confirmation that the phase does not compromise any other phases should be submitted);
- (iii) provision for exceedance pathways and overland flow routes;
- (iv) a timetable of construction;
- (v) a construction quality control procedure;
- (vii) a plan for the future maintenance and management of the system and overland flow routes.

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

Reason:

To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development in accordance with Policies CS02, CS21 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DRAINAGE DETAILS

(50) Full details of drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site.

Reason:

To protect the efficient running of existing infrastructure thereby safeguarding current levels of amenity in accordance with Policies CS01, CS02, CS21 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

QUAY WALL INTERFACE REITERATION OF CONDITION OF 06/00468/FUL

(51) Details of the interface between the proposed quay wall and the existing inner basin shall be submitted to and approved in writing by the local Planning Authority

prior to the commencement of works. Works shall only be carried out in accordance with the approved details.

REASON

To ensure a satisfactory relationship between the proposed new quay wall and the existing listed structure in accordance with Policies CS01, CS02, CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

NOISE ATTENUATION MEASURES

(52) The building envelopes of the developments hereby approved shall be constructed so as to provide sound attenuation against external noise to the extent that, with windows shut and other means of ventilation provided, the noise levels within the buildings shall not exceed 30dB(A) between the hours of 23:00 and 07:00 and 45dB(A) at all other times.

Reason:

To protect residential amenity in accordance with Policies CS02, CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LOCAL RETAIL CENTRE

(53) The development shall include provision of not more than one convenience-led supermarket (Use Classes order Class A 1) and this shall be located in block C1 shown on plan MB 10021. The store shall have a gross external floor space of no more than 1807sq.m. The amount of comparison floor space within the supermarket unit shall not exceed 202 m2 net. and the retail use of this store shall be convenience (A 1 Use Class), with the exception of the aforementioned 202 m2 of comparison floor space, unless otherwise approved in writing by the local planning authority.

Reason:

So as not to undermine the retail health and viability of other centres in the locality in accordance with Policies CS01 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

RESTRICTIONS ON A1 AND A2 USES

(54) A maximum of a further 1200 m2 (gross external area) can be developed for other A1 uses (convenience and comparison) and for A2 uses and this shall be located in blocks C1-C4 only (shown on plan MB 10021). The amount of such A2 floor space shall not exceed 400 m2 (gross external area) and the amount of the convenience and comparison goods elements shall not exceed 400 m2 (gross external area) each, unless alternative details are submitted to and approved in writing by the Local Planning Authority. No individual retail unit so provided in accordance with this permission shall be larger than 140 sq m unless otherwise approved in writing by the LPA.

Reason:

In the interests of the retail health, vitality and viability of the city centre in accordance with Policies CS01 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

AI NON FOOD FLOORSPACE

(55) In addition to the Local Centre provision described in conditions 53 and 54, the development shall include provision for no more than 6,019 sq.m (gross external floor area) of comparison floor space, (Use Classes order Class A 1) provided in blocks C1-C4 and H only (shown on plan MB 10021), with a maximum of 2,257sqm floor space (gross external floor area) within block H. This space shall be restricted to non food uses within the use class A1.

Reason:

In the interests of the retail health, vitality and viability of the city centre in accordance with Policies CS01 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

AI NON FOOD FLOOR SPACE UNIT SIZE

(56) No more than two of the comparison retail units to be provided in accordance with the preceding condition (55) above shall individually have a floor area exceeding 557sqm (gross external floor area) with a maximum of 1000 sq m (gross external floor area). Of the remaining floor space this will lie in the following ranges unless otherwise approved in writing by the LPA:

- o Up to 35% in units up to 185 m2 gea
- o Up to 45% in units between 185m2 to 278 m2 gea and
- o Up to 20% in units between 278m2 to 557 m2 gea

Reason:

So as not to undermine the retail health use class A1. In the interests of the retail health, vitality and viability of the city centre in accordance with Policies CS01 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

GPDO RESTRICTIONS

(57) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no change of use falling within Class A of part 3 of Schedule 2 to that Order shall be carried out without the prior consent, in writing, of the local planning authority.

Reason:

In the interests of the retail health, vitality and viability of the city centre in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

RECORDING OF HISTORIC FEATURES

(58) No development shall commence until the applicant, or their agent or successor in title, has secured the implementation of a programme of recording of features that will be destroyed or damaged in the course of the works to which this consent relates, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason:

In accordance with PPS5: Planning for the Historic Environment:, to ensure that a record of such features is made and kept available for inspection and in accordance with Policies CS02, CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

HIDDEN HISTORIC FEATURES

(59) If, during the course of the works of development, presently hidden features are revealed, the owner shall immediately stop work and inform the Local Planning Authority, and shall not continue with the works until agreement has been reached as to the retention or recording of those features.

Reason:

In accordance with PPS5: Planning for the Historic Environment, to ensure that a record of such features is made and kept available for inspection, and that any revealed features of importance may be retained if necessary in accordance with Policies CS01, CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

EXPLORATORY WORK (ARCHAEOLOGY)

(60) No works shall commence until a programme of exploratory opening up has been submitted to and approved in writing by the Local Planning Authority; the approved programme has been implemented; provision has been made for the retention or recording of any hidden features revealed; and it has been agreed in writing that the works may commence.

Reason: In accordance with PPS5: Planning for the Historic Environment, to ensure that a record of such features is made and kept available for inspection, and that any revealed features of importance may be retained if necessary in accordance with Policies CS01, CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

ACCESS FOR OBSERVATION/ RECORDING

(61) The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority and shall allow him to observe the excavations and record items of interest and finds.

Reason:

In accordance with policy CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CONTAMINATED LAND

(62) Prior to the commencement of works pursuant to this permission, the developer shall submit for the written approval of Plymouth City Council:

A site-specific desk study report for each phase along with the detailed application for that phase of development documenting the history of the site and its surrounding area and likelihood of contaminant extent and type with due consideration to the Department of the Environment Industry Profiles. If the study confirms the possibility of contamination, a site investigation report documenting the ground

conditions of the site, incorporating a conceptual model of all the potential pollutant linkages and as an assessment of risk to identified receptors shall be required in line with current UK guidance.

All investigations should follow the principles outlined in BS10175:2001 'Investigation of Potentially Contaminated Land' and for residential developments regard should be had to the Guidance for the Safe Development of Housing on Land Affected by Contamination EA & NHBC, R & D Publication 66).

Remediation must be agreed for each phase with the Local Authority prior to commencement of development

When deciding whether to use piled foundations consideration should be given to whether this could create a preferential pathway into the properties for gas.

Reason

To protect public safety and prevent pollution in accordance with PPS23 and policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CONTAMINATED LAND: REMEDIATION

(63) Where risk assessment identifies unacceptable risks, a detailed remediation scheme must be submitted to and agreed in writing by the Local Planning Authority for each phase specifying remedial works and measures necessary to avoid risk from contaminants and or gases when the site is developed prior to commencement of development. Any remediation scheme for contamination shall be fully implemented before the development commences. Any variation to the scheme shall be agreed in writing with Plymouth City Council in advance of works being undertaken.

Reason:

To protect public safety and prevent pollution in accordance with PPS23 and policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

UNSUSPECTED CONTAMINATION

(64) The presence of any unsuspected contamination that becomes evident during the course of the development shall be brought to the attention of Plymouth City Council and a further investigation and remediation scheme to be agreed in writing with Plymouth City Council shall be implemented.

Reason

To protect public safety and prevent pollution in accordance with PPS23 and policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007..

APPROVED PLANS

(65) The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan MB10 001; Block plan MB10 021; Indicative Masterplan MB10 004; EIA boundary plan MB10 007; Phasing Plan MB10 15; Boulevard North and South MB10 20;

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 Regional, Sub-Regional and citywide contributions that the development makes to the regeneration, housing needs and economic health of the city, and the environmental transport and retail impact of the development on this part of the city, and the impacts of noise, vibration and pollution upon the Millbay locality mindful of the historic character of the area, 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 (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme 2006), the Devon Structure Plan (2001-2016) 2004, and the Regional Spatial Strategy, (b) proposals of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Planning Guidance (SPG) Notes, Government Policy Statements and Government Circulars, as follows:

E5 - Provision of Coastal Tourism Facilities
H2 - "" ""
PPG13 - Transport
PPG24 - Planning and Noise
PPS3 - Housing
PPS9 - Biodiversity and geological conservation
CO10 - Protection of Nature Conservation Sites and Spec
TR5 - Hierachy of Modes
TR6 - Establishing Travel Networks that Promote Modal Ch
CO10 - Protection of Nature Conservation Sites and Specie
ST6 - Plymouth Principal Urban Area
PPS6 - Planning for Town Centres
PPS23 - Planning & Pollution Control
RPG10
CO10 - Protection of Nature Conservation Sites & Species
CS28 - Local Transport Consideration
CS33 - Community Benefits/Planning Obligation
CS34 - Planning Application Consideration
CS22 - Pollution
CS06 - City Centre
CS07 - Plymouth Retail Hierarchy
CS08 - Retail Development Considerations
CS09 - Marsh Mills Retail Parks
CS20 - Resource Use
CS21 - Flood Risk
CS03 - Historic Environment

CS05 - Development of Existing Sites
CS01 - Sustainable Linked Communities
CS02 - Design
CS04 - Future Employment Provision
CS15 - Housing Provision
CS12 - Cultural / Leisure Development Considerations
CS30 - Sport, Recreation and Children's Play Facilities
PPS25 - Development and Flood Risk
ST1 - Sustainable Development
ST3 - Self sufficiency of Devon's communities
ST4 - Infrastructure Provision
ST5 - Development Priority 2001-2016
ST21 - Regeneration Priority
CO6 - Quality of new development
CO13 - Protecting water resources and flood defence
CO16 - Noise pollution
TR3 - Managing travel demand
TR7 - Walking & Cycling
TR9 - Public Transport
TR10 - Strategic road network & roadside service areas
TR13 - Ports
SH1 - Shopping facilities (sequential approach)
SH2 - Shopping facilities & settlement hierarchy
TO2 - Tourism developments in other settlements
TO6 - Long distance recreational footpath & cycle routes
SR32 - Western peninsula
SR33 - Plymouth, SE Cornwall & SW Devon Spatial Strategy
SR34 - Step change in performance at Plymouth
SR35 - Transformational change in Plymouth
CS1 - Provision of Community Services
HE1 - Planning for Healthcare
ENV4 - Nature Conservation
RE5 - Renewable energy & new development
TC1 - City & Town Centres
RE5 - Renewable Energy & New Development
FI
SS17 - Plymouth
EN4 - Quality in the built environment
EC6 - Town Centres & Retailing
HO5 - Previously developed land & buildings
HO6 - Mix of housing types & densities
TRAN1 - Reducing the need to travel
TRAN3 - The Urban Areas
TRAN10 - Walking, cycling & public transport
RE2 - Flood Risk
IMI - Achieving the RPG
ENVI - Natural and Historic Environment
SPD2 - Planning Obligations and Affordable Housing
SPD1 - Development Guidelines

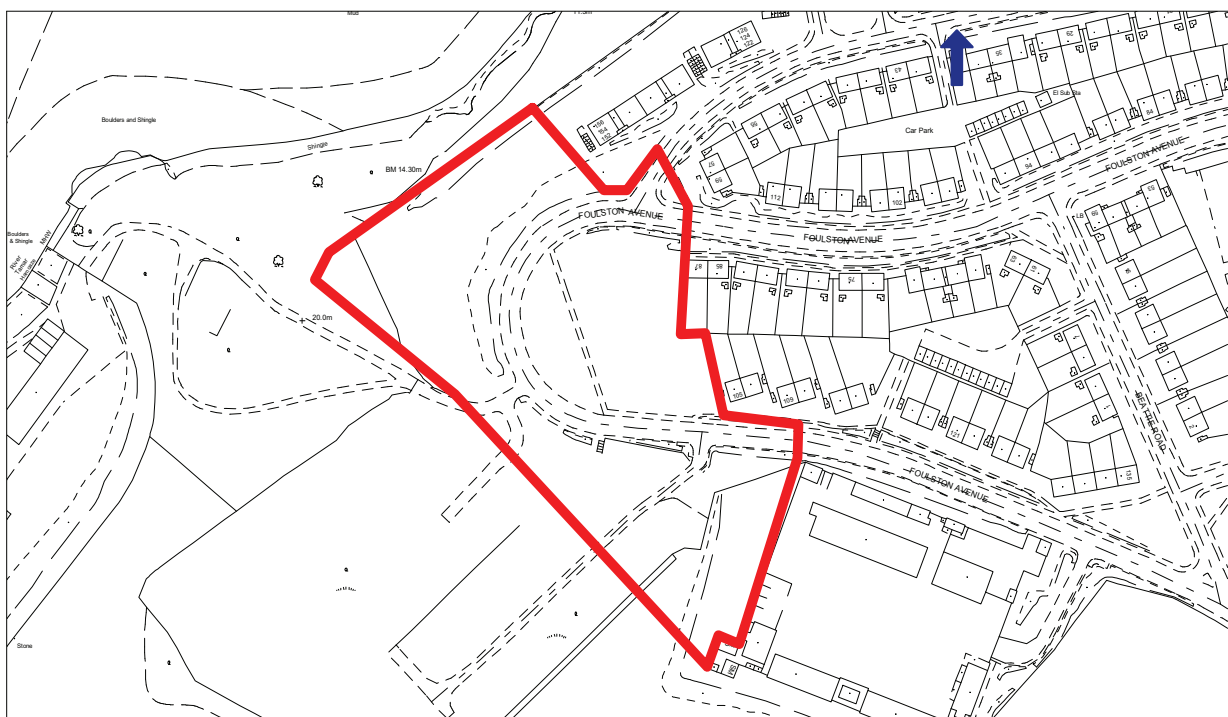
SPD3 - Design Supplementary Planning Document
PPS5 - Planning for the Historic Environment

PLANNING APPLICATION REPORT



ITEM: 10

Application Number:	I1/00839/FUL
Applicant:	Devon & Cornwall Housing
Description of Application:	Erection of 38 dwellings with associated access roads and parking areas (revision to previously approved scheme 09/01837)
Type of Application:	Full Application
Site Address:	LAND ADJACENT TO, FOULSTON AVENUE PLYMOUTH
Ward:	St Budeaux
Valid Date of Application:	23/05/2011
8/13 Week Date:	22/08/2011
Decision Category:	Major Application
Case Officer :	Carly Francis
Recommendation:	Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 22/08/11
Click for Application Documents:	www.plymouth.gov.uk



OFFICERS REPORT

Site Description

The site is by the loop on Foulston Avenue in Barne Barton. It includes land contained within the loop, and to the south, and east of the outside of the loop. The area is 1.5 hectares. There is housing and the Grade II listed Bull Point Barracks to the east, with open land to the south, west and north. To the north is Kinterbury Creek. There are spectacular views of the Royal Albert Bridge and Tamar and Lynher rivers. The land within the loop is open grass that falls from south to north. The area to the south and west is open scrub and falls from the east to the west.

Proposal Description

Erection of 38 dwellings with associated access roads and parking areas. There would be twenty-five 3-bed houses, six 2-bed houses and seven 4-bed houses. A total of 48 parking spaces are proposed.

The site is in three parcels. The southern part of Foulston Avenue west of Bull Point Barracks would comprise of fifteen houses, a landscaped area would separate the former barracks from the housing.

The inner loop comprises sixteen houses which are set back from the road with the parking provided to the east.

The area to the north-west of the loop would comprise of seven houses.

This scheme is a revision to a previously approved scheme- planning application 09/01837.

Relevant Planning History

09/01837(FULL) Erection of 38 dwellings with associated access roads and parking areas- GRANTED SUBJECT TO S106

08/00580 (REM) Erection of 8 dwellings and 24 flats, with associated access road and car parking areas (approval of reserved matters) pursuant to outline planning permission 02/00707/OUT- PERMITTED.

07/01427 (OUT) Application to develop land by erection of 81 residential units with associated access roads and car parking area - WITHDRAWN

02/00707 (OUT) Outline application to develop land for residential purposes – PERMITTED.

Consultation Responses

Highway Authority- no objections providing conditions regarding street details, road alignment and drainage, completion of roads and footways, access details, sight lines, driveway gradient, parking areas, highway improvements and a code of practice for construction are attached to any grant of planning permission.

Archaeologist- no objections.

Public Protection Service- no objections providing conditions regarding a land contamination assessment and code of practice for construction are attached to any grant for planning permission.

Housing Strategy- Housing are keen to support this revised application as it is part of a package of sites linking to the regeneration of North Prospect. It is hoped that this site (among a range of other affordable housing developments underway in Plymouth) will offer opportunities for residents at North Prospect to decant.

Police Architectural Liaison Officer- no objections but makes suggestions for gates to be inserted to secure parking areas and a path, these have now been incorporated into the scheme.

Health and Safety Executive- no objections.

Ministry of Defence- no comments received.

Environment Agency- No objections providing conditions regarding surface water drainage, land contamination and biodiversity be attached to any grant of planning permission.

Representations

3 letters of representation objecting on the basis of:

- the increase of population in an already overpopulated area
- proximity of the 'blast' area
- the survey for environmental impact is inaccurate
- wooden fencing would detract from the view and is an eyesore
- extra traffic will be noisy
- removal of a green area where children play/ a meeting point
- overcrowding
- a strain on services
- a massive decline in wildlife
- loss of community paths and seating
- parking problems and also highway safety concerns
- overshadowing, reduced light and lack of privacy

Analysis

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

The main considerations relevant to this application are the design and amenity of the dwellings proposed, their impact on neighbouring properties, the impact on the

setting of the listed Bull Point Barracks; the impact on wildlife and trees/ vegetation, the impact on the highway and to the character of the area.

This application turns on policies CS01, CS02, CS03, CS15, CS16, CS18, CS19, CS20, CS21, CS22, CS27, CS28, CS32, CS33 and CS34 from the adopted Core Strategy, 'Development Guidelines' SPD, the Planning Obligations and Affordable Housing SPD, the Barne Barton Neighbourhood Regeneration Strategy (2003) and the Barne Barton Sustainable Neighbourhoods Assessment (2006). National Guidance that is of relevance includes PPG13, PPS1, PPS 3, PPS9, PPS 22 and PPS23.

The principle of developing this site has already been agreed as can be seen in the planning history section of this report; planning application 08/00580 was permitted for the erection of 8 dwellings and 24 flats and planning application 09/01837 was most recently permitted for the erection of 38 dwellings with associated access roads and parking areas. Both of these permissions could still be implemented.

This proposal is very similar to that which was recently approved. The number of dwellings and mix of housing types and tenures remains exactly the same as in the previous application. The main differences are that the two 3 storey terraces of 7 properties on the lower plateau to the west of the site will be in a different position and of a different design. There are also some minor alterations to levels of external works elsewhere in the scheme. This amended scheme is being proposed due to the difficulties presented by the topography of the site and so to reduce the significant levels of engineering required resulting from the gradients across the site.

Much of the previous report remains the same as for application 09/01837 as the proposals are largely unchanged from those recently approved, each section of the report has however been updated to reflect the amended proposals.

The development has been designed in accordance with the 20 criteria for achieving the 'Building for Life' award, as set down by CABI in partnership with Design for Homes, in order to create a development that provides a special quality of place and environment.

Layout

To the west of the site the proposals are now for 2 simple terraces fronting onto Foulston Avenue, the previous scheme had two terraces set at the bottom of the steeply sloping bank.

The other revisions relate mainly to the car parking layout. The central area of land with Foulston Avenue surrounding it formally had one central parking area; it is now proposed to have two parking areas entered separately from the north and south of the site. This would mean that the retaining structures required could be minimised in height.

Terraces are still aligned to direct people towards the amazing view and through a stepping of open space between levels. Working with the distinctive ecology and topography of the site has been a significant design driver.

Legibility is further reinforced by careful consideration of building form and height at important corners and streets. The vehicular access into the site will be principally characterised by the existing curved road (Foulston Avenue) with new houses fronting onto the newly defined public open space creating an attractive spatial focus.

The masterplan shows how a sensible simple layout, finishing of existing blocks creates safe and overlooked streets and spaces. This has been achieved by placing buildings at the edge of blocks and plots and ensuring front doors and windows to habitable room's front onto public streets and spaces. The form also helps to clearly define public and private spaces creating defensible space. The layout has been designed to clearly define public and private areas. This includes reinforcing the private areas of existing properties through ensuring back to back development. The privacy of existing properties and other aspects of residential amenity has been an important design driver. The layout ensures that sufficient distance between existing and new properties is maintained.

Development is proposed at a density of 32 houses per hectare (excluding areas of structural open space). This density is deemed appropriate as the main priority in developing this site is to conserve the open space and create a vista towards the Royal Albert and Brunel Bridges. This density would be appropriate given the unique site circumstances.

Scale

The scale of plots 1-7 is considered appropriate as they have been designed using the topography of the land, they would be split level with three storeys at the rear and single and two storey fronting onto Foulston Avenue. This would be positive in creating a street frontage and has been carefully designed to suit the gradient of the land.

The heights of the buildings that have already been granted permission have been designed to complement existing dwellings which reinforces the character and importance of each street. Taller buildings have been used to create a scale and presence to the street at the south end of the central open space. This scale is informed by the neighbouring Bull Point Barracks defensive wall. The scale of the new 3 storey properties is further enhanced by raising the terrace above road level creating a raised walkway.

The scale of the dwellings is considered to be appropriate to the area and the topography of the land in accordance with CS02.

Views of the Albert Bridge

The views of the bridge and rivers will be protected by limiting the amount of development within the loop, an area to the west will be maintained as open space but enhanced with planting and benches for the public to enjoy the views. The change in ground levels and positions of the terraced housing would ensure that the views are preserved.

Setting of Bull Point Barracks

There are earthworks to the west of the barracks. These have been left undeveloped with an area generally 27 metres wide on the western side left as open land with

some planting. The nearest buildings are a terrace of two storey dwellings that would have minimal impact on the barracks, the relationship is considered to be acceptable and it would not harm the setting of the Listed Barracks, it therefore complies with policy CS03.

Amenity of proposed dwellings

The only buildings that would be of a different design are plots 1-7. These dwellings would still have adequate amenities. The houses would not differ in terms of number of bedrooms; they would still be 3 and 4 bedroom and be of an adequate size in relation to the guidance given in the Development Guidelines SPD. Some rooms may have slightly reduced light levels due to the retaining structure in front of them however the dwellings have been designed so that the bathrooms are sighted on this elevation and therefore there would only be a few bedrooms that would be affected and these would have large windows to maximise light levels.

The outside amenity area of the proposed dwelling plot 21 would decrease in size as result of the amended layout however the majority of dwellings proposed still have sufficient outside amenity space and the loss of garden space at plot 21 is considered acceptable on balance as it would significantly decrease the amount of retaining structures required for the car parking area. The proposals are therefore deemed to accord with Policies CS15 and CS34.

All of the remaining dwellings would be of an adequate size and have adequate amenities. The size of the houses varies with housing types with 2-bedroom houses of 79.47m², 3- bedroom dwellings of 79.4, 82m² and 130.2m² and 4-bedroom dwellings of 130m². The minimum guidelines given in the Development Guidelines SPD are 72m² for two-bedroom houses, 82m² for three bedroom houses and 106m² for four- bedroom housings. Therefore some of the 3-bedroom houses would fall marginally short of this standard (by 2.6m). Despite this it must be remembered that this does only provide guidance and all of the other dwellings proposed would well exceed these figures. Therefore on balance the dwellings proposed are considered to be of a sufficient size. There would be sufficient natural light to all habitable rooms. The curtilage areas for each dwelling vary in size. Some fall short of the recommended amenity space guideline given in Development Guidelines SPD but most would exceed this 50m² guideline and given the nearby open amenity space this is deemed acceptable. All properties would have refuse storage facilities located in their rear curtilage areas out of public view, with easy access to refuse collection points. It is therefore considered that these storage areas would comply with the standards given in the Development Guidelines SPD.

Design and materials

The 3 storey units proposed are broken up by windows and varying materials would add interest. The 2 storey terrace units are of a much simpler arrangement with standard pitched roofs (some with 'gabled' features breaking the roof form) over flat façade articulated with framed panels of materials and windows patterns.

The materials suggested which are a white and blue brick, would create a high quality contemporary scheme; however a condition shall be attached to agree the finishes to ensure the final look of the buildings respects the character of the existing buildings.

The boundary treatment shall also be agreed by way of condition so that it complements the materials of the housing.

Subject to these details being agreed by way of condition the proposal is considered to comply with Policy CS02.

Housing Tenure

The delivery of Affordable Housing development is one of the top Corporate Priorities for Plymouth City Council. Planning approval has already been granted for 38 houses under ref- 09/01837 and the 38 houses will make a valuable contribution to the both the Affordable and Open Market housing needs of the City. details of the affordable housing numbers and distribution throughout the site are not proposed to change under this revised scheme.

The tenure of the affordable housing units will remain a mix of 30% rent, 30% intermediate (shared ownership) with 40% open market sales to help meet the city's aspiration to create a more sustainable and re-balanced community in this location. The location of the units for rent, shared ownership and open market sales has been agreed in writing with the Council (Housing) and captured in the Sec106 clauses.

Policy CS15 – requires that 20% of all new dwellings for Plymouth shall be constructed to Lifetime Homes Standards to allow for the 'future proofing' of all new dwellings. In this case the scheme would achieve 20% and is therefore compliant.

Housing are keen to support this revised application as it is part of a package of sites linking to the regeneration of North Prospect. It is hoped that this site (among a range of other affordable housing developments underway in Plymouth) will offer opportunities for residents at North Prospect to decant.

The proposals are deemed to accord with policy CS15.

Impact on Neighbouring Amenity

With regard to plots 1-7 and their revised design/ layout, the closest residential units to these dwellings are the adjacent flats. The proposed dwellings would be set slightly forward of these flats, however it is not considered that there would be a detrimental impact to their amenity due to the orientation of the buildings. There would be no loss of light or privacy as a result of this development.

The houses erected in the loop would be immediately adjoining existing dwellings. In the plan received at pre-application stage these dwellings were set well forward of the existing building line and it was deemed that they would have a negative impact on the amenity of those properties they would abut. The plans submitted as part of this and the last application has been amended to set the proposed dwellings further back. Those adjacent to No. 87 Foulston Avenue would be set further forward; however it is not considered that the impact would be significant to No.87. This property currently has a thick line of conifer trees along its western boundary and there are no windows on its gable end.

The impact on No.105 Foulston Avenue would also be minimal as although there would be some windows on the side elevation on the proposed adjacent house facing No.105 Foulston Avenue, these windows would not be to habitable room windows and the agent has confirmed in writing that these windows will be obscure glazed. This shall be secured by way of condition.

There are no residential properties that would be affected by the dwellings proposed on the parcel of land to the south of Foulston Avenue.

The revised parking layout in the central loop would not affect the privacy or outlook of any dwelling.

The proposal is therefore deemed to accord with policies CS15 and CS34.

Highway Considerations

The Transport Service raise no objections to the proposed amendments. The number of dwellings has not changed from the previous submission and as such the principles are accepted. The proposed houses to the West of Foulston Avenue are now to be constructed with access direct from Foulston Avenue by way of a raised parking space, with an access path over a bridge link into each dwelling. A footway is proposed around the perimeter of the road which was requested under the previous application. The plots within the 'D' shaped area, East of Foulston Avenue, will be served by rear parking courts. The previous application proposed a single access point but this latest application, again as a result of gradients, proposes two accesses with a retaining wall to split the levels. There are no objections to this proposal. It is noted that the parking provisions accord with the previously approved scheme.

The applicant is proposing a mix of residential properties with a parking provision at a ratio of 1.2 spaces per dwelling. It should be noted that the majority of spaces will be allocated to dwellings and are served off the aforementioned private drives. However the lay-by type bays provided off Foulston Avenue are within the highway and as such will become public highway for general use. Following discussions with the applicant it has been agreed that each of the proposed access roads will remain private due to the small number of dwellings that they each serve. Therefore the main issue in terms of highways is the proposed works to Foulston Avenue. The developer must enter into a section 278 agreement with the City Council as Highway Authority to agree the details of any highway works prior to any works within the highway boundary are started. A negative condition to this effect shall be attached to any grant of consent. The submitted drawing shows landscaping works to the Highway verge to include trees and trenches filled with stone. As these works are within limits of HMPE (Highway Maintainable at Public Expense) they will be subject to the S278 agreement. The Highway Authority will need to approve any amendments to this verge area as the future maintenance of such features could cause issues. Landscape proposals for this area shall therefore be agreed by way of condition.

The above scheme will include the relocation of an existing bus stop. In its new location it must be constructed with a bus boarder and incorporate RTPI, and some traffic calming, gateway, measures on the road. All works will be subject to Road

Safety Audits. Although the proposed private drives serve more than 5 houses and would normally be required for adoption as highway by the Highway Authority it has been agreed in this instance that they can remain private due to the existence of the management company and the fact that no further development can take place off each drive. The properties will be exempt from the provision of the Advance Payment Code, Highway Act 1980. The widths of the drives can therefore be less than the required adoptable standard and do not need separate footway provision. Full highway demarcation will be required at the rear boundary of Foulston Ave.

Providing conditions are attached to agree details, the Transport Service raise no objections to the proposal and it is considered to accord with Policy CS28.

Sustainability

All of the new homes will achieve Level 4 of the Code for Sustainable Homes. This will provide significant improvements in the energy performance of a home, along with other benefits such as reduced water consumption, reduction in waste, enhanced ecological value and use of environmentally friendly materials. The achievement of Level 4 of the Code goes beyond the usual requirement for housing associations to build to Level 3.

The sustainability of the new homes will exceed the levels required by policy CS20. The homes will produce much lower levels of carbon emissions than required by the policy and their ecological footprint will be much smaller.

By achieving Level 4 of the Code, all of the new homes would be much more water efficient than most other homes. Maximum water use for all the new homes would not exceed 90 litres per person per day. Currently average consumption in the southwest is 122 litres per person per day for those households on a water meter and 139 litres per person per day for unmetered households (source: South West Water (2009) Water Resources Plan 2010 – 2035, data for 2007/08).

Drainage will be dealt with by seeking to use attenuation, with a system that discharges rain water into the nearby stream.

It is proposed that all of the new homes would be heated using a mixture of mainly solar thermal panels with some photovoltaic panels. These will meet the policy requirement of providing 15% renewable energy on site and offer other benefits. By providing a well insulated building with a wall thickness of at least 360mm and by using the solar thermal and photovoltaic panels, carbon emissions from the homes are reduced by more than 44%, which far exceeds the levels of carbon reduction required by policy CS20. Ensuring that the homes are very well insulated is considered the most important and efficient step to reducing carbon emissions. The use of good quality insulation and the solar thermal panels will have a significant impact on carbon emissions and results in lower energy costs for residents when heating their homes.

Natural lighting has been taken into account and the designs seek to maximise solar gain. Where possible individual units are orientated to ensure principle living accommodation is on the south side of the property, thus benefiting from passive solar gain and direct sunlight. Windows on the south elevations are increased in size,

whilst north orientated windows reduced (except where dramatic views occur). The inclusion of sedum roofs on the homes will provide additional thermal mass and insulation that will reduce carbon emissions and provide lower heating costs to residents.

The materials used in this development would all be rated under the Green Guide to Specification in order to meet the requirements of the Code for Sustainable Homes. Mineral use is therefore reduced in a number of ways – for example, through the use of timber cladding on some parts of the homes. All of the homes would be provided with dedicated recycling bins and composting facilities.

The development will reduce carbon emissions by at least 44% and the environmental impact of the development is reduced through a comprehensive assessment of a range of issues and by achieving Level 4 of the Code for Sustainable Homes. It has therefore been demonstrated that the objectives of policy CS20 have been exceeded in the proposals put forward.

Landscaping

Three main areas of soft landscaping are proposed. The first area is that within the loop of Foulston Avenue. The retained open space will be managed; wild flower planting will take place here, with some pine trees and benches so that the views can be enjoyed by the public. Final details for this area will be agreed in the landscaping condition so that the Highway Authority can ensure that the area can be suitably managed as it is an area of HMPE.

The area adjacent to the Bull Point Barracks will consist of a structured and layered ecological intervention including field layer, scrub, dense woodland planting with some trees. This will give maximum provision of habitat, but not be oppressive to residents, giving plenty of open space and visibility to pedestrians, while respecting the setting of the listed Barracks.

Both of these areas will provide usable space for education purposes through ecological information but would also provide informal leisure provision.

The third area to the north west of the loop would have a combination of scrub planting, dense woodland planting, wild flower meadow grassland and some trees.

All plant combinations and maintenance regimes will aid the local wildlife through provision of habitat in accordance with Policy CS19.

In terms of the impact on trees this will be minimal; the only tree lost would be the Silver Birch where the access to the lower terrace is proposed. While it would be preferable for this tree to be maintained its loss is not of significant concern given the re-planting proposed. Tree planting is proposed to break up some of the parking spaces as indicated on plan; details of this shall be agreed by way of condition. All of the landscaping proposals are deemed to accord with Policy CS18.

Nature Conservation/ Open Space

The proposed development site currently comprises two separate areas. There is the area of amenity grassland which is within the loop of Foulston Avenue. The

remainder of the site to the west and south of Foulston Avenue comprises a matrix of dense scrub and semi-improved grassland to the south-east, and an area dominated by amenity grassland with a small area of broadleaved woodland to the north-west. The scrub and broadleaved woodland habitats within the site are considered to offer suitable habitat for nesting birds and dormice, and the scrub/grassland mosaic to the south-east of the site is a suitable habitat for reptiles. The entire site may be utilised by foraging/commuting bats and badgers.

Due to these habitats and species it is important to consider the impacts on adjacent land (European Marine Site and County Wildlife Site), pay special attention to drainage (SUDS) and lighting, and ensure a net gain in biodiversity. The applicants had to demonstrate wildlife mitigation and enhancement both during and post-construction.

In order to do this a number of documents were submitted to support this application. These include a Reptile Mitigation and Compensation Strategy, a Dormouse Mitigation and Compensation Strategy, a Badger Survey, Ecological Impact Assessment, Ecological Construction Method Statement and Extended Phase I Habitat Survey.

Having considered these documents the proposals are considered to achieve a net gain in biodiversity in accordance with Policy CS19, maintenance of the biodiversity networks (CS18) and demonstrates that protected species issues will be adequately dealt with.

Through the design development and revised housing layout a further 688m² of wild flower grass land has been made available for habitat creation.

Further to this European Protected Species (in this case dormice) have been taken into account in assessing the impacts of this proposal. There is therefore a legal duty in the Habitats Regulations 1994 that development should pass the three derogation tests with regard to this species. In this case, the Ecological Construction Method Statement (ECMS) submitted states clearly how each of these tests has been met and thus we consider that sufficient account has been taken of these tests in making our decision.

The actions required as a result of the ECMS will be secured by way of condition, highlighting the need for further ecological surveys to be completed before the commencement of works on site and the need to draw up an Ecological Management Plan in order to manage habitats for biodiversity into the future.

Letters of Representation

In the letters of objection received a number of different concerns are raised, many of which have already been dealt with in accepting the principle of developing this site and in the above report, such as those relating to transport, wildlife, open space and impact on neighbouring properties. In relation to those concerns relating to the blast zone and use of the land by HM forces, the MOD have been consulted on the application and have not raised any concerns.

Equalities & Diversities issues

Life Time Homes

Special attention has been placed on the properties to incorporate the key 16 design criteria features that together will create a flexible blue print for accessible and adaptable housing on the development. This will increase the choice, independence, and longevity of the tenure. In this case, to comply with policy CS15, this scheme should (as a minimum) include 20% of dwellings to Joseph Rowntree Lifetime Homes standards. The applicant has confirmed that 20% of the scheme will be Life Time Homes compliant; which meets the standards given in policy CS15.

Section 106 Obligations

The amendments proposed in this scheme compared to the previous application are relatively minor and having considered these differences it is not deemed that the impacts of the development would change. For this reason the applicant has proposed that the same S106 agreement be linked to this application through a deed of variation, the original agreement providing for developer contributions of £148,414 to address the community infrastructure impacts of the proposal (including the management fee), as well as the affordable housing and tenure mix. Notwithstanding that since the original application was determined the Planning Obligations & Affordable Housing SPD has been reviewed and re-adopted (August 2010), given the circumstances of this particular case it is considered appropriate to proceed as the applicant proposes rather than to seek to reopen negotiations on a planning obligations package. This will enable early delivery of a project which has only changed in respect of its design and layout.

Conclusions

The revised application details proposed have reconfigured the development layout for the steepest part of the site to better relate to the road and to minimise the amount of sub-structure under-build required. This revised layout relates better to the street scene and maintains a clear vista in/out of the important river view of the Tamar. The reconfiguration of the central parking area would improve the appearance of this development by removing large retaining structures. It is therefore concluded the proposed amendments would improve a scheme that already has consent.

This residential development is supported as it would provide a mix of affordable and market housing which will provide essential decant housing linked to the North Prospect regeneration. The development will provide net biodiversity gain and meet the requirements of CS20.

It is therefore recommended to grant conditionally subject to S106 deed of variation being signed by 22nd August 2011.

Recommendation

In respect of the application dated **23/05/2011** and the submitted drawings Site plan, 10738 L04.01, 10738 L93.02, 10738 L94.01, 10738 L00.02, 10738 L01.01, 10738 P 01.01, 10738 P 01.2, 10738 P 01.03, 10738 L03.01, 10738 P 01.10, 10738 P 01.11, 10738 P 01.12, 10738 P 01.13, 10738 P 01.04, 10738 P 01.05, 10738 P 01.06, 10738 P 01.07, 10738 P 01.08, 10738 P 01.09, 10738 L94.01, 10738 L00.01, 10738 L10.02, and accompanying Design and Access Statement, it is recommended to: **Grant**

Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 22/08/11

Conditions

DEVELOPMENT TO COMMENCE WITHIN 2 YEARS

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

Reason:

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

CODE OF PRACTICE

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

Reason:

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

LAND QUALITY

(3) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 4 to 6 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 7 has been complied with in relation to that contamination.

Reason:

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

SITE CHARACTERISATION

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

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

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

(ii) an assessment of the potential risks to:

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

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, 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 (2006-2021) 2007.

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

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

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

Reason:

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

REPORTING OF UNEXPECTED CONTAMINATION

(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.

TREE PROTECTION DURING CONSTRUCTION

(8) The existing trees and/or hedgerows shown to be retained on the approved plans shall be properly protected with appropriate fencing during construction works. The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with Section 9 of BS 5837:2005 (Trees in relation to construction - recommendations) before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained

until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall an excavation be made, without the written consent of the local planning authority.

Reason:

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

LANDSCAPE DESIGN PROPOSALS

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

Reason:

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

SOFT LANDSCAPE WORKS

(10) 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

(11) 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.

SUSTAINABLE RESOURCE USE

(12) 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, for the period 2010-2016. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations.

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

Reason:

To ensure that the development incorporates onsite renewable energy production equipment to off-set at least 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.

LIFETIME HOMES

(13) 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

(14) 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 I 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.

STREET DETAILS

(15) 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

(16) 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

(17) 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)

(18) 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 SIGHT LINES

(19) No work shall commence on site until details of the sight lines to be provided at the junction between the means of access and the highway have been submitted to and approved in writing by the Local Planning Authority. The approved sight lines shall be provided before any dwelling is first brought into use.

Reason:

To provide 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.

DRIVEWAY GRADIENT

(20) The driveway to any dwelling hereby permitted shall not be steeper than 1 in 10 at any point.

Reason:

To ensure that safe and usable off street parking facilities are provided 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.

GRAMPIAN (ACCESS/HIGHWAY IMPROVEMENTS)

(22) The proposed access and improvements to the existing highway shown on the approved plans must be completed in accordance with a schedule of works to be agreed in writing with the Local Planning Authority.

Reason:

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

BIODIVERSITY

(23) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Ecological Construction Method Statement dated December 2009 and drawings 2001, 2002 and 2003 dated February 2010 for the site. This will include submission and adherence to a full ecological management plan.

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.

EXTERNAL LIGHTING

(24) Details of any proposed external lighting shall be previously submitted to and agreed in writing with the Local Planning Authority prior to its use on site. The lighting strategy shall follow the principles outlined in the Ecological Construction Method Statement dated December 2009. The agreed details shall be strictly adhered to during the course of development and thereafter so retained unless the written agreement of the Local Planning Authority is provided to any alternative external lighting.

Reason:

To minimise the impact of light pollution on foraging bats in the locality in accordance with the provisions of Core Strategy policies CS01, CS02, CS19, CS22, CS34 and relevant Government advice in PPS9.

EXTERNAL MATERIALS

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

Reason:

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

OBSCURE GLAZING

(26) 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 windows in the east elevation of the dwelling adjacent to 105 Foulston Avenue 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.

SURFACE WATER DRAINAGE

(27) 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
- A timetable of construction
- A construction quality control procedure
- Details of the final drainage scheme
- Provision for overland flow routes
- A plan for the future maintenance and management of the system.

Prior to operation 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 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 in accordance with policies CS21 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

APPROVED PLANS

(28) The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan, 10738 L04.01, 10738 L93.02, 10738 L94.01, 10738 L00.02, 10738 L01.01, 10738 P 01.01, 10738 P 01.2, 10738 P 01.03, 10738 L03.01, 10738 P 01.10, 10738 P 01.11, 10738 P 01.12, 10738 P 01.13, 10738 P 01.04, 10738 P 01.05, 10738 P 01.06, 10738 P 01.07, 10738 P 01.08, 10738 P 01.09, 10738 L94.01, 10738 L00.01, 10738 L10.02.

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.

INFORMATIVE: CODE OF PRACTICE DURING CONSTRUCTION

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

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

SECTION 278 AGREEMENT

(2) The application consists of works within the highway and as such the developer will be required to enter into a Section 278 agreement with the Highway authority to agree the scope of the works prior to any works taking place on the highway.

POLLUTION PREVENTION

(3) The developer should adhere to the Environment Agency's Pollution Prevention Guidelines which are available on their website via the following link: <http://www.environmentagency.gov.uk/business/topics/pollution/39083.aspx>. In particular, 'Working At Construction and Demolition Sites': PPG6 covers waste removal on site, drainage issues and pollution prevention on site. 'Works and maintenance in or near water': PPG5 should be adhered to for any stream engineering that takes place.

SEWAGE CAPACITY

(4) The applicant is advised to consult South West Water regarding sewage capacity. It is important that the foul drainage infrastructure can meet the increase in sewage arising from the new housing without compromising the performance of surrounding pump stations and works.

HIGHWAY WORKS

(5) This planning permission does not authorise the applicant to carry out works within the publicly maintained highway. The Applicant should contact Plymouth Transport and Highways for the necessary approval. Precise details of all works

within the public highway must be agreed with the Highway Authority and an appropriate Permit must be obtained before works commence.

Statement of Reasons for Approval and Relevant Policies

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

- PPG13 - Transport
- PPS3 - Housing
- PPS9 - Biodiversity and geological conservation
- PPS1 - Delivering Sustainable Development
- PPS22 - Renewable Energy
- PPS23 - Planning & Pollution Control
- CS28 - Local Transport Consideration
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS18 - Plymouth's Green Space
- CS19 - Wildlife
- CS20 - Resource Use
- CS21 - Flood Risk
- CS03 - Historic Environment
- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS15 - Housing Provision
- CS16 - Housing Sites
- CS27 - Supporting Strategic Infrastructure Proposals

PLANNING APPLICATION REPORT



ITEM: 11

Application Number: 11/01061/FUL

Applicant: The Una Group

Description of Application: Erection of workshop, office and storage buildings in association with use of site for storage, preparation and hire of portable accommodation units and provision of related storage and car parking areas for a temporary period of 9 years (revised scheme)

Type of Application: Full Application

Site Address: ELLIOTT HIRE EATON BUSINESS PARK, PLYMBRIDGE ROAD PLYMOUTH

Ward: Moor View

Valid Date of Application: 30/06/2011

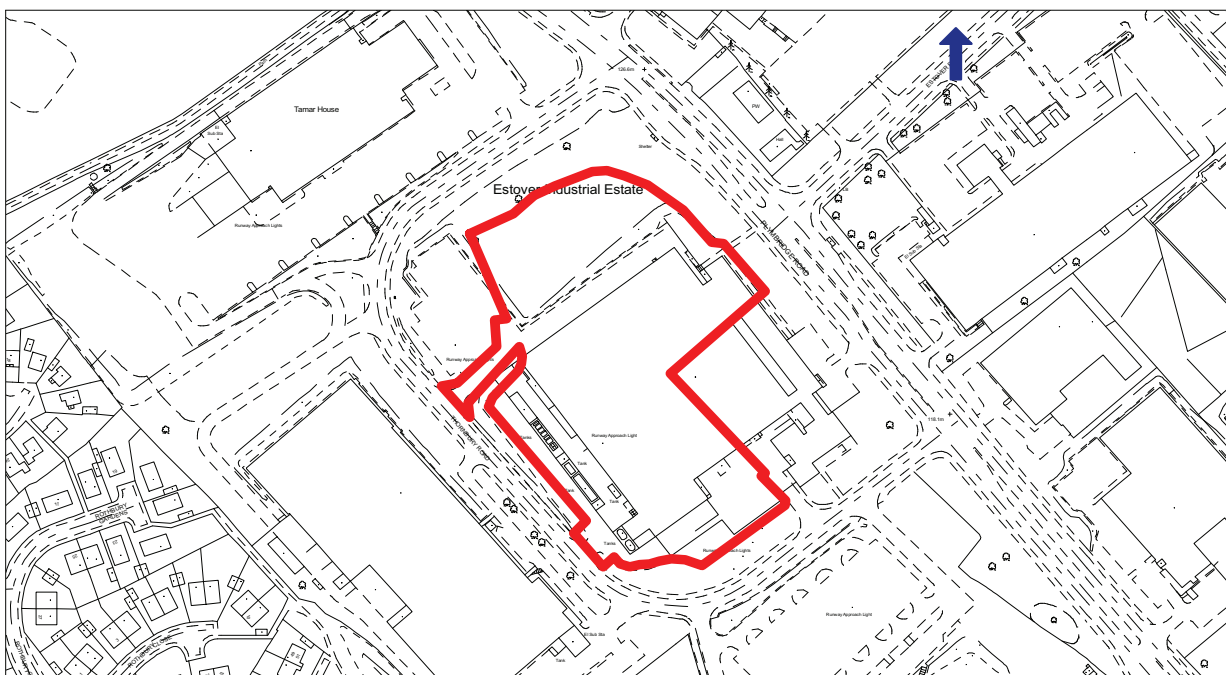
8/13 Week Date: 29/09/2011

Decision Category: Major Application

Case Officer : Carly Francis

Recommendation: Refuse

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



Officer Report

Site Description

This largely flat site is located in Eaton Business Park in Estover. The site roughly rectangular in site is surrounded by roads on all four sides. Plymbridge Road runs along the north-east boundary of the site and Thornbury Road runs around the other three sides. The surrounding area is characterised by low rise commercial and industrial premises. Some landscaping exists around the perimeter of the site and there is a green 2.5m high galvanised and colour coated welded metal wire and steel post fencing runs around the entire site. The site has already been divided into some existing commercial plots with similar fencing demarking some areas. Existing plots are already in use as a vehicle hire, crane hire depot, concrete works and motorcycle instruction centre, with temporary buildings on site relating to these uses. A Renal Unit has also recently been constructed.

Proposal Description

Erection of workshop, office and storage buildings in association with use of site for storage, preparation and hire of portable accommodation units and provision of related storage and car parking areas for a temporary period of 9 years (revised scheme).

Relevant Planning History

09/01404 (FULL) Continue use as vehicle hire, concrete works, motor cycle instruction centre and crane hire business, retention of associated portacabins, containers and plant, and erection of a renal unit and carwash for a temporary period of 10 years- APPROVED SUBJECT TO S106.

11/00487 (FULL) Retention of renal unit and associated plant (revision to part of scheme approved under planning notice 09/01404/FUL) - APPROVED CONDITIONALLY.

11/00516 (FULL) Erection of workshop, office and storage buildings in association with use of site for the storage, preparation and hire of portable accommodation units and provision of related storage and car parking areas for a temporary period of 10 years- WITHDRAWN.

Consultation Responses

Highway Authority- no objections providing conditions regarding vehicular access, cycle provision and details of a Green Staff Travel Plan be attached to any grant of planning approval.

Public Protection Service- object due to no noise impact assessment having been submitted in support of the wind turbines.

Civil Aviation Authority/ Plymouth City Airport- no objections providing any lighting to be included in the development is of flat glass, full cut-off design with horizontal mountings so there is no light spill above the horizontal, also providing no structure exceeds permissible heights in relation to the airport.

Sutton Harbour Company- no comments received.

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.

The main considerations for this application are the compatibility of the uses proposed with each other and surrounding uses, the impact on future plans for Plymouth City Airport and the impact on the highway.

This application turns on policies CS01, CS04, CS22, CS27, CS28, CS31, CS33 and CS34 from the adopted Core Strategy, Plymouth City Councils 'Development Guidelines' SPD, Plymouth Airport Interim Planning Statement 16 and Derriford and Seaton Area Action Plan 2006-2021 (issues and preferred option consultation-February 2009). In addition to this local policy, national guidance includes; Circular I/2002 'Control of Development in Airport Safety Zones', the Government White Paper: 'The Future of Air Transport' (Department for Transport, December 2003), Regional Planning Guidance Note 10 and the Devon County Structure Plan.

The use proposed for the site is to store and then prepare (refurbishment / repair / alter) portable buildings for hire in Devon & Cornwall.

This application differs from the previous application that was withdrawn as the number of employees proposed has been reduced and the position of the office building has changed. The office building is now just outside of the public safety zone.

Three buildings are proposed on site, the remaining area is for external storage. The workshop building would be used for the preparation of portable accommodation units and would be a single storey industrial building, with a shallow pitched roof, profiled metal cladding and roller shutter doors.

The office building would act as a sales hub and would be a 2 storey pre-fabricated unit; it would have a flat roof and an external metal staircase.

The Furniture building would be a single storey industrial building, with a shallow pitched roof and profiled metal cladding which would be used as a storage building for materials and consumables.

The buildings are all basic industrial buildings designed to be fit for purpose, given that the site is within an industrial estate and the buildings are temporary, their basic

industrial appearance is deemed acceptable and would not be at odds with surrounding buildings. It is therefore deemed that they accord with Policy CS02.

One of the constraints of this site is that the site is located within what as been designated as part of the Airport Safeguarding Zone. Despite an announcement that the airport may be closing, this is yet to be confirmed and therefore the impact to the airport must be assessed as a material consideration.

In addition to Regional Planning Guidance Note 10 and the Devon County Structure Plan, that identify the importance of Plymouth City Airport and the need to continue to improve how it functions, the Plymouth Airport Interim Planning Statement 16 discusses the need to safeguard land immediately to the east of Plymouth Airport (where the application site is) from development. This is to ensure that its future in relation to the operation of the airport plan can be given proper consideration in the development of a strategic master plan. This strategic master plan will be prepared in order to guide the future development of Plymouth Airport in accordance with advice contained within the Government White Paper 'The Future of Air Transport'. The Government White Paper recommends that as master plans are developed for airports, land outside existing airports that is needed for future expansion will need to be protected against future development in the intervening period. Therefore so that Plymouth does not restrict its ability to maintain a serviced airport facility into the future and in accordance with Government advice, it is important to keep options open.

The Derriford and Seaton Area Action Plan 2006-2021 lists improving Plymouth Airport as one of its objectives, it also details the conclusions of a study into the potential future of the airport which was undertaken by York Aviation (commissioned by the Council and Sutton Harbour Holdings). One of the conclusions was that the main (east- west) runway would need to be extended to accommodate the next generation of aircraft.

This document points towards the importance of safeguarding land for future development. The applicants have now applied for a 9 year consent. The Council would support the principle of a temporary consent, providing it ends at the same time as the temporary consents granted last year. This application would accord with the temporary period set in earlier consents which was considered to be the maximum period we could allow. These proposals would not therefore hinder the plans for the airport and will allow this land to be used for future expansion of the runway if required.

Most of the site also lies within the Airport Public Safety Zone. Public Safety Zones are areas of land at the ends of the runways, within which development is restricted, in order to minimise the number of people on the ground at risk of death or injury in the event of an aircraft crash on take-off or landing. Almost all of the workshop building would fall within the zone, the office building would be just outside it and some of the storage area falls within it. It is proposed that there be a total of 18 staff, 6 would be drivers who would collect their vehicles and then leave the site for deliveries. 12 staff would be based on site with 4 based in the office building and the remaining 8 in the workshop and yard.

Circular 1/2002 'Control of Development in Airport Public Safety Zones' states that there should be a general presumption against new or replacement development within Public Safety Zones. There are some exceptions to this which includes development of a kind likely to introduce very few or no people on to a site. The uses that are proposed in this application however would have a significant number of staff and would therefore conflict with the guidance in the above documents. For this reason the application can not be supported. The applicant has provided no clear rationale as to why the buildings proposed can not be moved well outside of the public safety zone. Therefore despite the benefit of an employment use it is not deemed that this should be at the cost of public safety.

The existing uses on site are very varied. The site has traditionally been in storage/ industrial use, having been a former warehouse facility, and forms part of Eaton Business Park where a range of commercial/ industrial uses exist. Permission was granted last year for a vehicle hire depot, concrete works, a motor cycle instruction centre, crane hire business and erection of a renal unit. Therefore while the uses proposed can not be supported due to the number of employees proposed, the principle of such uses is deemed acceptable given the wide range of existing uses on site and this proposal would not have a detrimental impact to any of the existing uses. The uses previously permitted on site were carefully considered and the only uses permitted within the public safety zone are the ones which involve few staff- the car wash just two employees and 3 staff for the concrete works. The other uses with more employees i.e. the renal unit are located outside the public safety zone.

Lighting is proposed as part of this application, the type of lighting described would accord with the horizontal flat glass lighting that the Airport require in order not to cause distraction to aircraft using the airport. This therefore accords with Policy CS22.

Renewable Energy

Wind turbines are proposed in order to meet the 15% renewable energy requirement under CS20. The wind turbines proposed would be attached to the lighting columns. It is not possible however to assess the full impact of these turbines as a noise impact assessment has not been submitted. The application can not be supported without a noise assessment as although the site is positioned adjacent to the airport, noise from the turbines could still be carried to nearby residential dwellings to the west of the site resulting in unacceptable noise pollution.

The Public Protection Service have considered the impact of the spray painting that would take place in the workshop, and do not raise any objections as an Environmental Permit for the activities of paint spraying will be required under the Environmental Permitting regulations 2007. Therefore any hazardous impacts can be controlled under this regulation.

Highway Considerations

The Transport Service comment that the application will introduce a further business into the site, which utilises the remainder of the site. A Transport Statement has been produced in support of the application which outlines the proposed use and provides details of the likely number of trips to this element at the

site. The applicant suggests that the business will generate approximately 80 trips during the course of a working day, which will be split between 2 access points. This level of traffic does not cause concern to the capacity on the local highway network. The applicant is proposing to provide 32 parking spaces, including 2 disabled bays. This provision accords with the current standards. The applicant should provide secure and covered cycle storage for use by staff members, the Transport Service suggest at least 4 units. In the previous application to develop the site from the historical large factory unit into smaller businesses, such as this, the consent was conditioned to provide a Travel Plan. This has subsequently been submitted to and approved by the City Councils Travel Plan Officer. It is therefore suggested that a suitable condition be attached to this consent to ensure that this unit signs up to this site-wide travel plan or provide their own. With the suggested conditions attached it is deemed that the proposal accords with Policy CS28.

Equalities & Diversities issues

No further issues to discuss.

Section 106 Obligations

B1 and B2 uses are currently exempt from paying a contribution and therefore there is no requirement for a S106 agreement in this instance.

Conclusions

While we would not encourage any development that would contradict with the aims of the future expansion of the airport, it is not considered that the temporary uses proposed would affect these plans.

The proposed development may however result in noise pollution to nearby residents and would increase staffing levels for uses that fall within the Airport Public Safety Zone. It would therefore be contradictory to the guidance in Circular 01/2010 and be high risk in terms of public safety contrary to Policy CS34. For this reason it is recommended that this application be refused.

Recommendation

In respect of the application dated **30/06/2011** and the submitted drawings 3065/SLPRW009 E, RW009/01, RW009/02, RW009/03, RW009/04 Rev E, RW009 / 05 Rev B, RW009/06, RW009/12, 3065/SLP and accompanying Design and Access Statement, Transport Statement, Energy Statement dated 25th March 2011 prepared by BFEC Design Solutions Ltd. And Geotechnical Investigation and Contaminated Land Report prepared by Ruddlesden Geotechnical Ltd, it is recommended to:

Refuse

Reasons for Refusal

PUBLIC SAFETY ZONE

(1) The Local Planning Authority considers that by reason of the number of staff that would be employed to work within the Public Safety Zone, the proposal would be a considerable risk to public safety and therefore contrary to Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Circular 01/2010 'Control of Development in Airport Public Safety Zones'.

INADEQUATE WIND TURBINE INFORMATION

(2) The Local Planning Authority considers that there is insufficient information on which to assess the impact of the proposed turbines on surrounding uses, in particular a noise impact assessment, the proposal is therefore contrary to Policy CS22 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:

- PPS23 - Planning & Pollution Control
- RPG10
- CS28 - Local Transport Consideration
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS18 - Plymouth's Green Space
- CS22 - Pollution
- CS01 - Sustainable Linked Communities
- CS04 - Future Employment Provision
- AV9 - Derriford/Seaton
- CS31 - Healthcare Provision
- CS27 - Supporting Strategic Infrastructure Proposals

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PLANNING APPLICATION REPORT



ITEM: 12

Application Number: 09/01899/OUT

Applicant: Wharfside Regeneration (Devon) Ltd

Description of Application: Outline application for a mixed use development including: 356 dwellings, D1 non residential institutions including healthcare, C2 residential institutions, A1 retail foodstore, smaller A1 shops, A2 financial and professional services, A3 restaurants and cafes, A4 bars, A5 hot food takeaways, B1 offices, C1 hotel, car parking, highways and accesses, public open space, landscaping, transport infrastructure and pedestrian links and cycle provision

Type of Application: Outline Application

Site Address: NORTH WEST QUADRANT, DERRIFORD ROAD
PLYMOUTH

Ward: Moor View

Valid Date of Application: 17/12/2009

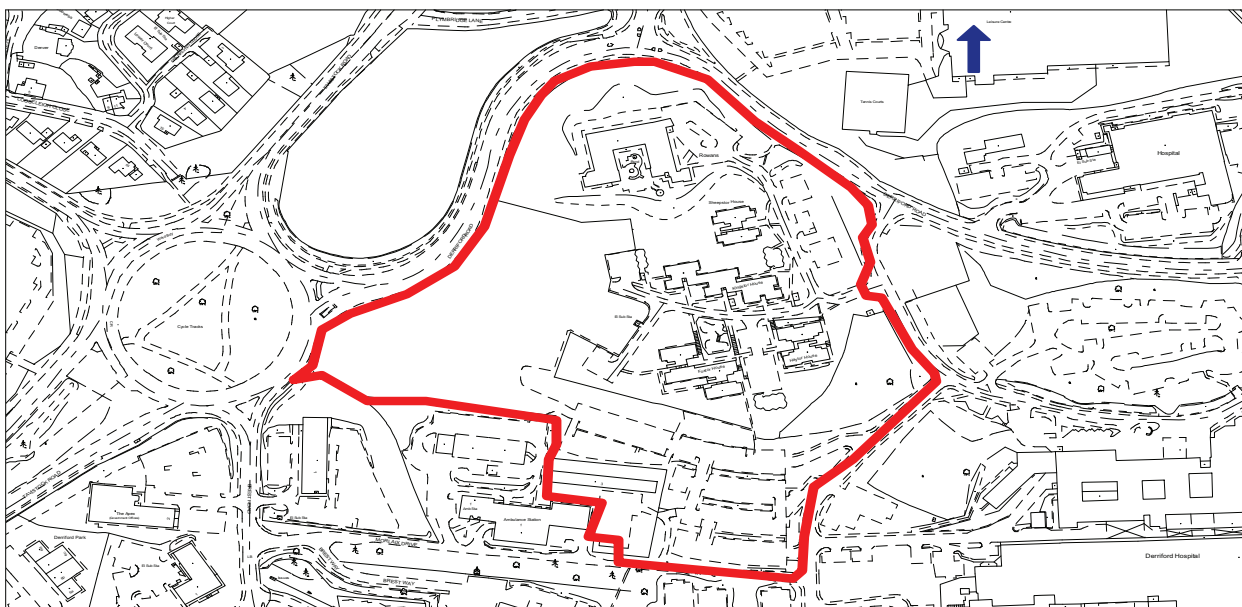
8/13 Week Date: **18/03/2010**

Decision Category: Major Application

Case Officer : Robert McMillan

Recommendation: Refuse

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



OFFICERS REPORT

Site Description

The site is 6.6 hectares and was the former north west part of the Derriford Hospital estate, hence its name, and lies to the east of the Derriford roundabout. It is bounded by Derriford Road, the Derriford Hospital loop road and western perimeter road, Morlaix Drive, the Ambulance station and the Norwich Union office building. The south eastern part of the site comprises the proposed multi storey car park granted permission in 2009 and 2010, (08/01418 and 10/01049). It is a mixed area with the Innkeepers Hotel, Jack Rabbit pub, Mercedes Benz dealership and recently approved student housing site (09/01888) to the west, houses and the hospital key worker housing to the north, the Devonshire Racquet Club, Nuffield Hospital and Derriford Hospital to the east and the Glenbourne Unit, Disablement Services Centre, Ambulance Station and Norwich Union building to the south. It has frontages with the roundabout of 32 metres, 448 metres with Derriford Road and 290 metres with the hospital loop road and western perimeter road. There is a pronounced slope across the site from north to south of 25 metres.

The site comprises car parks in the western and southern parts of the site and blocks of former hospital residential accommodation on the eastern part that are being demolished. The northern Rowans building is currently used as a children's day nursery and an office base for the applicant.

There is a copse of trees on the south eastern part of the site and mature deciduous trees in the western and southern areas with more ornamental trees around the northern and north eastern edges. There is a hedgebank around the Derriford Road boundary.

Proposal Description

The proposal is for a major mixed use development. It would provide a substantial amount of development comprising a total of 356 dwellings and 53,344 sq m of other development. It is an outline application but with the reserved matters of access, layout and scale to be determined at this stage.

The dwelling mix is:

- 82 three bedroom houses,
- 54 one bedroom flats,
- 104 two bedroom flats,
- 53 three bedroom flats,
- 32 two bedroom duplexes (maisonettes), and
- 31 three bedroom duplexes.

The commercial floorspace is:

- Residential Institutions (C2) - 11,397 sq m,
- Non Residential Institutions (D1) - 11,396 sq m,
- Food store (A1) - 3,229 sq m,
- Other shops (A1) - 1,586 sq m,
- Cafes, restaurants, bars and takeaways (A3 – A5) - 1,424 sq m,
- Financial services - 1,424 sq m,
- Bookshop, café, library, community facility (A1, A3 D1) - 1,190 sq m,

Offices (B1) – 2,773 sq m,

Hotel (C1) - 1,460 sq m, and

Multi storey car park – 16,802 sq m for 550 spaces

There would be another 654 parking spaces of which 510 are proposed to be undercroft parking.

The application is accompanied with a detailed design and access statement and masterplan that sets out the design philosophy and structure for the proposals. Key concepts are to take advantage of the south facing slope of the ground that falls from north to south and the natural features on site. The designers split the site into four parts: the “Upper Hill Town”, “Lower Hill Town”, “Campus Plaza” and “Transferium” The Planning Supporting Statement describes them as:

“1. Upper Hill Town is shaped by Derriford Road to the north and Lower Hill Town to the south. This defined quarter provides a range of lower density single family terraced housing surrounded by public open space to create a village green feel. Car parking comprises a mix of surface level and garages incorporated into houses.

2. Lower Hill Town comprises courtyard blocks to provide a more urban mix of family housing and six storey apartments fronting onto the High Street to the south. Both types of housing opens up onto courtyard gardens with car parking provided underneath. The southern side of these urban courtyards provide living over an active ground floor along the High Street. Car parking is provided either through semi basement or undercroft car parks.

3. Campus Plaza defines the main High Street where the main services are concentrated and is anchored by a proposed foodstore. High density residential uses would occupy upper floors. A proposed “care square” would provide intermediate care and specialist health related accommodation for both the private and public sectors. Undercroft car parking is proposed.

4. The Transferium delivers a high density mix of apartment living, car parking facilities (such as the approved multi storey car park), offices and intermediate care with commercial and community facilities extending the High Street down to the hospital entrance.”

These areas are separated by the highway structure with three streets running east – west with the main one being the High Street which links Derriford Road by the Derriford roundabout junction with the hospital access loop road. At the western end by the busy junction it would only accommodate left in, left out turns apart from buses that could turn right into the site. These are joined by north south streets and cycle ways and footpaths.

The building heights vary across the site by taking advantage of the fall in levels ranging from two – three storeys in the northern areas and rising to eight/nine storeys in the lower southern parts. The residential densities are high partly reflecting the large number of flats and duplexes (maisonettes) ranging from 65 dwellings per hectare (dph) to 160 dph.

The masterplan includes areas of open space and a proposed pond. These comprise the “Village Green” in the northern part which is a small informal park linking the individual blocks that runs from north to south. In the “Lower Hill Town” there is a “High Street Square” at the western end centred on a beech tree and another open area at the eastern end that retains trees.

In the “Campus Plaza” there is the largest area of open space called the “Care Square” which is currently a copse of trees and shrubs that links across to the proposed public transport interchange and new hospital entrance (08/00971). At the western end is “Beech Tree Square” which is based on the three retained trees. In the car park area at the south of the site called the “Transferium” is a green corridor between the buildings to link with the Bircham Valley.

The applicant proposes to include a Sustainable Urban Drainage System (SUDS) to reduce surface water run off including ponds, swales, infiltration/soakaways, green roofs and rainwater harvesting. Furthermore, the applicant supports the aims of the Council in developing an Energy Service Company (ESCo) to serve Derriford by developing a combined heat and power (CHP) with district heating and cooling network. The applicant proposes to work with the Council to “future proof” the development to accommodate this.

There is also an Environmental Statement setting out the environmental impacts of the development and proposed mitigation measures.

Relevant Planning History

Application site

10/01049 – Re-submission of 08/01418 for the multi storey car park but with offices instead of the children’s nursery, change to the northern access from the High Street and slight changes to the A1 – A3 floorspace – GRANTED.

08/01418 - Erection of a multi-storey car park for 627 spaces a children's day nursery, retail units a temporary access and widening of Morlaix Drive – GRANTED.

08/00278 – SCOPING OPINION REQUEST – Mixed use development of NWQ site – OPINION GIVEN (This is a procedure to agree the contents and extent of the Environmental Statement).

03/00480 – Haytor House - Change of use from residential units ancillary to Derriford Hospital to offices for hospital use – GRANTED.

88/00464 – (The Rowans Building) CIRCULAR 18/84 CONSULTATION -Erection of disablement services centre – NO OBJECTION.

77/01159 – FULL – four medical staff residential blocks – GRANTED.

Derriford Hospital was built in the 1970’s and was opened in 1981. Parts of the NWQ site were developed as car parks in the 1970’s and 1980’s.

Adjoining sites

Land to the east – New hospital entrance

08/00971 - Erection of a new western main entrance and bridge link to the hospital and reconfigured public transport drop-off and new vehicle drop off area – GRANTED subject to a Section 106 Agreement.

Land to the south – Ambulance station

89/00464 - CIRCULAR 18/84 CONSULTATION - Erection of ambulance station with associated maintenance building, offices and stores – NO OBJECTION.

Land to south west – Norwich Union office building

10/02117 – FULL – Renewal of 07/0932 for an office extension - GRANTED Subject to a Section 106 Agreement.

07/00932 – FULL – Erection of an office extension to the existing building and provision of additional car parking – GRANTED Subject to a Section 106 Agreement.

Land to north at Plymbridge Lane (the remainder of the old Lozenge site)

10/01140 – Re-submission of 09/01400 with slight changes to the design, courtyard and internal arrangements – GRANTED subject to a S106 Unilateral Undertaking – UNDER CONSTRUCTION.

09/01888 - Erection of one three-five storey building and one three storey building for student accommodation for 107 occupiers, arranged around 14 communal dining/living spaces, access, parking and landscaping – GRANTED Subject to a Section 106 Agreement.

09/01400 - Erection of student accommodation for 123 students organised around 16 communal dining/living spaces in two blocks and associated access, parking and landscaping – REFUSED – APPEAL ALLOWED.

Consultation Responses

Environment Agency (EA)

The revised flood risk assessment overcomes EA's previous objections. No objection subject to conditions dealing with: flood risk, contaminated land, pollution prevention and preparation of a detailed Construction Environment Management Plan.

Natural England (NE)

Consideration of the site as a whole in its environmental context must be considered at this outline stage as when the land is developed it is likely to be subdivided and sold to separate developers. Maintaining green links and corridors to the nearby Bircham Valley Local Nature Reserve (BVLNR) is essential. At the ES scoping stage NE asked for bat flightlines to be monitored and provision made for them in the development, though this does not appear to have been addressed in the ES. Strongly urge that further work is done on the wildlife links across the site and biodiversity.

No comment on the landscape impacts which has followed appropriate guidelines and appears comprehensive.

Highways Agency (HA)

Email of May 2011 giving a reason for refusal because there is insufficient assessment to determine impact on strategic road network (A38(T))

Third letter of 3 May 2011

Extension of the Article 14 direction of non-determination for six months.

Second letter of 18 May 2010

The Agency has received no further information from the applicant since its letter of 28 January 2010. It has no choice but to issue an Article 14 direction of non-determination for six months. This is to safeguard the Strategic Road Network (SRN) and to allow time for the applicant to provide the requested information.

First Letter of 28 January 2010

HA had concerns on the impact on the Strategic Road network (SRN) and sought further information from the applicant. Any further advice or formal direction will be reported to the committee.

Trip generation

HA broadly accept the trip generation methodology in the Transport Assessment (TA). There are assumptions in the framework travel plan for the residential trips with little justification. HA requires more information on the modal shift targets and how they would be monitored and sanctioned if not met. Similar modal shift assumptions have been made for non-residential trips. Require further clarification as to how the targets have been derived and how they could be delivered as part of the application's opening year assessment. There is a further trip reduction to account for those generated by the existing uses on site. If the applicant's assumptions are correct there would be 491 two way trips in the morning peak and 884 two way trips in the evening peak.

Trip distribution

HA has broadly accepted the proposed trip generation. But there is concern that the applicant has not taken on board its earlier advice and the need to consider the impact of the proposed Forder Valley Link Road. This should be modelled as the redistribution of trips is likely to reduce the impact on the Manadon junction. The HA is responsible for the strategic road network (SRN) and must have accurate predictions of level of vehicular impact on its junctions. Given the likely impact of the Forder Valley Road it can not accept a worse case scenario of routing most of the trips through Manadon junction.

Impact on the Strategic Road Network

A considerable number of outbound and inbound trips will impact on the Manadon junction. HA needs more assessment work on the effect of these impacts on the junction. There will be further impacts on the other A38 junctions at Crownhill, Forder Valley and Marsh Mills. More robust assessment should have been completed.

Conclusion

HA is unable to accept the applicant's impact analysis on the SRN which is not compliant with DfT Circular 02/2007. The applicant should give serious consideration to the impact of the proposed Forder Valley Link Road on trip distribution. It is unable to accept the proposal based on the information received.

Local Highway Authority (LHA)

Trip Generation

The application would result in significant traffic generation on the A386 Tavistock Road with 491 trips in the morning peak and 884 in the evening peak.

The applicants modelling work has been audited and reveals errors and omissions and over-estimation of the capacity of some junctions.

Derriford Road Roundabout

The Transport Assessment (TA) has not modelled the junction accurately and over-estimates its capacity. It is close to capacity. There will be increased queuing of 7% on the Tavistock Road South approach in the am peak and Derriford Road approach in the pm peak of 30%. This will result in traffic queuing back through the Derriford Road/High Street junction and impacting upon the ability for buses trying to turn right into the High Street. In view of the concerns regarding increased queuing on the approaches it is recommended that the Sendall's Way/Tavistock Road junction also be modelled.

Plymbridge Lane/Derriford Road – The modelling undertaken at this junction revealed some very significant over-capacity problems in both the am and pm peak hours. The additional development traffic adds significantly to the demand flows in the 2021 am peak (+21%) and the likelihood is that queues would tail back to and interfere with the operation of Derriford Roundabout.

Plymouth International Business Park – The modelling work has over-estimated the capacity of this junction and were comments raised in the audit to be addressed, the outcome would be a deterioration in operating conditions at this junction, with increased queues for traffic trying to access the A386.

Derriford Road/Hospital Access West – The 2015 Do-Minimum assessment has been based upon the 2007 Base Flows obtained from the Paramics model. However the 2007 Base flows do not take into account the fact that by 2015 the provision of the new Hospital MSCP (which is currently under construction) will result in this junction forming the primary means of access to Derriford Hospital for general traffic/visitors. Hence the amount of traffic entering and exiting this junction in 2015 is likely to be considerably higher than those mentioned with just 213 vehicles shown to be right turning into the Hospital from Derriford Road (both directions) in the am peak hour. The actual figures could be 3 or 4 times as high. Consequently this junction will need to be re-modelled to take account of this fact.

In view of the high volumes of traffic likely to be using this junction it is recommended that this junction be signalised as existing the mini-roundabout arrangement is unlikely to address the flows. This would also create the opportunity to provide some dedicated pedestrian crossing facilities at this junction. The

signalisation of this junction is entirely consistent with advice provided by the Highway Authority throughout the pre-application process. Signalising this junction would then allow it to be linked (in terms of operation) to both the Derriford Road/Plymbridge Lane junction and beyond to Derriford Roundabout.

The modelling work undertaken includes a number of inaccuracies which paints an over-optimistic picture in terms of the performance of several junctions, the most notable being Derriford Roundabout. The increased congestion and queuing that would occur on the approaches to the various junctions modelled would undoubtedly impact upon bus journey times (particularly those on the Northern Corridor itself) which is contrary to Corporate Improvement Priority (CIP) 11. The development leads to an unacceptable impact upon the operation of the local highway network contrary to Core Strategy policy CS28 and PPS4 policy EC10.2.b.

Car Parking

A total of 1,204 off-street car parking spaces are proposed to serve the NWQ, with just under half of this total being provided within a second Multi Storey Car Park (MSCP) on the Transferium area of development. This facility is separate from the 627 space permitted MSCP which is also located on the Transferium which will serve Derriford Hospital.

The level of car parking proposed to serve some of the land uses on the NWQ has been calculated on the basis of assumptions which have not been justified in any way e.g. Residential Care use an assumption that there would be 1 bed per 120 sq.m. and 1 staff member per 2 beds. However further information is required to justify such an assumption. The level of car parking proposed to serve the DI Non-Residential Care Uses (of which there is a significant amount on the NWQ) is based upon the results of just one survey conducted at Derriford Hospital recording staff and visitor arrivals. Determining levels of car parking on the basis of just one survey is not particularly robust.

In order to fully assess the level of car parking provided the Highway Authority need to understand the breakdown of parking provision for each of the various land uses rather than providing an overall total for each development area. This comment was raised during pre-application discussions but is still to be addressed.

The applicant's traffic consultant has confirmed that the level of car parking proposed to serve the NWQ will be 10% over the maximum number of spaces permitted through the application of the Accessibility Based Parking Standards as outlined in the Development Guidelines SPD. Regardless of how small it maybe any increase in the level of car parking over and above that determined through the application of the Accessibility Based Parking Standards is unacceptable. Paragraph 5 of section 8.12 of the Development Guidelines SPD states:

"In areas of existing, or at significant risk of future congestion and in existing or potential air quality management areas (AQMA) in particular, which includes Tavistock Road, further reductions maybe necessary in order to make the proposal acceptable in traffic terms."

The provision of a MSCP facility on the NWQ gives greater opportunity to further reduce the level of car parking serving the site as it creates a facility which can be

shared for uses generating demand for car parking at different times of the day. The undertaking of a site-wide Parking Accumulation Assessment would help to inform the scale of any shared car parking facilities by identifying peaks and troughs relating to car parking demand. It should be noted that this was requested during pre-application discussions and was not submitted.

With a large number of spaces provided in the MSCP to serve uses across the entire site, it is not clear what measures will be introduced to control the up-take of spaces within the MSCP in order to ensure that some land uses are not over-provided in terms of car parking and hence generate more traffic movements than that currently predicted.

Details of the management/control/allocation of spaces within the MSCP and across the site were not submitted to demonstrate how parking will be controlled. Whilst it is accepted that the applicant is willing to accept a Planning Condition relating to this, the management/control of car parking on the site is critical in terms of acting as a demand management tool.

There is also the opportunity for the NWQ to utilise the permitted MSCP proposed to serve Derriford Hospital outside the 'peak' hospital hours as some elements of the NWQ (such as the residential) will generate demand for parking in the evenings at a time when demand for hospital parking is likely to reduce.

The site is over-provided in terms of off-street car parking provision. As it is a highly sustainable site close to the Public Transport Interchange at Derriford Hospital the applicant should be seeking to provide considerably less parking than the maximum number permitted through the application of the Accessibility Based Parking Standards. As such it is contrary to Core Strategy policy CS28.4.

Cycle Parking – A total of 282 secure and covered cycle parking spaces are proposed throughout the NWQ development which would appear to be sufficient taking into account the wide variety of land uses on the site. It is currently not clear where these spaces will be located and how they will be made both secure and covered. Preference would be for such spaces (when serving residents or staff) to be located within the buildings that they serve. External cycle parking areas are unlikely to be used.

In addition a further 58 cycle parking spaces are proposed for use by visitors. Whilst providing such spaces through the provision of Sheffield type stands/hoops is acceptable, every effort should be made to ensure that these spaces are also covered.

Masterplan/Layout

- Pre-application discussions held on the development of the NWQ Masterplan provided no reference to the creation of further points of vehicular access onto Derriford Road apart from that created by the High Street (which will operate on a left-in, left-out' basis). Derriford Road is the primary means of access to Derriford Hospital and carries a considerable volume of traffic as supported by the modelling work in support of the application. Due to the high volumes of traffic that will be using the Derriford Road/Hospital Access Mini-Roundabout,

there is the likelihood of traffic rat-running through the development using the access points referred to as C and D in figure 6.1 of the TA in order to access the multi-storey car parks.

- The use of both of these junctions would involve vehicles right turning across heavy on-coming flows of traffic which is likely to be the cause of additional congestion on Derriford Road as vehicles travelling eastbound back up behind stationary vehicles waiting to right turn. In addition to the congestion issues, such circumstances would also give rise to issues of highway safety as the use of access C would necessitate crossing a lane of general traffic in addition to a bus lane/cycle lane. This raises highway safety and capacity issues contrary to Core Strategy policy CS28.
- The Masterplan does not address the requirement for pedestrians and cyclists needing to cross Derriford Road at locations F and G considering the increase in traffic flows that will come about on this corridor arising from developments taking place within the area. It would appear that crossing Derriford Road will be especially difficult at location G due to the lack of any existing crossing facilities and the existing width of road.
- Little consideration has been given to addressing pedestrian and cycle linkages where such routes through the NWQ cross Derriford Road, both in the short-term and in respect of future sites coming forward through the Area Action Plan. Linkages to sites such as the new residential at Plymouth City Airport appears to be particularly weak as the route through the Upper Hill Town area would not appear to be on the pedestrian 'desire line'.
- The LHA believes that the High Street/ Derriford Road junction should only be used for buses for right hand turns. If it was not restricted traffic wishing to right turn at this junction would stack back on Derriford Road onto and through Derriford Roundabout, impacting upon the operation of this busy junction.
- It is not clear from the current version of the Masterplan how the proposed highway layout would change and complement the possible signalisation of Derriford Roundabout at some point in the future, possibly replacing it with a signalised crossroads.
- It is recommended that the extent of Campus Lane that will be made available for vehicular traffic be extended by a further 30m westbound so that this route could be connected through the Brest Road at some point in the future in order to provide a dedicated bus priority route into the NWQ from Brest Road.
- It has been suggested in the text of the TA that cyclists would be encouraged to use Morlaix Drive in order to access the NWQ. However at present this road only allows for single file traffic and therefore there would be insufficient carriageway width that would allow this route to be used by vehicles and cycles at the same time. This could only happen if Morlaix Drive were widened but it is

outside the site area and any widening would have to be considered carefully given the mature trees on its south side.

- The masterplan needs to make adequate provision for bus stop lay-bys. The proposed new hospital entrance proposed a new Public Transport Interchange (PTI) on the west side of the Loop Road which are not shown on the Masterplan. Flexibility is required and future proofing owing to the economic pressures facing the hospital that may result in the new entrance and PTI not going ahead in its approved form.
- The proposed zebra crossing provided on Morlaix Drive does not appear to link with anything on the southern side of the road. This needs to be clarified. It needs to be moved to the west.
- The roads within the NWQ should be designed with suitable traffic calming features in order to ensure that traffic speeds do not exceed 20 mph. The more densely populated areas of the development such as the Upper Hill Town should be designed and treated as a Home Zone.

Public Transport Assessment

There has been inadequate public transport assessment relating to the service coverage and frequency required for the increase in bus journeys generated by the development on the eight public transport corridors identified by PCC. There might be adequate coverage from existing areas to the NWQ but future development such as Sherford, Langage and Plymstock Quarry have not been considered.

The primary public transport route through the development will be along the High Street and it is along this route where the majority of new bus infrastructure will be provided. It is the intention for services to run in both east and westbound directions. In order to make it easier for buses to exit the High Street and emerge out onto Derriford Road, it is recommended that some bus priority be provided at the High Street/Derriford Road junction.

Due to the existing service/maintenance contracts the provision of new PT infrastructure can only be secured through financial contributions included within a Section 106 Agreement.

Travel Plan

There are several shortcomings with the Framework Travel Plan. These include:

- The modal shift targets need to be more ambitious;
- No mention is made as to how the measures to achieve modal shift would be funded;
- No mention is made to how the development would form part of an area wide travel plan essential for Derriford given the large amount of development proposed in the AAP;
- Some commitment is required from the applicant on workplace charging for parking as it is a key demand management tool to aid modal shift to sustainable means of travel;

- No reference to sanctions/penalties that would be imposed should the required modal shift targets not be achieved. This would have to be addressed. Alternatively a Bond could be put in place which the Local Authority could call upon were certain modal shift targets not being met;
- There is currently a lack of detail relating to the appointment of a TP Co-ordinator in respect of how the post will be funded and where the post would be located (management company etc);
- Safeguards are required to ensure future business occupiers will sign up to the TP; and
- Realistic walking distances for children walking to and from school is around 800m. This is less than the 1.2km walking distance ('as the crow flies') that children would have to walk in order to access the primary schools which are nearest to the NWQ (Thornbury or Oakwood) until the proposed new school at Derriford is provided.

The broad principles of the FTP are acceptable but it lacks enough commitment towards the measures that will be required to deliver it, particularly in respect of financial contributions.

Section 106

No reference is made to any planning obligations / contributions to mitigate the transport impacts of this development. These include measures in the Travel Plan (car club, free travel passes etc) and more significant highway infrastructure such as the signalisation of Derriford Roundabout or the Forder Valley Link Road. The lack of any reference to planning obligations to mitigate these impacts is a major concern.

There would also be a need to implement various highway improvements (such as the junction of the High Street with Derriford Road) which would be delivered through the applicant entering into a S.278 Agreement.

Conclusion

The development-generated traffic will result in an unacceptable impact upon the operation of the local highway network at a number of strategic junctions resulting in an increase in congestion and queuing which is likely to impact upon bus journey times. The impacts could be reduced if there was less car parking on the site. The current level of which is in excess of the maximum number in accordance with the Accessibility Based Parking Standards. The Development Masterplan highlights the provision of several non-signal controlled junctions onto Derriford Road. These junctions were not indicated on plans previously discussed at the pre-app stage and the use of these junctions would give rise to highway safety and capacity issues. Consequently there are three reasons of refusal on the overprovision of car parking; unacceptable traffic impact and new junctions adversely affecting highway safety.

South West Water

No objections but concerns with the ability of the public foul sewer to accommodate all of the development. The applicant should fund an evaluation of the sewer network to identify what improvements may be required.

Public Protection Services

No objection subject to conditions on land quality, code of practice and noise. The development will have a significant impact on traffic and associated air quality. A contribution in the S106 agreement for wider air monitoring is required. The Food and Safety Standards Unit needs to be involved in the design of buildings containing mixed uses especially with food preparation, cafes, restaurants, bars and takeaway to mitigate noise and odour nuisance.

Children's Services

The development would generate 60 primary age children and 46 secondary age pupils. The applicant's Planning Statement states that in some cases some section 106 obligations could be waived on viability grounds. It believes there is sufficient school capacity to accommodate the development based on information provided by Children's Services for the 17 primary and five secondary schools in the area. The Council still operates a system of catchment areas in allocating places. This reduces the number of schools serving the site to seven primary and two secondary. Faith schools are not considered as their pupils come from across the city. Based on current projections these nine local schools do not have sufficient capacity. Children's Services would be looking for a section 106 contribution for education to mitigate the impacts of the development.

Housing Strategy and Renewal (HSR)

Dwelling mix

There are to be 356 dwellings split into 82 houses and 274 flats and duplexes (maisonettes). HSR has stated its concerns at the high proportion of flats at the pre-application stage. It has sought more information on the duplexes which was not provided.

The split is 77% flats : 23% houses. Even if HSR were to consider duplexes as houses the split would be 60% : 40%. It believes that the mix should be 50 : 50 in light of the housing mix profiles and development aspirations for Derriford. The proposed mix with too many flats could have an adverse impact on the creation of a sustainable community.

The applicant does not clarify its intentions with Affordable Housing (AH). Initial discussions occurred in 2008 but there have been no recent discussions. As a starting point to comply with policy CS15 there should be at least 107 AH units. There is no AH offer nor a viability appraisal to support a lower provision. The lack of AH would set a difficult precedent on a key strategic site as this. There is not enough AH in the Derriford area and new sites should provide it to help create a balanced sustainable community.

There is little information on the large amount of residential and non-residential institutional uses (22,793 sq m). Depending on the type of housing to be provided there is a possibility that part should be AH e.g. specialist sheltered housing or supported housing.

In accordance with Core Strategy Policy CS15, there is also a need for 20% of the dwellings or 72 units to be built to Lifetime Homes standards.

There is a strong objection because of the lack of AH. The offer to negotiate with the applicant on housing mix and AH remained from 2008 – present.

Plymouth Design Panel

A special meeting of the Plymouth Design Panel was convened in February 2010 to consider key projects including this application.

The Panel was generally impressed with the proposal, but expressed concern with three main areas including phasing and the High Street as a viable development proposition; the nature of some areas of public space and water management proposals and the massing in the Lower Hill Town area.

The applicant did not change the masterplan or design of the application.

Police Architectural Liaison Officer

No objection in principle, but no reference to designing out crime in the design and access statement.

Representations

RPS Planning Consultants on behalf of Dawnan Limited and South West Water Limited, owners of land on the west side of the A386

1. Introduction and Summary

The proposed floorspace includes 7826 sq m of town centre Use Class A uses including 3,229 sq m of convenience shopping, 1,586 of comparison shopping and 3,011 sq m of other A2-A5 floorspace. There would also be other town centre uses comprising 2,773 sq m of offices and a 1,460 sq m hotel.

Cite the Inspector's report of the Examination into the Core Strategy IR). Paragraph 3.22 states that the focus of the district centre should be on the west side of the A386 and not the east. This is followed in AV9.3 of the Core Strategy.

An "urban centre" of about 8,000 sq m of town centre uses on the NWQ site would undermine the aims of the Core Strategy and the development plan process in the Core Strategy and emerging Derriford and Seaton Area Action Plan (AAP). The assertion in the Retail Impact Assessment (RIA) that the development would not impact on the potential future retail development in Derriford relative to the debate at the Core Strategy into alternative sites is not acceptable. Some of the reports and ES are misleading and imply that the urban centre could be located on the NWQ site.

The proposal would result in a competing site for the District Centre. The advantage of the west side is that there is sufficient room to allow the centre to expand gradually provided that it would not undermine the city centre.

2. Policy

National

Cites PPS1 emphasising the importance of the planning system being plan led. The companion document "The Planning System: General Principles states that where a DPD is being prepared and a substantial proposal has significant implications that should be addressed in the DPD there could be reasons to refusing permission on grounds of prematurity. This applies here where the AAP is in the course of preparation.

PPS4 deals with economic development and town centre uses. Policy EC3 states that the hierarchy and location of town centres should be planned through the development plan process.

Policy EC15 deals with the sequential test for town centre uses not in a centre and not in accordance with an up to date development plan. This applies to this application. Cites policy EC15.1.

Cites policy EC 16 that deals with retail impact assessment noting that the application does not analyse the impact on allocated sites outside town centres being developed in accordance with the Development Plan.

Cites policy EC17 in full that sets out the considerations for main town centre uses not in a town centre and not in accordance with an up to date Development Plan.

Local

Cites Core Strategy policy CS07.1 and area vision AV3.3 stating that a district centre shall be provided at Derriford that is capable of growing incrementally without undermining the regional shopping role of the city centre. It should be centred on the west side of the A386.

RPS argue in paras 2.20-2.21 that: "the NWQ site is not:

- Able to accommodate growth in the long term;
- Centred on the west side of the A386;
- Well related to the identified spatial gap in retail provision, which lies to the north west; or
- Easily accessible through new links to adjoining neighbourhoods to the north and north west.

The objector continues to say that the proposal would not meet wider sustainability and economic objectives and so undermine a main objective of the Core Strategy (CS). Para 5.79 of the CS states that the east side of the A386 should be developed for mixed uses to support the employment and health uses to be complementary to the vision for the new district centre.

The proposals by Wharfside Regeneration are, therefore, in direct conflict with the key aims of the Core Strategy. Conversely, the location of the new District Centre on the South West Water and Dawnan site would meet all these requirements."

The objector then cites from the Inspector's Report of the Examination into the Core Strategy. The planning of the district centre must be done cautiously and "not driven by short term commercial considerations". Proper development plan work needs to be done "before commitments are made that may prejudice the long term development of Derriford." At that time, (February – April 2007), the Inspector was persuaded by the balance of evidence that the focus of the district centre should be to the west of the A386 not the east.

RPS believes that the Derriford and Seaton Area Action Plan Issues and Preferred Options Consultation Draft 2009 (draft AAP) is an important material consideration. The objector cites from it believing that paragraph 4.48 makes it clear that the proposed small local centre on the east of the A386 is a separate but "conjoined" entity from the main district centre on the west side. Its purpose is to serve the hospital and employment areas. Paras 4.51-4.52 make it clear that the local centre shall not prejudice the delivery of the district centre and sets a maximum of 2,300 sq m of retail floorspace with no more than 500 sq m for food shopping.

3. Main Objections

RPS believe that the planning application documents do not deal adequately with the impact of the main town centre uses contained in the application on the retail strategy and area vision for Derriford nor the impact on the district centre to be focused on the west side of the A386. Para 3.11 states:

"In our view this completely fails to address the key issue with the application, which is the bringing forward of a significant level of retail floorspace in advance of the AAP setting out detailed provisions for the location of a new District Centre to the west of the A386."

The objector states that the applicant is putting forward a competing location for the district centre in conflict with the Core Strategy. The assessment of alternative locations in the ES is inadequate as it does not consider the location on the west side of the A386.

The objectors believe that the NWQ site is unable to meet the future growth of the district centre owing to site constraints.

RPS believe the AAP is at an advanced stage. (When the objection statement was written the AAP version to be submitted to the Secretary of State was programmed for Spring 2010. This has been put back and it is scheduled to be submitted later this year.) On the basis of the Government's advice in The Planning System: General Principles cited above the objectors repeat their opinion that the proposals are premature to the completion of the AAP DPD.

Repeat the policy concerns believing the application conflicts with PPS4 policies EC 15, EC16 and EC17 as stated above in the Policy-National section.

The application fails to assess the application against PPS4 as it did so in line with the superseded PPS6 – Planning for Town Centres.

RPS consider the Derriford and Seaton AAP District Centre Report, 2009 prepared by Cushman and Wakefield. This states that the District Centre could grow to 10,000 sq m by 2016 including an anchor foodstore of 5,000 sq m. It could ultimately grow to 30,000 sq m. The objectors using the Cushman and Wakefield report as evidence state that there is insufficient capacity to support the proposed foodstore on the NWQ site as well as that planned for the west side of the A386. There is more capacity for comparison goods but if the NWQ retail development occurred it would prevent the district centre coming forward on the west side of the A386. The Cushman and Wakefield report concludes that the west side of the A386 is the commended location for the district centre in line with the development plan.

The applicant argues that there are problems of delivering the district centre west of the A386 owing to ownership issues and infrastructure constraints in relocating the SWW water treatment works. The objectors dispute this stating that it is SWW's intention to relocate the works to north Plymouth where it has bought "a significant area of land". RPS state that the west side could be available in 2013 and, subject to planning permissions being granted, work could start there on the district centre in 2014.

The objectors criticise the ES for failing to assess alternative locations for the main town centre uses including the objector's site. Nor does it consider the effect of the district centre west of the A386 not happening owing to the competition from amount of retail space provided on the NWQ site. The socio-economic chapter does not address the impact on the local economy and communities of there not being a district centre on the west side of the A386. Not enough attention has been paid to the cumulative environmental effects associated with the possible outcome asserted by the applicant of a phase I size district centre on the NWQ site together with the fully developed district centre on the west side of the A386.

Applicant's comments

It is not standard practice to refer to applicant's comments in this part of the report. But given the length and detail of the objections from two of the landowners on the west side of the A386, it is fair and reasonable to do so in the special circumstances of this case. The conclusions of the Planning Supporting Statement states

8.1 The development proposals represent Phase 2 of the wider North West Quadrant masterplan which brings forward a 'residentially led mixed use' scheme as designated within the Plymouth Core Strategy. Phase I, comprising the multi storey car park was approved in February 2008.

8.2 The applicant, Wharfside Regeneration (Devon) Ltd has worked in partnership with Plymouth Hospitals NHS Trust in delivering the necessary strategic health and infrastructure requirements that will assist in modernising and improving health provision within the City.

8.3 The development proposals receive policy support at the national, regional and local levels as demonstrated within this Statement.

8.4 The proposals maximise the reuse of previously developed land through creating high density mixed use development within a highly accessible location.

8.5 At the sub regional level the proposals strengthen the medical and health related sector building upon the reputation of Plymouth and Derriford as a place to invest. The proposals meet the key objectives of the regional and City's economic strategies and Plymouth Core Strategy in supporting the medical and health priority growth sector. Derriford is specifically identified as a medical cluster area and a key part of the economic strategy is the provision of appropriate facilities and infrastructure to attract and support new investment.

8.6 The proposals deliver the site's Core Strategy and Area Action Plan designation as a residentially led mixed use site. This brings forward residential development within the Plymouth Growth Point Area status and contributes to meeting the City's overall housing requirements.

8.7 The land use mix including commercial development also promotes Derriford as a complementary economic centre within Plymouth and as a secondary office location within the City.

8.8 The development proposals meet the objectives of Area Vision 9 of the Core Strategy for Derriford in supporting the sub region's long term economic and social well being. The economic impact of the proposals brings substantial benefits to the City:

- The construction value of the project is £120 million which would support an estimated 1,370 persons a year in employment (temporary jobs) or 137 permanent jobs directly.
- Once operational the development would create up to 1,250 full time jobs generated directly from the proposed land uses on site.

8.9 An integrated multi modal transport approach is promoted in providing sustainable transport choices for Derriford both now and in the future.

8.10 The design concept also meets the Derriford Area Vision's objectives in providing strong urban form utilising distinctive high quality architecture with sufficient scale that capitalises on existing green spaces and views of Bircham Valley.

8.11 The development proposals specifically respond to the key findings of the Council's Derriford Sustainable Neighbourhood Study (evidence base to the Derriford Area Action Plan) and addresses the identified existing deficiencies within the area. i.e.

- Increases the overall population and size of Derriford to sustain a new neighbourhood centre.
- Creates a new mixed use centre with retail and restaurant facilities to serve the resident and working population.
- Provides opportunities for community facilities, health facilities and specialist extra care.
- Provides open space, children's play space and enhanced accessibility to green space.
- Provides a more balanced mix of housing for the area including higher density apartments and duplexes.

- Increases permeability and connections to the wider urban area and facilities improved accessibility between Derriford and the Bircham Valley.

8.12 The proposals have positively responded to specific LDF policy considerations including transportation, visual impact, flood risk, trees, ecology, ground conditions, air quality, noise and vibration, sustainability and future energy requirements.

8.13 The Environmental Statement submitted with the Outline Planning Application covers all matters identified within the Council's Scoping Opinion and assesses the environmental impact of the development proposals. The scope of assessment includes: planning policy context, landscape and visual impact, air quality, noise and vibration, transportation, ecology, arboriculture, ground conditions, flood risk assessment, utilities and socio economic.

8.14 The ES confirms that there are no significant adverse environmental impacts arising from the development during construction or operational phases that justify withholding planning permission for the proposed development. The ES identifies appropriate mitigation measures that can be put into place to reduce or remove the impact of effects on the environment. These mitigation measures can be secured by the imposition of planning conditions or secured through a Section 106 agreement.

The Retail Impact Assessment concludes that:

9.1 The proposed retail foodstore is a modest 1,978m² net, of which 1,582m² would be used to accommodate convenience goods. The balance, 396m², would be comparison floorspace.

9.2 This Retail Assessment has demonstrated that the proposed development is in accordance with the requirements of national and local planning policy and, in particular, concludes that:

- There is a quantitative and qualitative need for additional convenience and comparison goods floorspace;
- The proposal is, in this context, of an appropriate size to assisting in meeting this identified quantitative and qualitative needs and address the urban design objectives for the site;
- There will be no adverse impact on the vitality and viability allocated centre or further town centre provision on the western side of Tavistock Road.

9.3 The proposed foodstore will enhance consumer choice in this part of Plymouth, by providing an alternative to the out-of-centre offer and the large foodstores that dominate North Plymouth's District Centres and particularly people that do not have access to a private car.

9.4 The proposal meets the sustainable development objectives set out in PPS6 by providing a retail food store in a mixed use area with a growing residential population and workforce. The proposal will reduce the need to travel by car and encourage linked trips for visitors using the other services that will be available in the high street.

Analysis

The main issues with this application are: strategic considerations; town centre uses policy and the proposed Derriford District Centre; prematurity; principle of the housing, offices and hotel, residential institutions and non-residential uses; transport and highway matters; design; landscape impact; nature conservation and trees. The application is accompanied with an Environmental Statement (ES) and much of the Council's assessment and consultee advice is based on the contents of the ES.

Regional Planning Guidance for the South West (RPG10) is still part of the development plan. The relevant strategic policies are: Policy SS 2: Regional Development Strategy, Policy SS 3: Sub- Regional Structure and Policy SS 17: Plymouth. The draft Regional Spatial Strategy for the South West is a material consideration until and if it is abolished. The key strategic policies are Policy CSS – The Core Spatial Strategy and Development Policy A.

The main Core Strategy policies that relate to this application are: CS01 Development of Sustainable Linked Communities, CS02 Design, CS04 Future Employment Provision, CS07 Plymouth Retail Hierarchy, CS08 Retail Development Considerations, CS15 Overall Housing provision, CS16 Spatial Distribution of Housing Sites, CS18 Plymouth's Green Space, CS19 Wildlife, CS20 Sustainable Resource Use, CS21 Flood Risk, CS22 Pollution, CS28 Local Transport Considerations, CS31 Health Care Provision, CS32 Designing Out Crime, CS33 Community Benefits/Planning Obligations and CS34 Planning Application Considerations. Relevant Planning Policy Statements (PPS) and Guidance Notes (PPG) include: PPS1 Delivering Sustainable Development; PPS3 Housing; PPS4 Planning for Sustainable Economic Growth; PPS9 Biodiversity and Geological Conservation; PPG13 Transport; and PPS25 Planning and Flood Risk.

The guidance in the adopted Development Guidelines and Design Supplementary Planning Documents (SPD) and the adopted Planning Obligations and Affordable Housing SPD First Review apply. The Derriford and Seaton Area Action Plan Pre-Submission Version 2011 (DSAAP), although not yet adopted, is also an important material consideration. This has relevant draft policies and proposals in particular: Policy DS01 Improving the Urban Form, Policy DS02: Improving Communications, Proposal DS05: Combined Heat and Power, District Heating and Cooling, Proposal DS14: North West Quadrant, Proposal DS17: A new District Centre for Derriford, g and Proposal DS18: Transport Infrastructure Improvements.

Background

This is an application that raises issues of strategic importance both for the city and Derriford area. The applicant acquired the site in 2006 and after promoting the development of this site first through the Core Strategy process and then the Derriford and Seaton AAP process, entered into pre-application discussions with the Council in 2007 and submitted a planning application in December 2009.

At each stage, officers have consistently expressed concerns that emerging proposals fell short of the Council's vision for the Derriford area, as first established through the Core Strategy. Key issues included the master planning aspects of the application and impact on the proposed district centre. Officers also raised several

other important issues of detail that had to be worked out in meaningful pre-application negotiations. Such negotiations did not take place. These concerns were set out in a detailed letter to the applicant in November 2009.

The application was first scheduled to be reported to this committee in mid 2010. However, at this time the applicant was exploring the possibility of an amended scheme which it felt could more closely match the retail / District Centre aspirations of the Core Strategy (particularly as set out in Area Vision 9 and Policy CS07). The applicant sought and attended a meeting with senior officers suggesting how the site could deliver phase one of the district centre by 2016 with the possible scope to expand to the larger scheme more in tune with the Council's policy ambitions by 2026. The latter would include additional land not controlled by the applicant located beyond the application site. This would likely be in partnership with a major national property development company. However, the applicant did not seek to amend the application nor enlarge the application site area. Instead, the applicant requested that the Council defer the determination of the application until the next stage of the AAP had been reported to Cabinet, thus providing time to work on an alternative proposition.

The Pre-Submission draft of the Derriford and Seaton AAP was reported to Cabinet in January 2011. This document confirmed the Council's aspirations to deliver a residential led mixed-use scheme on the NWQ site as originally stated in the Adopted Core Strategy. At this stage, the applicant could have withdrawn the application as it did not accord with draft Proposal DS14 set out in the pre-submission Derriford and Seaton AAP, which is a significant planning consideration. Despite the publication of the Pre-submission AAP, no amendments were made to the application; nor was it withdrawn despite being contrary to the draft pre-submission AAP.

Strategic Policy

National Policy

Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009)

This planning application was submitted to the Council and validated in December 2009. The supporting information submitted with this application refers to national guidance PPS 6 'Planning for Town Centres' (2005), but fails to take into account PPS 4: 'Planning for Sustainable Economic Growth published in December 2009.

It would appear that the Retail Impact Assessment (RIA) and Planning Supporting Statement were prepared before PPS4 was published and the Council have received no revisions to the submitted RIA to take account of PPS4 over the 18 months since application validation. This is a significant omission by the applicant. PPS4 is an important material consideration especially given the circumstances surrounding the Derriford and Seaton Area Action Plan that is currently advancing towards submission to the Secretary of State.

PPS4, p.5 (3) states that "*The policies in this PPS are a material consideration which must be taken into account in development management decisions, where relevant. The*

development management policies in the PPS can be applied directly by the decision maker when determining planning applications”.

The main policies relevant to the application are; Policy EC10: Determining planning applications for economic development; Policy EC14: Supporting evidence for planning applications for main town centre uses; Policy EC15: The consideration of sequential assessments for planning applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan; Policy EC16: The impact assessment for planning applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan; Policy EC17: The consideration of planning applications for development of main town centre uses that are not in a centre and not in accordance with an up to date development plan;

Reference is made to them in the sections below on shopping and offices and hotel

Regional Planning Context

The development plan for Plymouth comprises the Regional Spatial Strategy for the South West (RSS) (formerly RPG10) (2001), the Council's adopted Core Strategy (2007) and adopted Area Action Plans/Development Plan Documents. Advancing Local Development Framework documents within the city also become a material consideration when determining planning applications, although the weight attached to them depends on the stage they have reached towards adoption.

It was originally envisaged RPG10 would be superseded by an updated RSS. In a letter dated 27 May 2010, the Secretary of State confirmed that the draft South West RSS (2006) had reached a significantly advanced stage that it should now be regarded as a material consideration. In addition to this, the Panel's Report (2007) and the Secretary of State's Proposed Changes to the draft South West RSS (2008) are also regarded as material considerations when determining planning applications.

It is well documented that the new coalition Government intends to abolish Regional Spatial Strategies and decisions regarding housing supply will rest with local planning authorities.

Legal challenges confirm that until Regional Spatial Strategies are abolished they are still a material consideration, although one still needs to have regard to the Government's intention to abolish RSSs. It is anticipated that the abolishment will happen when the Localism Bill is enacted and the relevant part (clause 89) comes into force.

Regional Planning Guidance for the Southwest (2001)

RPG10 defines Plymouth as a Principal Urban Area (PUA) and Policy SS2 'Regional Development Strategy', directs the majority of development to the PUA as the most sustainable way of accommodating growth.

Policy SS3 'The Sub-Regional Strategy' sets out the objectives for the Western sub-region of the south west including Plymouth, whereby the identified objective is to '*create conditions for growth, regeneration and diversification by promoting economic*

development and environmental improvements'. A further objective is to 'focus major new employment, social and cultural investment at Plymouth'.

Policy SS17 'Plymouth' seeks to promote employment investment and economic regeneration at Plymouth; it also seeks to encourage diversification of the city's economy, whilst strengthening the city's role as the main commercial centre for the sub-region. Policy SS17 also stipulates that as much as the city's growth should be accommodated within the city through the development of brownfield land at significantly increased densities.

Draft Regional Spatial Strategy for the South West (2006)

Draft Policies SD1-SD4 of the South West RSS highlight the importance of sustainable communities, taking into account Climate Change and protecting and enhancing the region's environment and natural resources.

The draft RSS for the south west (2008) Policy CSS and Development Policy A 'Development at the Strategically Significant Cities and Towns' confirms RPG10 Policy SS 2 'Regional Development Strategy' by directing major development to Strategically Significant Cities and Towns (SSCTs) including Plymouth, and acknowledges that their regional and sub-regional functions are important and need to be maintained and enhanced.

Draft revised Regional Spatial Strategy for the South West Incorporating the Secretary of State's Proposed Changes (2008)

Policy HMA8 of the draft revised RSS for the South West Incorporating the Secretary of State's Proposed Changes (2008) sets out the ambitious housing, employment land and jobs growth for 2006 – 2026, with the main aim of realising the city's potential as the economic hub for the far South West. The policy also includes transport outcomes and states that action should be taken to improve movement and accessibility on key transport routes including the Northern Corridor from Plymouth City Airport to Plymouth City Centre.

Summary

In relation to the regional planning policy context, relevant considerations relate to policies SS2, SS3 and SS17.

The application promotes development at a high density, on brownfield land that would contribute to the overall planned growth of the city. But it must be in accordance the Local Development Framework that sets the spatial strategy for the city's sustainable growth agenda.

Within the regional planning context, the application would deliver jobs, homes and economic regeneration within the Plymouth Principal Urban Area and therefore could assist in delivering some regional aspirations. But this is not in accordance with the precise location, type and level of development identified within the Local Development Framework, particularly regarding the nature of the vision the Council is seeking to deliver and the amount of commercial floorspace proposed at this location. In addition, the application provides no affordable housing, which is contrary to RPG policy HO 3 and RSS Policy HI and Core Strategy Policy CS15.

Local level

The regional strategy is applied locally through Plymouth's adopted Core Strategy, particularly in Strategic Objectives (SO) and further supported through Development Plan Documents that are prepared for the city.

Core Strategy (2007)

Core Strategy SO1 'Delivering Plymouth's Strategic Role' sets out the strategy of accommodating the growth agenda through sustainable linked communities in order to fulfil the city's regional role and states that the longer term growth of Plymouth will be supported to create a city with over 300,000 people.

Core Strategy SO2 'Delivering the City Vision' seeks to provide quality employment provision, exceptional healthcare facilities, sufficient housing of a range, mix, type and affordability, access to attractive natural environments and open space and a transformed public transport network. This level of change will all be managed and achieved in an environmentally sustainable way.

Core Strategy SO3 'Delivering Sustainable Linked Communities' develops the objectives for achieving sustainable linked communities and sets out nine development principles all of which are relevant. In particular criterion 4 'promoting a thriving mixed use centre for each community' and criterion 9 'creating a positive sense of place and identity for each neighbourhood' are pertinent to this planning application.

Core Strategy SO6 'Delivering the Economic Strategy' applies the Council's Economic Strategy and Action Plan spatially by supporting the economic base of and inward investment to the city with a focus on the priority growth sectors, including medical and healthcare. SO6 also develops the concept of a "bi-polar" economy in Plymouth with strong and complementary centres of employment at the City Centre and Derriford.

Core Strategy SO7 'Delivering Adequate Shopping Provision' criterion 6 promotes the creation of a district centre at Derriford to address an identified gap in the spatial distribution of food shopping in the city. The district centre will be a key component of a new sustainable neighbourhood, supporting the existing employment, health and residential uses and providing a new focus in the north of Plymouth.

These objectives are combined and confirmed in Core Strategy Area Vision 9 for Derriford and Seaton where the aspiration is *'To create a thriving, sustainable, mixed-use new urban centre at the heart of the north of Plymouth, which is well connected to surrounding communities and to the city's High Quality Public Transport network'*.

Within Area Vision 9, there are nine objectives identified to deliver the vision for Derriford and Seaton. In relation to this application, the most significant objectives that are compromised in this planning application relates to the aspiration *'to develop a district shopping centre, centred on the west side of the A386, to support the surrounding residential and commercial communities but with potential to grow once it is*

demonstrated that it will not undermine the development of the City Centre's shopping role' and the aspiration 'to create a strong urban form, utilizing distinctive high quality architecture and spaces with sufficient scale, which is easy to understand and assists in orientation'.

It should be noted that one function of an Area Action Plan (AAP) is to amplify and, if appropriate, update the area visions of the Core Strategy. Para. 5.3 of the Core Strategy explains that any variation to these area visions shown in subsequent AAPs will take precedence over the Core Strategy.

Summary

In relation to Plymouth's Local Development Framework relevant considerations are strategic objective 1, 2, 3, 6 and 7, and more specifically Area Vision 9 Derriford and Seaton, as proposed to be updated in the Derriford and Seaton AAP Pre-Submission Draft. The main Core Strategy policies that relate to this application and are referred to in following sections of the report are: CS01 Development of Sustainable Linked Communities, CS02 Design, CS04 Future Employment Provision, CS07 Plymouth Retail Hierarchy, CS08 Retail Development Considerations, CS15 Overall Housing provision, CS16 Spatial Distribution of Housing Sites, CS18 Plymouth's Green Space, CS19 Wildlife, CS20 Sustainable Resource Use, CS21 Flood Risk, CS22 Pollution, CS28 Local Transport Considerations, CS31 Health Care Provision, CS32 Designing Out Crime, CS33 Community Benefits/Planning Obligations and CS34 Planning Application Considerations. These are referred to in the relevant sections of the report below.

The application provides for jobs and homes, but it does not take into account the Council's long term aspirations for the future of Derriford that are adopted within the Core Strategy and detailed further in the Derriford and Seaton Area Action Plan, which has reached Pre-Submission Consultation stage. This is a major application proposing a large amount of development including a significant amount of commercial floorspace. If it is permitted in advance of the adoption of the Derriford and Seaton Area Action Plan it would seriously prejudice the delivery of the spatial vision and strategy for Derriford, including the proposed major district centre. This is one of the key objectives of the Area Vision for Derriford and Seaton and must be decided through the Local Development Framework process and not by an ad hoc development management decision.

Derriford and Seaton Area Action Plan (2005-2011)

Preparation for the Derriford and Seaton Area Action Plan (AAP) commenced in 2005 with the publication of the Derriford, Seaton and Southway Area Action Plan Issues and Options (2005) document. The document and the representations received informed the Core Strategy and provided the foundations and context for preparing the Derriford and Seaton Area Action Plan.

Taking into account the adopted Core Strategy, and in light of continuous stakeholder engagement, representations received and a number of evidence base documents, the Derriford and Seaton Area Action Plan 2006-2021 Issues and Preferred Options document was published for consultation in February 2009 and the outcomes from the consultation formed the basis for preparing the Derriford

and Seaton Area Action Plan 2006-2026 Pre-Submission Consultation document, which was consulted on in February 2011.

The Derriford and Seaton AAP is well advanced and it is to be submitted to the Secretary of State early next year, it is therefore a material consideration that should be attributed significant weight in the determination of planning applications. In addition, it should be noted that the Core Strategy (*para. 5.3*) also states that '*Once adopted, the respective AAPs will take precedence over the Area Vision Statements contained within the Core Strategy*'.

The Pre-submission Derriford and Seaton Area Action Plan 2006-2026, supports the Core Strategy Vision for Derriford and Seaton through six Strategic Objectives. The most relevant Strategic Objectives in relation to this application are as follows:

Strategic Objective 1: Place Shaping;
Strategic Objective 2: Delivering Jobs and Services;
Strategic Objective 3: Delivering Homes and Community
Strategic Objective 4: Delivering Shops and Services and;
Strategic Objective 5: Improving Connectivity.

Regard should also be had to draft policies and proposals within the Pre-submission Derriford and Seaton Area Action, most notably:

DS01: Improving the Urban Form;
DS02: Improving Communications;
DS05: Combined Heat and Power, District Heating and Cooling;
DS14: North West Quadrant;
DS17: A new District Centre for Derriford;
DS18: Transport Infrastructure Improvements

Reference is made to these in the sections of this report below.

Summary

Within the context of Plymouth's Local Development Framework, the proposed development overall is contrary to adopted policies in the Core Strategy and to the emerging policy framework set out in the Pre-Submission Derriford and Seaton Area Action Plan. The spatial strategy has been carefully formulated allocating different land uses and key infrastructure to the major development sites to deliver the objectives set out in the Area Vision for Derriford and Seaton. Some of the proposed uses are acceptable but it is of significant concern that the proposed amount of retail related floorspace is much greater than the quantum in draft Proposal DS14.3 and would be prejudicial to the proposed location of the district centre on land to the south west of the application site in Draft Proposal DS17. This would undermine the spatial strategy for Derriford and Seaton and the broader growth agenda that the Council aspires to deliver in the longer term.

General principle of the development proposals

The application is for a large amount of development of 53,344 sq m and 356 dwellings on 6.6 hectares. The general principle of developing the site with a mix of uses and at a higher density while retaining the natural environment features is supported. However, the detailed proposal put forward in the planning application includes a quantum of retail and town centre development which would prejudice the delivery of the district centre proposed in the Core Strategy and emerging AAP, and the application itself does not present an acceptable alternative proposition for this district centre.

Shopping policy, town centre uses and the proposed Derriford District Centre

This is a crucial strategic issue with this application and closely linked to the AAP process. The location of the Derriford District Centre and main town centre uses is a complex issue in relation to this application involving the consideration of several material documents including:

- PPS4 Planning for Sustainable Economic Growth
- the Core Strategy
- the Derriford and Seaton Area Action Plan Pre-submission Version 2011 (draft AAP)
- Report on the Proposed New District Shopping Centre, Cushman & Wakefield, 2011.

PPS4 Planning for Sustainable Economic Growth

Policy EC14.3 states that a sequential assessment (under EC15) is required for applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date development plan. Policy EC15 sets out guidance on the factors local planning authorities (LPA) should take into account in considering sequential assessments. There are specific local considerations. The Core Strategy states that a new district centre will be provided at Derriford. The Core Strategy and AAP are based on a sound evidence base including several retail studies carried out by Cushman & Wakefield LLP. The most recent and relevant one, "Report on Proposed New District Shopping Centre" 2011 states in paragraph 7.61 that there are no sites in or on the edge of existing centres better related to meet the identified need for the north Plymouth area. The location of the district centre will be determined through the AAP procedures. It is reasonable not to expect the applicant to assess sites outside of the AAP area. There are three other sites within the AAP area on either side of the A386 that should be assessed. These are Glacis Park and Crownhill Retail Park on the west side of the A386 and the former Seaton Barracks Parade Ground and land to the north of it on the east side of the A386 to the south west of the application site. The applicant's Retail Impact Assessment provides an inadequate sequential approach and does not assess thoroughly the other sites for their availability, suitability and viability. In the case of the Council's current preferred location on the Seaton Barracks site it fails to consider it at all.

Policy EC14.4 requires an assessment addressing the impacts on other existing and planned centres. Policy EC16 sets out the impacts that should be taken into account

including the impact on existing, committed and planned public and private investment in centres in the catchment area of the proposal. The Cushman & Wakefield 2011 report assessed the impact of the concept one and concept two district centre on the surrounding district and local centres. For this application the new foodstore and other retail floorspace equates almost in size to the concept one district centre. It concludes in paragraph 7.62 that none of the potential impacts identified would be harmful to any district or local centre as a whole. The applicant's retail impact assessment concludes the same. But its validity is questioned as it fails to consider the district centre at Transit Way or the local centre at Southway. And most importantly it does not consider the effect on the Council's proposal to deliver a district centre within Derriford itself.

Policy EC17 states that for applications such as this they should be refused where the applicant has not demonstrated compliance with the sequential approach or there is clear evidence that it would have significant adverse impacts set out in policies EC10 and EC16. The applicant has made no reference to PPS4 and has not carried out a thorough sequential test of the three other competing sites at Derriford with no reference to the site selected in Proposal DS17 of the AAP Pre-submission Consultation Version. The Council's strategy for the development of the district centre has been carefully formulated so it evolves in a phased manner in order not to compete with the primacy of the City Centre in the city's retail hierarchy or the surrounding district and local centres. The application proposes 8,356 sq m of A1 – A5 uses including shops restaurants and bars plus a bookshop/café/library and community facility of 1,190 sq m giving a total of 9,516 sq m. This equates to a scale equivalent to phase one of the district centre, but without demonstrating how further phases could be achieved in a deliverable and acceptable fashion in the longer term. If permitted it would prejudice both the delivery of the Council's vision for a major new district centre (Areas Vision 9 of Core Strategy) and of the implementation of this development on the Council's preferred site (Proposal DS17 of draft Derriford & Seaton AAP).

For these reasons the A1 – A5 town centre uses in the proposal are not acceptable at this location in conflict with policies EC15, EC16 and EC17 of PPS4.

Core Strategy

Strategic Objective SO6 seeks to promote adequate shopping development in the city up to 2021. This includes promoting a district centre at Derriford. It states that a district centre will be promoted at Derriford:

“... in order to remedy an identified gap in the spatial distribution of food shopping in the city, and as a key component of the creation of a new sustainable neighbourhood, supporting the existing employment, health and residential uses and providing a new focus in the north of Plymouth.”

The target is to deliver it by 2016 and to monitor its potential to grow in the future in a way complementary to the city centre.

Policy CS07 sets out the retail hierarchy including a new district centre at Derriford. CS07.1 states:

“1. In the Derriford area. To provide a new heart for the north of Plymouth and support the area’s existing and proposed residential, commercial and health sector communities. It will include a major foodstore, with complementary comparison goods shopping, residential, office, leisure and food and drink uses, and a public transport interchange on the proposed High Quality Public Transport network for the city. It will be developed such that it can grow to play a wider role in Plymouth, but only when it is demonstrated through detailed impact assessment that further development will not undermine the regional shopping role of the City Centre and indeed that such development will deliver major economic benefits to the entire city.”

This policy is set within the context of Area Vision 9 (as updated through the Derriford and Seaton AAP Pre-Submission draft, which has been referenced earlier in this report).

At the time the Core Strategy was adopted, the balance of evidence suggested that the new district centre may be best centred on the western side of the A386. This was related to considerations such as the potential for achieving quality frontage to the A386 and the deliverability of a district centre proposition with the potential to grow to a major district centre in time, meeting the Council’s aspirations of providing a new heart for northern Plymouth. Since the Core Strategy, detailed survey, analysis and plan work has taken place, and a new site on the eastern side of the A386 (former Seaton Barracks parade ground and neighbouring land) has been identified as the best location for achieving the Council’s high level aspirations for Derriford and north Plymouth. This is Proposal DS17 of the Derriford and Seaton AAP – Pre-Submission Draft.

The application includes 9,016 sq m of shopping and related uses and 4,233 sq m of other town centre uses centred on the east side of the A386, but not at the site of draft Proposal DS17. Furthermore, it does not meet the fundamental requirements of Area Vision 9 and the Core Strategy objectives and policies relating to the district centre. The application proposal is of a scale equivalent to the first phase of the district centre. But the application does not demonstrate how it could expand to create the larger concept two district centre. Furthermore, it does not offer the quality frontage to the A386 that other propositions can achieve, and in terms of its overall mix of uses and the relationship of the development to surrounding sites is not consistent with the Core Strategy aspirations. As such it is contrary to the wider vision for Derriford and Seaton in Area Vision AV 9 and the planned retail hierarchy for the city in policy CS07.

Derriford and Seaton Area Action Plan - Issues and Preferred Options (IPO) Version 2009

The draft AAP Issues and Preferred Option Version 2009 reiterated that the district centre should be provided on the west side of the A386 in paragraphs 4.38 – 4.43.

For the application site the Area Vision diagram and AAP (IPO) Development Concepts Plan show the site to be developed for residential led mixed-use. Paragraphs 4.49 -4.52 refer to the site as “The Central Area”. The aim will be to create a high density neighbourhood with substantial new residential development of up to 700 dwellings, active uses on the ground floor, and office and other

employment opportunities. Design quality is important in creating a distinctive sense of place. There could also be up to 2,300 sq m (gross) of retail floorspace with no more than 500 sq m for food shopping. This would act as a local centre to be complementary to the main district centre west of the A386 so “it does not adversely impact on the ability to deliver a substantial district centre in that location (paragraph 4.52).”

Report on Proposed New District Shopping Centre, Cushman and Wakefield, 2011

This report was prepared as part of the evidence base for the AAP Pre-Submission Consultation Version 2011 to assist the Council in delivering the new district centre. It also considered the opportunities for the most appropriate and deliverable location. It follows previous retail studies of a two stage district centre. Development Concept 1 comprises 5,000-6,500 sq m food store and ancillary retail units of 5,000 sq m to be delivered as phase 1 by 2016. Development Concept 2 provides a larger centre of 30,000 sq m to be delivered as phase 2 by 2026 or beyond provided it would not undermine the primary role of the city centre. The report considered four sites including the North West Quadrant and concluded that the former Seaton Barracks Parade Ground and adjoining land is the commended location for the district centre.

Derriford and Seaton Area Action Plan – Pre-Submission Consultation Version 2011

Draft Proposal DS14 of the AAP sets out the redevelopment provisions of the application site comprising: 500 homes with at least 150 affordable homes; 5,000 sq m of BI offices; a phased local centre providing 820 sq m of A1 – A5 town centre uses in the short and medium term that could later grow to 1,500 sq m subject to satisfactory progress on the new District Centre in compliance with draft Proposal DS17; delivery of the approved multi storey car park (reference 10/01049); improved access and pedestrian links to adjoining sites including the proposed District Centre and Community Park connectivity from Brest Road, NWQ site and Hospital; new sustainable transport links across the site from Tavistock Road to Derriford Hospital.

The proposed location of the district centre itself is confirmed in draft proposal DS17 and lies on the east side of the A386, on the former Seaton Barracks Parade Ground. It reflects the Cushman and Wakefield 2011 Report. Phase 1 comprises 10,000 sq m of retail floorspace including a food store of 5,000 sq m by 2016. Phase 2 by 2026 would extend the site northwards and would grow to 30,000 sq m of shopping and ancillary service floorspace including a foodstore/s up to 14,000 sq m. This would be subject to the needs of north Plymouth and the centre not harming the vitality and viability of the city centre.

This application includes 9,016 sq m of shopping and related uses and 4,233 sq m of other town centre uses. This is far more than 1,500 sq m proposed for the local centre of which the first 820 sq m is already accounted for in the multi storey car park permission (10/01049) and conflicts with draft Proposal DS14. This amount of floorspace is of a scale equivalent to the first phase of the district centre. It is

unacceptable as it would prejudice the delivery of the district centre at the former Seaton Barracks Parade Ground detailed in draft Proposal DS17. Alternatively, if permitted and built and the proposed retail development went ahead at the former Seaton Barracks Parade Ground the combined floorspace would generate an over-provision that would create a significant draw. This could undermine investment in the city centre and its regional shopping role contrary to draft Proposal DS17 and Core Strategy policy CS07 and Area Vision 9.

Prematurity

The application proposes 8326 sq m of town centre A1 – A5 uses including shops restaurants and bars. There is also a bookshop, café, library and community facility of 1,190 sq m giving a total of 9,516 sq m. Such a development would seriously prejudice the delivery of the planned district centre giving an impetus and momentum that it should be centred on this application site, which is contrary to the Core Strategy and Pre-Submission Derriford and Seaton AAP.

The 820 sq m of retail floorspace in the medium term in draft Proposal DS14 is already accounted for in the multi storey car park permission, reference 10/01049.

This is such an important issue in the AAP that the exact location of the District Centre must be determined through the Development Plan making process in the AAP and not by the determination of a single planning application. The relative merits of the competing sites will be thoroughly scrutinized when the AAP's Examination in Public is held. The Planning System: General Principles that accompanies PPS1 states in paragraph 17 that:

“In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD.”

The circumstances in this application are just such a case and officers consider that determining this application that has such a crucial impact on the location of the District Centre would be premature to the completion and adoption of the Derriford and Seaton AAP.

Housing

The proposal includes 356 dwellings. The applicants originally were thinking of providing about 700 dwellings back in 2006 – 2008 but reduced the number owing to changed conditions. The Area Vision 9 Diagram Development Concepts Map show the site to be developed for “Residential led mixed use”. The pre-submission draft AAP provides further details of the mix of uses supported for the application site. This will help in the city's overall housing provision of 1000 dwellings per annum until 2016 on a brownfield site and help to maintain the five year housing supply to comply with Strategic Objective SO10 and policy CS15. Paragraph 10.9 of the Core Strategy states that the Northern Corridor is one of the priority areas to deliver Plymouth's transformation agenda and policy CS16 states that about 3,500 new

dwelling should be provided at Derriford by 2021. There will need to be a mix of type, size and tenure. Draft Proposal DS14 of the AAP Pre-Submission Consultation Version states that the site could provide for a mixture of high density housing types and tenures of 500 homes including at least 150 affordable homes.

The Derriford Sustainable Neighbourhood Study 2006 identified the needs of the area, in particular to increase the catchment populations to support the local, neighbourhood and proposed new district centres and provide a greater range of dwelling type and tenure given the large proportion of owner occupied detached houses. The right mix of tenure, type and size of dwellings would help to meet the needs of the neighbourhood to support a sustainable linked community to comply with policy CS01. For these reasons the principle of the housing element is acceptable.

Policy CS15 requires at least 30% Affordable Homes on qualifying developments of 15 dwellings or more. This could potentially be reduced if the scheme were to be considered as part of the Council's Market Recovery Scheme and subject to a viability appraisal. The applicant submitted some viability information last year but never progressed matters, nor did it have meaningful discussions with colleagues in the Council's Housing Service. There is no firm commitment if any Affordable Homes would be provided in conflict with Core Strategy policy CS15.

Officers have concerns with the details of the housing. There is a high number of flats with a mix of houses to flats of 82 houses to 274 flats and duplexes giving a mix of 77% : 23%. This is still high particularly as the housing developers currently operating in north Plymouth are reluctant to provide even a small proportion of flats on development sites. If the recommendation had been to grant permission the applicant would have been most likely to sell parcels of the site to developers. Officers accept that owing to policy support for a higher density there will need to be more flats but the proportion should be reduced to ensure that there is an appropriate mix of dwellings to comply with Core Strategy policies CS15 and CS01 and AAP draft Proposal DS14 and for there to be a likelihood that subsequent Reserved Matters would be in accordance with the outline permission.

Offices and Hotel

The application proposes 2,773 sq m of use class B1 offices and a hotel of 1,460 sq m. PPS4 Planning for Sustainable Economic Growth defines offices and hotels as main town centre uses. The site is in an employment area but not a current town centre. Area Vision AV9.1 and 2 state that key objectives at Derriford and Seaton are for development to create a diverse mix of commercial and community uses and to play an important role in the sub-region's long term economic well-being by the provision of important health and economic infrastructure.

A key aim in Core Strategy strategic objective SO6 that supports the Council's Economic Strategy is creating a bi-polar economy by strengthening and adding to the existing economic base at Derriford to complement the city centre. Policy CS04.4 safeguards and supports the key strategic employment sites at Derriford including the Plymouth International Medical and Technology Park and Tamar Science Park including opportunities for extensions and improved linkages between these sites and the hospital. CS04.5 supports proposals for new commercial development in

order to create Derriford as Plymouth's secondary office location. At face value, the proposal complies with these economic and office policies and would provide the benefit of providing space for jobs. However, given wider concerns about the overall content and nature of the development and its prejudicial impact on the wider vision for Derriford, in addition to concerns about its deliverability, it is far from clear that the proposal would genuinely support the bi-polar economy strategy,

Policy EC10.1 of PPS4 states that:

“Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.”

Paragraph 10.2 of PPS4 sets out five criteria relating to sustainable development, limits to carbon dioxide emissions, sustainable transport, design, impact on the regeneration of the area and impact on local employment. This office and hotel parts of the application could comply with four of them but, when considered as part of the overall development, would fail on sustainable means of travel, traffic levels and congestion as dealt with in the Transport and Highway section below.

Draft Proposal DS14 of the AAP Pre-Submission Version provides for 5,000 sq m of BI offices. The proposed multi storey car park has 1,053 sq m of BI offices so the combined total is 3,826 sq m, well within the AAP provision. A hotel use is compatible with AAP Proposals for NWQ in particular as the preferred District Centre site on the former Seaton Barracks Parade Ground and adjoining land includes the existing Future Inns hotel.

In summary the location of the offices and hotel are in principle consistent with the adopted Core Strategy and PPS4, although there are wider concerns about the prejudicial impact on the development overall on the vision for Derriford. However there are unresolved traffic and congestion matters that are dealt with in the Transport and Highways section below. ,

Residential and Non-Residential Institution Uses

There is some confusion over the term “Care Square”. The area of treed open land on the eastern part of the site opposite the site of the proposed new hospital entrance is referred to as the Care Square. But the term also is used to cover the Care Square Uses falling within Use Class categories C2 and D1. This is a major part of the floorspace of the development of 22,793 sq m. These use categories are wide ranging and it is assumed that the main C2 uses would be for hospital, residential care home and nursing home uses and the prime D1 uses of clinics, health centres and consulting rooms. The residential care home/nursing home use could be considered in either the medical and health care sector or residential depending on the nature of the operation of the facility.

Development of this scale would generate a significant number of jobs. The vision for the NWQ is that it should be developed for residential led mixed use. The uses with a health and medical emphasis would be in accord with the economic strategy as stated above and those with a residential emphasis comply with Area Vision 9.

Strategic Objective 2 of the AAP supports Derriford's economic role by developing strategically important employment sites for health, industry and offices to promote community well being by providing for a diverse mix of residential, community, commercial, and service uses Strategic. Strategic Objective 3 seeks to accommodate substantial residential development by providing a range, mix and type of housing

Draft Proposal DSI4 of the AAP Pre-Submission Version allows for integrated mixed uses that accommodate living and working needs and community uses.

Based on the policy background the principle of a substantial amount of floorspace for these uses is acceptable in principle as it is related to the medical and healthcare sector. If the recommendation had been to grant permission further information would be required on the exact nature of the types of C2 and D1 uses to be provided and whether the site in reality could accommodate such a large amount of floorspace.

Transport and Highways

Impact on the highway network

The Highways Agency (HA) and Local Highways Authority's (LHA) detailed comments are set out above in the "Consultation Responses" section of this report.

HA is concerned about the accuracy of the Transport Assessment (TA) and that it has not considered the draft proposals within the AAP, in particular the impact of the proposed Forder Valley Link Road (Draft Proposal DSI8) on the redistribution of trips. It requires assurance that the strategic road network (SRN) comprising the A38(T) and the main junctions of Manadon, Forder Valley, Marsh Mills and Crownhill will not be adversely affected. The assessment work completed does not identify the impact of the development on the Strategic Road Network, and is therefore contrary to Department for Transport Circular 02/2007 'Planning and the Strategic Road Network'

The LHA has criticisms of some of the modelling work in the Transport Assessment (TA) particularly at some of the junctions and their capacities to cater for the amount of traffic generated by the development. Those most affected is the Derriford Road Roundabout which is close to capacity. There will be increased queuing of 7% on the Tavistock Road South approach in the am peak and Derriford Road approach in the pm peak of 30%. This will result in traffic queuing back through the Derriford Road/High Street junction and impacting upon the ability for buses trying to turn right into the High Street.

The Plymbridge Lane/Derriford Road junction that would be over its capacity that would be affected by the increased traffic causing tailbacks that would interfere with the operation of the Derriford Roundabout. The capacity of the Tavistock Road/William Prance Road junction has been over-estimated resulting in increased queues trying to access the A386.

The Derriford Road/Hospital Access Road West junction will become the major access to the Hospital and the traffic using it will be much greater than the 213 right hand turns in the TA. It is recommended that the current mini-roundabout arrangement should change to a signalised controlled junction.

The increased congestion and queuing that would occur on the approaches to the various junctions modelled would undoubtedly impact upon bus journey times (particularly those on the Northern Corridor itself) which is contrary to Corporate Improvement Priority (CIP) 11. The development leads to an unacceptable impact upon the operation of the local highway network contrary to Core Strategy policy CS28 and PPS4 policy EC10.2.b.

Parking

There would be 1,204 off street parking spaces with 550 in the second multi storey car park (MSCP). The level of car parking has been based on assumptions which have not been justified. More detail is needed on the breakdown of spaces to the various uses. There would be 10% more spaces than the maximum number of spaces permitted through the application of the Accessibility Based Parking Standards as outlined in the Development Guidelines SPD. Any increase in the level of car parking over and above that determined through the application of the Accessibility Based Parking Standards is unacceptable. Paragraph 5 of section 8.12 of the Development Guidelines SPD states:

“In areas of existing, or at significant risk of future congestion and in existing or potential air quality management areas (AQMA) in particular, which includes Tavistock Road, further reductions maybe necessary in order to make the proposal acceptable in traffic terms.”

There is insufficient information on the management of the two MSCPs which would be an important demand management tool that should lead to a reduced amount of off-street parking.

The site would be over-provided with off-street car parking provision. As it is a highly sustainable site close to the Public Transport Interchange at Derriford Hospital the applicant should be seeking providing considerably less parking than the maximum number permitted through the application of the Accessibility Based Parking Standards. With fewer spaces this would encourage greater use of sustainable means of travel. As such it is contrary to Core Strategy policy CS28.4 and AAP policy DS02.

Masterplan/Layout

LHA has provided detailed comments on the masterplan and proposed layout. This part relates to the main shortcomings. It is essential that the junction of the High Street with Derriford Road should be restricted only to right hand turns for buses only to avoid conflict with the operation of the Derriford Roundabout. It is concerned about new accesses provided off Derriford Road into the site that were never discussed at the pre-application stage. Right hand turns would give rise to tailbacks and increased risk of danger on the highway. Little consideration is given to pedestrian and cyclist links across Derriford Road to Marjons, The Devonshire Racquet Club and proposed housing on the Airport land. This raises highway safety and capacity issues contrary to Core Strategy policy CS28.

Other matters

The Framework Travel Plan covers the broad principles but there are shortcomings. It lacks enough commitment towards the measures that will be required to deliver it, particularly in respect of financial contributions. The application provides no

information on what Section 106 measures would be made to mitigate the transport impacts of the development.

Conclusion

The development-generated traffic will result in an unacceptable impact upon the operation of the local highway network at a number of strategic junctions resulting in an increase in congestion and queuing which is likely to impact upon bus journey times. The impacts could be reduced if there was less car parking on the site. The current level of which is in excess of the maximum number in accordance with the Accessibility Based Parking Standards. The Development Masterplan highlights the provision of several non-signal controlled junctions onto Derriford Road. These junctions were not indicated on plans previously discussed at the pre-app stage and the use of these junctions would give rise to highway safety and capacity issues.

Design

Development Approach

The proposals include the development of a high density mixed-use urban area. This includes residential, residential and non-residential institutions, commercial, a foodstore, retail and food & drink uses with the introduction of a local centre in the form of a High Street. A public transport interchange is proposed in the 'Care Square', which would be located directly outside of the proposed entrance to Derriford Hospital, but also serve the North West Quadrant development. The future implementation of this project has been delayed. It is a landmark location on the northern corridor, and represents a key opportunity to improve legibility within Derriford, and in particular to key destinations such as the existing and proposed hospital entrance. The applicant has spent considerable time and effort developing the design principles for the site. It has divided the site into four character areas divided by streets that run east to west and increase in density and scale down the slope of the land from north to south.

Context to wider Derriford proposals

The proposals need to relate to the context of the site and the proposed development in the AAP Pre-Submission Consultation Version 2011 ensuring permeability with better circulation, particularly for pedestrians and cyclists across this area and improved legibility in accordance with Strategic Objective SO5 and Policy DS02. The application must show how the proposals could accommodate the proposed changes to the Derriford Roundabout.

East - west links between the Hospital entrance, North West Quadrant and future development to the west across Tavistock Road and to the south west to the former Seaton Barracks Parade Ground land will be important and need to be considered as part of the street network. The proposed South Street is a cul-de-sac arrangement and needs to be extended westwards. These links should support pedestrian and cycle movement and public transport.

The masterplan has a poor relationship with Derriford Road, which constrains the integration of the site with the wider area. This road acts as a barrier to pedestrian and cycle movement, with no crossing points proposed for pedestrians and cyclists to and from Marjons and the proposed large area of housing of about 290 homes on the former Airport land.

Masterplan

The role of the “High Street” needs to be carefully considered both in transport and functional terms as the main route from the Derriford Roundabout to the Hospital. The term High Street is confusing as it implies a town centre and, as stated earlier in the report, the NWQ is not the preferred location for the district centre. The local centre uses in the short term will be provided in the permitted MSCP. North- south pedestrian links through the site need to be convenient, and clearly legible and to achieve greater access to local facilities in accordance with Strategic Objective SO5 and Policy DS02 of the draft AAP. The layout of the Upper and Lower Hilltown currently limits pedestrian movement through the site, as well as the very limited opportunities to cross Derriford Road.

The structure of the ‘Hilltown’ is complex and potentially confusing. The concept does not create a strong street frontage to Derriford Road, but introduces an acoustic barrier. The blocks create some awkward and disjointed spaces, rather than cohesive spaces.

Scale

Whilst the overall scale needs to create a higher intensity than neighbouring areas and relate to Derriford Hospital, some parts of this development are very tall, effectively up to 8-9 storeys in parts of the Lower Hill Town, Campus Plaza and Transferium. The buildings on the north side of the High Street in the Lower Hill Town would be six storeys high immediately to the south of two–three storey houses, some of which would be only 13 metres away. This would be an abrupt change in scale and have an unacceptable over-dominant and over-shadowing impact on the properties to the north contrary to Core Strategy policies CS01, CS02 and CS34.

Greenspace and public realm

Links to the Community Park (Draft Proposal DS21 of the draft AAP) need to be demonstrated, with contributions to the wider park proposals to mitigate increased pressure of use. Some of the existing trees are retained in the proposals, which are a positive aspect of the area, however the detailed design will need to be handled carefully to achieve this. A sensitive approach needs to be taken to retain the woodland on site as a natural open space in the Care Square as well as including public access and overlooking. The Plymouth Pear also needs to be protected. A landscape strategy should be provided to supplement the Design & Access Statement to demonstrate how principles of hard & soft landscape can be embodied into the design and enhance the site’s opportunities. These include:

- Upper Hill Town – the shared surface and linking spaces around the Village Green and pond offers more opportunities for green space and landscape features;
- Middle Hill Town Road – provide more street trees within the avenues to give continuity and strengthen character;
- The concept for dealing prudently with site run off is commendable and all measures for water conveyance and positive attenuation are supported. More detail is required on accommodating all the capacity on site; how any overflow would be addressed; and how the bio-swales would operate;

- Lower Hill Town – this block is arguably the most challenging to achieve an environmental balance given the extensive use of undercroft car parking.

The landscape strategy would help to show how deliverable enhancements could be achieved to complement the proposed buildings. The Campus Plaza is a considerable sized space that has potential to be dealt with as a green solution including public art.

Further work should have been done to establish minimum criteria for planting zones to ensure trees and plantings can be provided with nutrients and moisture and to ensure their long-term management and maintenance. Planting trees at a lower level through a perforated upper deck is exciting but challenging to be feasible, the trees would need to be large to provide the right effect. For general street tree planting minimum criteria for providing adequate root zones for street trees are required together with a technical solution to pit infrastructure and basic species list to inform future developers and designers. The Campus Zone offers the most intensive opportunities for environmental mitigation in the entire site, containing the Care Square and Campus Plaza.

Design Codes

To allow some flexibility, a clear set of underlying design principles that underpin these proposals should be provided. The creation of four distinct character areas within a relatively small area may be excessive. There should be a focus on greater integration between the four character areas although streets and spaces and building typologies will vary. Some of the transitions from one zone to another are abrupt as at the Lower Hill Town and Campus Plaza.

Many of the references to the “toolbox” are too vague, along with the accompanying text. A Design Code should be a technical delivery document, that sets out ‘codes’ for streets, spaces and buildings, with a clear distinction between mandatory aspects and illustrative aspects. Not enough information is provided about materials for streets and buildings, in terms of their functions, and local distinctiveness. The masterplan does incorporate undercroft parking which is supported but is an expensive option and might not be delivered in full. Care should be taken to avoid ground floor parking on street frontages.

Sustainability

The proposals broadly appear to be in line with the emerging AAP proposals for district energy, if they are designed for future connection however this should incorporate space for an Energy Centre and also should contribute to delivery of the network to comply with Draft Proposal DS05 of the AAP Pre-Submission Consultation Version. An Energy Strategy will need to be prepared to demonstrate how the development will meet future building regulations and AAP targets. The proposals for Sustainable Drainage and biodiversity, including green roofs appear to be well developed in the plan. More detailed analysis on the capacity of the site to incorporate SUDS and flexibility is required.

Summary

The main design flaws of the application relate to the insufficient information showing how the development would integrate satisfactorily with the proposed new four arm signalised junction at Derriford Roundabout and provide adequate

pedestrian and cycle links with adjoining existing and proposed developments to the north, south west and west. The proposed housing in the Upper Town has a poor relationship with Derriford Road with little active frontage facing the road. The six storey buildings on the north side of the High Street have an adverse relationship with the dwellings to the north and would cause an unacceptable over-dominant and overshadowing effect. The application does not include sufficient information to establish that the proposed eight and nine storey buildings in the southern and eastern parts of the site would not cause harm to the visual amenity of the area by reason of the bulk, height and massing of the buildings. For these reasons the development is contrary to Core Strategy policies CS01, CS02 and CS34.

Landscape Impact

The landscape & visual impact assessment has been prepared using principles contained within Guidelines for Landscape and Visual Assessment, published jointly by the Institute of Environmental Management & Assessment (IEMA) and the Landscape Institute in 2002. Whilst those guidelines state that there is no standard methodology for the quantification of landscape and visual impacts, the consultant has used accepted techniques relevant for this specific site which were agreed with the Council prior to its compilation.

It is clear from the evidence contained within this study that the visual impact of the proposed development will be limited to the immediate surrounds of the site and the surrounding landscape and neighbourhoods around the Bircham and Forder valleys to the south and west.

The visual impact upon the wider landscape and sensitive receptors identified in the south will be negligible with proposed buildings merging with existing forms to the point where they would not be distinguishable.

Photomontages 1 to 4 set out the visual impact upon the immediate setting of the proposed development and shows that the change would be considerable with new buildings dominant in the landscape as anticipated by the Council's policies and proposals both in the Core Strategy and the AAP Pre-Submission Consultation Version in seeking to achieve a "thriving, sustainable, mixed use new urban centre at the heart of the north of Plymouth." Views of the development to the immediate south would be more limited due to the existence of large conifer trees and the change in topography.

The impact upon the existing landscape would be similarly dramatic on site with creation of a new urban form, generating changes to the site's landform, existing vegetation and changes to the sites overall character. These are all deemed at first appraisal to be potentially adverse. However given the policy intent here the proposed changes are consistent with what is expected in order to achieve a new a high quality and distinctive urban form.

Photomontages 5 to 9, examine the visual impact upon the surrounding landscape and neighbourhoods of the Bircham and Forder valleys to the south and east. It is notable that views to the south-west and west are not possible given the existence of strong vegetation on the site and the changes in topography that mask the development site from vantage points in that direction. The Photomontages show

that the proposed development will add to the existing visible built forms of Derriford Hospital and overall they will make the composition of buildings more noticeable in the landscape from these neighbourhoods.

This would have a significant impact upon the landscape but is to be expected given the policy position and the Council's aspiration for this area to create a high quality "northern gateway" with strong urban form at sufficient scale.

Photomontages 10 to 13 from more distant viewpoints from the north-east south east and south show that the development would either be screened or only have a negligible effect.

The Council accepts the applicant's landscape analysis and there is no overriding objection to the visual and landscape impact that this development would make in this locality. It complies with the Area Vision for Derriford and in landscape terms complies with policies CS01, CS02 and CS34.

Nature conservation

The applicant carries out an Extended Phase One Habitat Survey and included an ecological assessment in the Environmental Statement. It concluded that provided that the suggested mitigation measures were carried out there would be no significant adverse impacts on the site's ecology.

Natural England comments that the site adjoins the Bircham Valley Local Nature Reserve and relies on wildlife corridors to link it to the surrounding countryside. Maintaining the integrity of the wildlife interest of the LNR depends on these links along which wildlife can migrate and disperse. Severing of links would be likely to have an adverse impact on the LNR's wildlife interest, particularly for species which depend on dispersion to and from the wider countryside, such as bats and small terrestrial species. Natural England at the Environmental Impact Assessment scoping stage asked for bat flight-lines to be monitored and for provision to be made for them within the development. This does not appear to have been addressed in the Environmental Statement (ES). Green links have been identified in the landscape section of the ES, with reference to improvements of public rights of way only. Natural England strongly suggested that the applicant should carry out further work to address the questions of wildlife links across the site and the species that may use them.

Officers also require additional information to show:

- How the ES has influenced the masterplan;
- The phasing of the ecological works;
- More details on mitigation measures including how the Sustainable Urban Drainage System will be incorporated and lighting reduced;
- More detail on the ecological enhancement measures to show how the net biological gain could be achieved; and
- More information on the ecological corridors through the site to link with Bircham Valley LNR.

Officers were in discussion with the applicant's ecological consultants last year in seeking to address their concerns. Not all the matters were fully resolved. But officers do not believe they are insurmountable and, had the recommendation been

favourable, they are confident that they could be addressed to comply with Core Strategy policy CS19.

Trees

The applicant's reports state that there are 170 trees on site including several of the better quality category B trees. Only seven would be retained but there would be substantial compensatory re-planting. Officers are concerned about the loss of certain groups and specimens. There is a copse in the south eastern part of the site. A Pine and a Lime would be retained but several including Lime, Ash, Holly, Sycamore, Holm Oak, Beech and Oak in categories B and C would be felled to make way for the landscaped area for the Care Square. As the space would be landscaped officers see merit in incorporating more of the existing trees that have amenity and nature conservation value into the masterplan. It is worth noting that this clump is opposite the other part of the copse that was on the opposite side of the loop road. These were felled to make way for the proposed new entrance. Their loss was regretted but there were major public health and medical advantages in having a new entrance to the hospital that would lead to much improved internal arrangements and management of the hospital to the benefit patients, staff and visitors. The hospital felled the trees in 2009 in anticipation of starting building works but owing to changed economic conditions is not going ahead with the development in the medium term. Officers would not wish to see this repeated on the application site particularly if more of the existing trees could be retained.

Other category B trees along Campus Lane and the High Street including Beech, Oak and Lime would be lost to accommodate the proposed layout. Amendments to the design may have saved one or more but officers accept that this would be more difficult to achieve.

Officers appreciate the applicant's proposal to plant 240 new trees to compensate those lost but feel that more effort could have been made in retaining additional existing trees given their amenity and nature conservation value. The proposed degree of tree loss is contrary to Core Strategy policy CS18.4.

Other matters

The Environment Agency (EA) has assessed the Flood Risk Assessment in the ES and is satisfied that a suitable surface water drainage system can be provided for the development subject to conditions.

The Public Protection Service (PPS) and EA have no objections on ground contamination matters subject to conditions. Neither does PPS raise noise or air quality concerns subject to a condition and a Section 106 contribution towards the wider air monitoring scheme.

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

If the application had been recommended to grant planning consent there would be equality issues to address. The development and proposed uses would be available for all equality groups. The nursing home uses would benefit the elderly. A condition would have been attached requiring at least 20% Lifetime Homes to cater for the elderly and people with disabilities in accordance with Policy CS15 of the Core Strategy. Likewise the buildings would have access for people with disabilities. A weakness is that the application does not give a commitment to providing affordable housing that would benefit people on lower incomes and forms part of one of the reasons for refusal.

Section 106 Obligations

Impacts

The proposed development would have direct impacts on local and strategic infrastructure and the environment requiring mitigation. If the recommendation was favourable the mitigation will be achieved through a combination of planning conditions and planning obligations identified in a S106 agreement. Each planning obligation has been tested to ensure that it complies with the three tests set out in Regulation 122 of the Community Infrastructure Levy Regulations April 2010.

The impacts relate to 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 2014 given projected population growth. This is reflected in Draft Proposal DS17 of the AAP Pre-Submission Consultation Version 2011 which proposes a site for a new primary school. The development will therefore generate an impact that needs to be mitigated. The estimated cost of mitigating this impact is £478,328.

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 estimated cost of mitigating this impact is £48,330.

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 £223,380.

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 through the need for green space improvements. The estimated cost of mitigating this impact is £139,546.

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 through the need for play facility improvements. The estimated cost of mitigating this impact is £79,281.

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 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 £274,665.

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 £6,499.

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 £175,506.

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 £1,593,283.

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 £20,865.

Air quality. Given the level of traffic generated by the proposal and degree of congestion on the Northern Corridor there would be impacts on air quality that require mitigation, generating a requirement for a contribution to the wider air monitoring scheme.

Monitoring and implementation of the planning obligations. The Council would incur costs in the monitoring and implementation of the planning obligations. A Planning Obligations Management Fee of £60,000 would be sought in relation to a proposal of this nature.

This is a total of in the order of £3 million. Officers accept that this would have been the starting point for negotiation as the applicant had raised viability concerns. Additionally, were the applicant able to mitigate the impacts of the development in different ways, financial contributions would not necessarily be sought.

The applicant argued in the Planning Supporting Statement that viability concerns would effect the contributions it would make to transport, community infrastructure and open space and recreation. The applicant entered into early discussions on viability matters but never pursued them through to submitting a viability appraisal. Additionally, the applicant never sought consideration under the Council's Market Recovery Scheme which could have led to the discounting of some of the contributions and obligations that would otherwise have been sought. The applicant did not progress the S106 discussions nor submit any draft Heads of Terms. The applicant has not shown that how impacts of the development would be mitigated and as such it conflicts with Core Strategy policies CS01 and CS33 and guidance in the Planning Obligations and Affordable Housing SPD First Review 2010.

Conclusions

This application is long outstanding and was deferred pending the publication of the AAP Pre-Submission Consultation Version 2011 given the significance of the proposals to the Development Plan Document process. It is an important application at a key gateway site in Derriford between the A386 Tavistock Road, Derriford Roundabout and Derriford Hospital. The proposal to redevelop the site at a higher density and more urban scale to form a sense of place is supported in principle sub-regionally and locally in the development plan and draft development plan documents. Some of the broad principles of the application would support these objectives. The main objection on principle relates to the shopping and retail related main town centre uses that conflict with national and development plan policy. If permitted it would prejudice the Council's aspirations for the Derriford area. There are several reasons for refusal but some of these relate to the details of the scheme. This is an outline application but the reserved matters of access, layout and scale are to be determined at this stage. If members were to grant planning permission subsequent applications for approval of Reserved Matters would have to comply with the terms of the outline permission, masterplan, design and access statement and Environmental Statement. It is essential to ensure that the details of the outline application are acceptable.

The main point of principle in dispute relates to the main shopping and related town centre uses that if granted would be of a scale sufficient to form phase one of the proposed district centre but without any indication as to how its future growth will be achieved to meet the aspirations of the vision for Derriford as set out in the Core Strategy and AAP Pre Submission Draft. Furthermore, because of the nature and scale of the retail and town centre uses proposed, it would prejudice the delivery of a district centre as proposed in the draft AAP and therefore the achievement of this vision. The applicant did not assess the application against the policies in PPS4: Planning for Sustainable Economic Growth including those relating to the retail sequential test and impact assessment. If permitted it would jeopardise the delivery of the vision for a major new district centre as proposed in the adopted Core Strategy in 2007 and subsequently amplified in the Derriford and Seaton Area

Action Plan Pre-Submission Consultation Version 2011. This is a controversial and significant matter. The correct way to determine its location is through the Local Development Framework Area Action Plan process. It would be premature to grant permission for the proposed amount of shopping and related town centre uses before this matter had been finally addressed in the adopted Derriford and Seaton Area Action Plan.

The principle of the other uses comprising housing, offices, hotel, residential institutions including hospitals and convalescent/nursing homes and non-residential institutions including, clinics health centres and consulting rooms is acceptable in principle. Officers object to the preponderance of flats and duplexes (maisonettes) and the absence of a firm commitment as to how much Affordable Housing would be provided.

The proposed traffic generation would have an unacceptable impact on the strategic and surrounding highway network. and junctions that would increase queuing on the existing congested Northern Corridor and add delays to bus journey times. There is an over-provision of parking which would be contrary to encouraging greater use of sustainable means of travel. The newly proposed accesses from Derriford Road would give rise to highway safety concerns, queuing and capacity issues.

The general principle of the design of the proposals in creating a more urban form development at a higher density to help create a sense of place is supported. This would be achieved by the creation of principal streets running east to west forming four character areas that drop from north to south down the slope of the land. Officers have concerns over the details of the scheme in particular its links with surrounding areas and integration with the proposed changes to the Derriford Roundabout, the relationship with Derriford Road, the effect of the flats on the houses in the Lower Hill Town and the impact of the tall buildings. The scheme incorporates a few of the existing trees and more should be retained in the copse area on the south east part of the site.

The applicant entered into discussions regarding viability and a draft viability model was provided, however, no substantive discussions took place regarding planning obligations and no draft Heads of Terms were tabled. The application does not demonstrate how it would mitigate the infrastructure impacts of the development.

It is for these reasons that the application is recommended for refusal.

Recommendation

In respect of the application dated **17/12/2009** and the submitted drawings Site location plan, 1178-11-001, 1178-11-001a, 1178-11-002, 1178-11-003, 1178-11-004, 1178-13-001, 1178-13-002, design and access statement, planning supporting statement, retail impact assessment and environmental statement, it is recommended to: **Refuse**

Reasons for Refusal

INADEQUATE TOWN CENTRE SEQUENTIAL APPROACH AND IMPACT ASSESSMENT CONTRARY TO PLANNING POLICY STATEMENT 4

(1) The application includes the main town centre uses of shops, financial and professional services, restaurants and cafes, bars and hot food takeaways . The application site is not in a city, town, district centre or local centre and not in accordance with an up to date development plan. The application does not include a thorough sequential approach in accordance with policy EC15 of Planning Policy Statement 4: Planning for Sustainable Economic Growth in particular for the proposed Derriford District Centre site on the former Seaton Barracks Parade Ground or the other possible Derriford District Centre sites at Glacis Park and Crownhill Retail Park. The application does not consider the impact of the proposals in accordance with policy EC16 of Planning Policy Statement 4 on the existing centres or the planned district centre location for Derriford on the former Seaton Barracks Parade Ground site or the other possible District Centre locations at Glacis Park and Crownhill Retail Park within the catchment area of the proposal. The application does not consider the impact of the proposed development on the vitality and viability of the town centres within the catchment area of the proposal. Consequently the application should be refused to comply with policy EC17 of Planning Policy Statement 4: Planning for Sustainable Economic Growth.

CONFLICT WITH AREA VISION AV9 AND POLICY CS07 OF THE CORE STRATEGY

(2) The application proposes 9,016 square metres of shopping Use Class A1 – A5 uses together with 4,233 square metres of other town centre uses. This is of a scale equivalent to the first phase of the proposed Derriford District Centre in policy CS07 of the adopted City of Plymouth Core Strategy Development Plan Document, and does not demonstrate how phase two could be achieved in a deliverable and acceptable fashion in the longer term. The proposals therefore do not accord with Area Vision 9 and policy CS07 of the adopted City of Plymouth Core Strategy Development Plan Document 2007.

CONFLICT WITH PROPOSALS DS14 AND DS17 OF THE DRAFT DERRIFORD AND SEATON AAP AND PREMATURETY

(3) The proposed development includes a substantial amount of town centre uses comprising 9,016 sq m. This is almost the total town centre floorspace required for phase I of the proposed Derriford District Centre as stated in Proposal DS17.1 of the Derriford and Seaton Area Action Plan Pre-submission Consultation Draft 2011. The application has major implications for the location of the Derriford District Centre. The application is premature because the development is so significant that granting permission could prejudice the Derriford and Seaton Area Action Plan in the location, scale and phasing of the proposed District Centre which are matters being addressed in the Local Development Framework process through the Derriford and Seaton Area Action Plan Pre-Submission Version 2011.

INSUFFICIENT ASSESSMENT TO DETERMINE IMPACT ON STRATEGIC ROAD NETWORK (A38(T))

(4) The Assessment work completed does not identify the impact of the development on the Strategic Road Network, and is therefore contrary to Circular 02/2007 'Planning and the Strategic Road Network'

UNACCEPTABLE TRAFFIC IMPACT

(5) The additional traffic movements generated by the development will result in a deterioration in the operating conditions at several strategic junctions on the local highway network including Derriford Roundabout. Increased queuing on the approaches to those junctions (some of which are either close to or at capacity in the peak traffic hours) will not only result in an increase in congestion on the highway network for general traffic but also impact upon bus journey times on strategic public transport routes including the Northern Corridor which is contrary to Policies CS28 and 34 of the Local Development Framework Core Strategy adopted April 2007 and policy EC10.2.b of Planning Policy Statement 4: Planning for Sustainable Economic Growth.

OVER-PROVISION OF CAR PARKING

(6) The level of car parking that is proposed is unacceptable as it would provide a level of car parking which is greater than the maximum number of spaces required to serve the site through the application of the Accessibility Based Parking Standards, with no consideration having been given to further reductions from these totals based upon the sharing of adjoining car parking facilities (Derriford Hospital Multi Storey Car Park). Such an approach is contrary to advice as set out in National Guidelines (PPG13 - Transport) and Policies CS28 and 34 of the adopted City of Plymouth Local Development Framework Core Strategy 2007 which refer to limiting levels of car parking serving new development as a demand management tool in order to encourage the use of sustainable modes of transport as an alternative to the private car and hence reduce development-led vehicular trips on the local highway network, particularly in the peak traffic hours.

NEW JUNCTIONS GIVING RISE TO HIGHWAY SAFETY CONCERNS

(7) The use of the new proposed vehicular points of access into the Middle and Upper Hill Town areas off Derriford Road will give rise serious highway safety concerns as vehicles right turning at these junctions would have to cross a lane of heavy on-coming traffic in addition to a bus lane. Furthermore stationary vehicles on Derriford Road wanting to right turn into the various junctions would block eastbound traffic movements on Derriford Road giving rise to capacity issues as vehicles stack back towards Derriford Roundabout. Such circumstances are likely to give rise to highway safety implications and therefore the current Masterplan layout is considered to be contrary to Policies CS28 and 34 of the Local Development Framework Core Strategy adopted April 2007.

LACK OF AFFORDABLE HOUSING AND POOR MIX OF DWELLINGS

(8) The application does not state what level of Affordable Housing would be provided nor is there a viability appraisal justifying a reduction in the minimum level of Affordable Housing of 30 percent. The application proposes 82 houses and 274 flats and duplexes which is a ratio of 23 percent to 77 percent. It is accepted that the site would be developed at a higher density and more urban scale but there should be a greater mix of terraced semi-detached houses and fewer flats and duplexes to meet the demands and needs of Derriford. Consequentially it is contrary to policies

CS01 and CS15 of the adopted City of Plymouth Core Strategy Development Plan Document, 2007.

MITIGATION OF COMMUNITY IMPACTS

(9) The proposed development has not satisfactorily mitigated the infrastructure impacts of the development in particular in relation to primary schools, libraries, local greenspace, local play space, playing pitches, strategic green space, European marine site, strategic sports facilities, strategic public realm, strategic transport and the monitoring of air quality. In consequence, it also fails to support the development of a sustainable linked community. It is therefore contrary to policies CS01 and CS33 of the adopted City of Plymouth Local Development Framework Core Strategy and to the guidance set out in the adopted Planning Obligations and Affordable Housing Supplementary Planning Document First Review.

DESIGN AND LOSS OF TREES

(10) The application does not provide sufficient evidence to show how the development is future proofed to ensure that it would integrate satisfactorily with the proposed new four arm signalised junction at Derriford Roundabout and provide adequate pedestrian and cycle links with adjoining existing and proposed developments to the north, south west and west. The proposed housing in the Upper Town has a poor relationship with Derriford Road with little active frontage facing the road. The six storey buildings on the north side of the High Street have an adverse relationship with the dwellings to the north and would cause an unacceptable over-dominant and overshadowing effect. The application does not include sufficient information to establish that the proposed eight and nine storey buildings in the southern and eastern parts of the site would not cause harm to the visual amenity of the area by reason of the bulk, height and massing of the buildings. The application does not include sufficient information to justify the loss of all but two of the existing trees in the copse in the south east part of the site that is proposed to be retained as a landscaped area. Their loss would harm the visual amenities of the area. For these reasons the development is contrary to policies CS01, CS02, CS34, CS28 and CS18 of the adopted City of Plymouth Core Strategy Development Plan Document, 2007, policies DS01 and DS02 of the Derriford and Seaton Pre-Submission Consultation Version 2011 and parts 4 and 5 of the adopted Design Supplementary Planning Document 2009.

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:

PPG13 - Transport
PPS3 - Housing
PPS9 - Biodiversity and geological conservation
PPS1 - Delivering Sustainable Development
PPS23 - Planning & Pollution Control
CS28 - Local Transport Consideration
CS32 - Designing out Crime
CS33 - Community Benefits/Planning Obligation
CS34 - Planning Application Consideration
CS22 - Pollution
CS07 - Plymouth Retail Hierarchy
CS08 - Retail Development Considerations
CS18 - Plymouth's Green Space
CS19 - Wildlife
CS20 - Resource Use
CS21 - Flood Risk
CS01 - Sustainable Linked Communities
CS02 - Design
CS04 - Future Employment Provision
CS15 - Housing Provision
CS16 - Housing Sites
SO11 - Delivering a sustainable environment
PPS25 - Development and Flood Risk
SO1 - Delivering Plymouth's Strategic Role
SO2 - Delivering the City Vision
SO3 - Delivering Sustainable Linked Communities
SO4 - Delivering the Quality City Targets
AV9 - Derriford/Seaton
SO6 - Delivering the Economic Strategy Targets
SO7 - Delivering Adequate Shopping Provision Targets
SO10 - Delivering Adequate Housing Supply Targets
SO14 - Delivering Sustainable Transport Targets
SO15 - Delivering Community Well-being Targets
CS31 - Healthcare Provision
SPD2 - Planning Obligations and Affordable Housing
SPD1 - Development Guidelines
SPD3 - Design Supplementary Planning Document
PPS4 - Economic Growth

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PLANNING APPLICATION REPORT



ITEM: 13

Application Number: I1/00456/OUT

Applicant: Pillar Land Securities

Description of Application: Outline application for the demolition of existing tenement and erection of new extension containing 20 student bed spaces arranged as 4 cluster flats with associated bike shed, bin store and vehicle hardstanding

Type of Application: Outline Application

Site Address: 140 NORTH HILL PLYMOUTH

Ward: Drake

Valid Date of Application: 25/05/2011

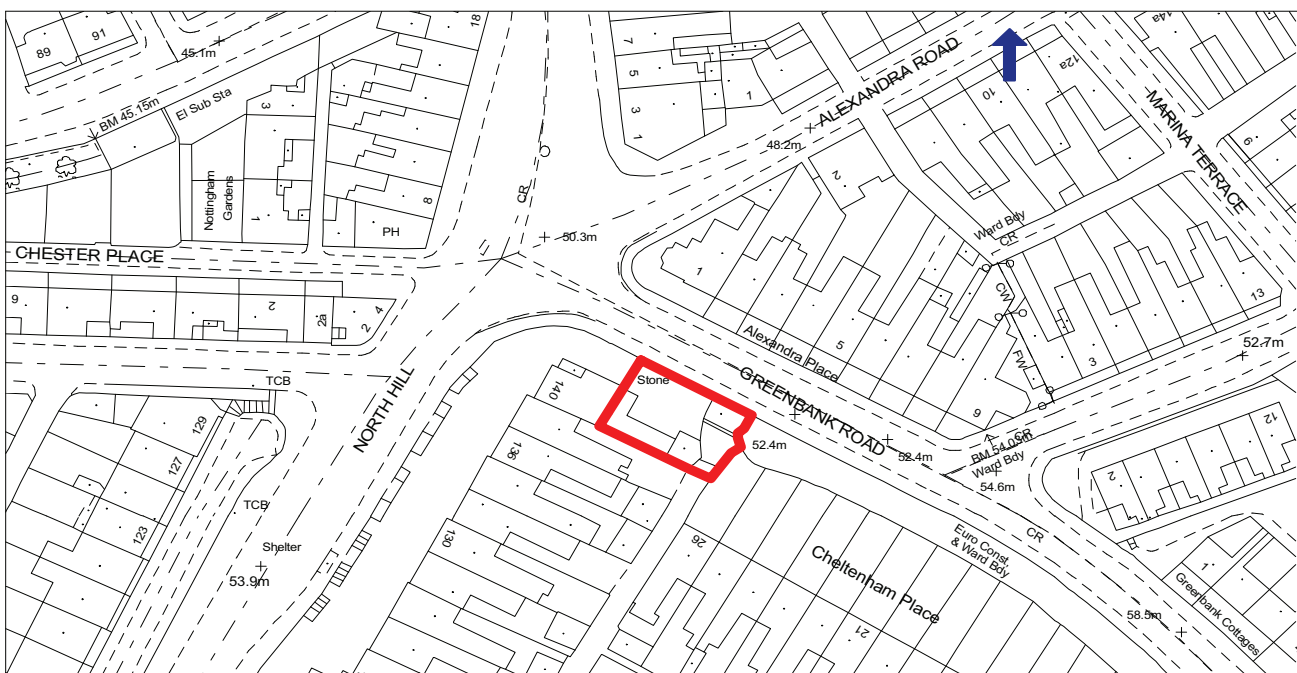
8/13 Week Date: 24/08/2011

Decision Category: Delegated

Case Officer : Robert Heard

Recommendation: Refuse

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



Officer Report

Site Description

The site is located on a prominent corner at the point of a 3 way junction at the southern end of Mutely Plain, at the junction with Alexandra Road, Greenbank Road and North Hill. It is the at the end of a terrace of large established Victorian villas that form an impressive and dominating presence within the streetscene, fronting North Hill but elevated due to the topography and set back and separated from the road by front lawns. Being a corner site, whilst fronting onto North Hill, the existing building is double fronted and also faces Greenbank Road, being a prominent feature when viewed from Greenbank Road, North Hill and Mutely Plain.

The site is within 0.5 miles of the City Centre and is well served by local transport, being close to the good transport links on offer at Mutely Plain, North Hill and the City Centre. There is no shortage of amenities on offer within walking distance of the site and it is considered a sustainable location.

Proposal Description

This application is made in outline, but with only landscaping reserved for future consideration. This means that access, appearance, layout and scale need consideration at this stage.

The application proposes to demolish the existing tenement that fronts Greenbank Road, and replace it with a purpose built 4 storey block of new build student development containing 20 student bedrooms, a vehicle hardstanding, bike shed and bin store. It is proposed that the new build be joined to the existing building that is being retained by a glazed link fronting onto Greenbank Road.

Relevant Planning History

None relevant

Consultation Responses

Public Protection Service – no objection subject to conditions.

Highway Authority – no objection subject to conditions.

Representations

None received.

Analysis

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

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

As stated above, this application is made in outline with only landscaping reserved for future consideration, for the demolition of an existing tenement and construction of a glazed link from the existing building to a purpose built 4 storey block of new build student development containing 20 student bedrooms, a vehicle hardstanding, bike shed and bin store, at a prominent site at the southern end of Mutley Plain known as 140 North Hill. Whilst the application is made in outline, only landscaping has been reserved for future consideration so issues of access, appearance, layout and scale are to be considered and determined within this application.

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

Principle of Development

The application includes the demolition of an existing building and the site is therefore considered to be brownfield land, as the proposed redevelopment will be positioned on land formerly occupied by the demolished building. The area is characterised by a mix of different uses, but predominantly the area contains residential development and this is considered to be appropriate at the site, whether unrestricted residential or specifically for student accommodation.

Design, massing and layout

Policy CS43 of the adopted City of Plymouth Local Development Framework Core Strategy (2007) refers to siting, layout, orientation, local context and character. New development proposals are required to take account of the existing context and the criteria referred to.

The proposal seeks to demolish the existing buildings on the site (which are currently arranged as bedsits) and erect a 4 storey block that is joined to the existing building by a glazed link.

The retention of the corner Victoria building is a positive and sustainable approach. Although this building is outside of the site (and red line boundary), it is within the applicants ownership. Whilst it has no statutory protection, it is nevertheless a building of townscape merit on a prominent gateway corner in the local street scene.

With regards to the proposed layout, concern exists regarding the northern building line of the proposed new block. It projects forward of the building line established by the retained Victorian corner building. It is considered that the proposed building line increases the dominance of the new build, competing with the retained townscape corner building, which should remain as the most prominent feature in the local street scene. Accenting the proposed new build in this way creates an imbalance in the townscape and detracts from the prominence of the true corner feature. It is considered that the building line of the proposed new block should not

exceed that of the existing building. PPSI states that “planning authorities should have regard to best practice set out in By Design which says that *“Planning should promote continuity of street frontages”*. In terms of height and massing, the proposed new building is generally acceptable and in keeping with the existing surroundings.

With regards to issues of building design and external appearance, the architectural expression of the proposed new block is considered weak and inappropriate. It is undesirable to add pastiche features in an attempt to reference the existing historic building, by proposing features such as the Georgian-style rusticated plinth and the Victorian-style banding and eastern oriel windows. A slavish copy of the existing corner building is not acceptable, it is considered that the proposed building should be modern with a contemporary design, and be simplified to be subservient to the existing corner building. Architectural references to the existing building could instead be through linkages to patterns and proportions – e.g. taller windows could be introduced on the north elevation, perhaps French balconies - which would also improve natural light and residents’ amenity.

The proposed south and east elevations are particularly weak, being dominated by large areas of blank render. There is only limited variation in materials and features and both south and east elevations are bland and uninspiring, being inappropriate for a building on such a prominent site within the city. The proposed use of Oriel windows on the east elevation introduces further pastiche features and is not consistent with the contemporary approach introduced by the proposed glazed link. It is also considered that the roof overhang on the “book end” inner west elevation, where it meets the glass link curtain wall element, could be simplified, again to reduce the dominance of this element.

On a positive note, the glazed curtain-walled linking element between the old and new building masses is potentially a very attractive and elegant approach, and this element of the proposal is supported.

In summary, the proposed building design is likely to have a negative impact on local visual amenity and the character of the area. PPSI states that *“Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted”*. (key principle (iv) para 13). It is considered that the proposed development, by virtue of its pastiche approach, poor design and bland elevations, would have a negative impact upon local visual amenity and the surrounding townscape, presenting an inappropriate form of development that would not sit comfortably within the streetscene at this prominent gateway site. The projection forward of the established building line proposed by the new build would also detract from the prominence of the existing building, proposing a development that is not subservient to the existing building, and creating an imbalance in the streetscene. For these reasons the application is thus considered contrary to Policy CS02 (Design) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) and the advice contained within PPSI.

Highways Issues

Vehicular access to the property is achieved via the existing rear service lane that currently provides access to a small parking area for the existing property and this is not proposed to be changed within this application. The application proposes to

reduce the parking area so that it is only large enough for 1 car to park, although it is not indicated on the drawings if this will be reserved for the existing building or the new build the subject of this application, or whether it will be able to both buildings. The Highways Officer has referred to this in his consultation response and stated that *'The applicant has not indicated if the use of the space will be available for occupants of the new build or indeed if the existing use will be retained. If both buildings are to be linked by ownership or management agreement then at the very least I would suggest that the spaces should be made available for student arrivals and departures but everyday use should be restricted to the current permissions. As such the development does not warrant objections in terms of loss of car parking. Student developments in this part of the City can be car free, in relation to parking provision'*

The property lies between a number of tightly controlled resident permit parking zones and would be excluded from obtaining permits and visitor tickets. This will prevent any over-spill parking from residents. The site is close to local shops and services and has a bus stop directly in front on North Hill. The applicant has indicated a cycle store with and a minimum of 8 bike spaces are proposed. In order to meet the minimum provisions of cycle storage, in accordance with Policy, the applicant must provide space for at least 10 cycles, in an area which is secured and covered. The Highways Officer has recommended that a condition be attached to any grant of planning permission to secure this.

Residential Amenity

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

The closest properties to the site are no. 26 Cheltenham Place and no. 138 North Hill. No. 26 Cheltenham Place is to the east of the site, fronting onto Greenbank Road. However, Cheltenham Place is a terrace of period properties that are set back from the road by a considerable distance, the front elevation of the terrace is approximately 18 metres from the road and 12 metres from the rear elevation of the proposed building (it is set back behind the site). Due to the separation distances and orientation of the buildings (the proposed development is 8 metres to the west side of no. 26 Cheltenham Place and therefore not positioned directly in front of it), the proposed development will not affect the residential amenities of no. 26 Cheltenham Place.

No. 138 North Hill adjoins no. 140 North Hill and has a large rear tenement that projects to the rear of the site and thus the proposed development. The relationship between no. 138 North Hill and the proposed development is quite tight, there is a gap of just 4 metres between the rear elevation of the proposed development and the north elevation of no. 138 North Hill's rear tenement. Whilst this is a close relationship, no. 138 North Hill is positioned on higher land due to the topography in the area, which helps to reduce the impact from the development upon the amenities of no. 138 North Hill. It is also relevant that the existing building (to be demolished) on the site has a closer relationship with the rear tenement of no. 138 North Hill than the proposed development would have, being closer to the

boundary but containing no windows in the rear elevation that faces no.138 North Hill.

The proposal does contain windows in its south elevation, although these are shown as obscure glazed so the proposed development would not overlook the rear yard of no. 138 North Hill or cause conflict with regards to loss of privacy. However, it is questionable whether the use of obscure glass is appropriate in this instance as the windows will be the only openings for habitable bedrooms, resulting in potentially unacceptable living conditions for future occupiers.

In summary, whilst it appears that the proposed development will not compromise the amenities of the closest nearby properties to a significant degree, concern exists over the quality of the development proposed with regards to the living conditions of potential future occupiers. It might be possible to find an acceptable solution to this issue by exploring alternatives to the obscure glazed windows that are proposed, and therefore whilst the application is broadly in accordance with policy CS34 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) in so far that the proposal appears not to cause harm to nearby property occupiers residential amenities, concerns over the living conditions of future occupiers remain.

Other Issues

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

The application contains a statement on Sustainable Resource Use. However, this does not make any recommendations as to which technology is proposed to make the energy savings required by policy CS20 and suggests that only a 10% saving is proposed, which is 5% short of the policy requirement. This is not acceptable and not in accordance with policy CS20. Although this application is made in outline, only landscaping is reserved for future consideration, so at this stage confirmation is required of the renewable technology proposed to make the saving and this should be shown on the submitted plans and drawings.

Policy CS19 (Wildlife) requires that the application makes provision for protected species at the site and that it delivers a net biodiversity gain. Whilst a very short Biodiversity report has been submitted with the application, this simply states that 'no ecosystems would be affected by the proposed application'. This is not acceptable or in accordance with Policy CS19. The development will have an impact upon ecology and the Councils Ecologist has asked for a bat survey to be submitted. A biodiversity Enhancement Strategy is also required and therefore at present the application is contrary to Policy CS19 (Wildlife) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

Section 106 Obligations

To be reported in an addendum.

Equalities & Diversities issues

No adverse impacts anticipated.

Conclusions

The application affects a site known as 140 North Hill and is made in outline with only landscaping reserved for future consideration. Therefore all other issues are to be considered at this stage. It proposes to demolish the existing tenement that fronts Greenbank Road, and replace it with a purpose built 4 storey block of new build student development containing 20 student bedrooms, a vehicle hardstanding, bike shed and bin store. It is proposed that the new build be joined to the existing building that is being retained by a glazed link fronting onto Greenbank Road.

There are a number of reasons why, at present, the application is unacceptable and recommended for refusal. The design is poor and the architectural expression is inappropriate, the application fails to provide adequate information on sustainable resource use and biodiversity enhancement and it is questionable whether the living conditions of future residents will be acceptable. The application is thus contrary to the advice contained in PPS1 and policies CS02, CS19, CS20, CS33 and CS34 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

Recommendation

In respect of the application dated **25/05/2011** and the submitted drawings Site Location Plan, SK-01, SK-02, SK-03, SK-04, SK-05, SK-06, P303-10, P303-09, P303-13, P303-12, P303-11, SK-07, P303-05, P303-06, P303-07, P303-08 and accompanying Design and Access Statement, Planning Statement, Biodiversity Report, Sustainable Resource Use Report and Contaminated Land Report.,it is recommended to:
Refuse

Reasons for Refusal

INAPPROPRIATE FORM OF DEVELOPMENT

(1) It is considered that the proposed development, by virtue of its building line projecting forward of the established building line set by no. 140 North Hill, represents an inappropriate and dominant new feature that would not be subservient to the existing building, creating an imbalance in the townscape and streetscene and detracting from the prominence of the existing building no. 140 North Hill. The proposed development is therefore contrary to the advice contained in PPS1 and policies CS02 and CS34 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

POOR DESIGN

(2) It is considered that the design, external appearance and architectural expression of the proposal (particularly the new 'end block') is weak and inappropriate, providing a pastiche feature that represents a slavish copy of the existing corner building, containing very bland and unremarkable elevations that are unacceptable at this prominent gateway site. The proposed development is therefore considered harmful to local visual amenity and the surrounding townscape and contrary to the

advice contained in PPS1 and policies CS02 and CS34 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

INSUFFICIENT INFORMATION ON HABITATS

(3) Insufficient information has been provided within the application on habitats that might be present at the site. To enable a sufficient understanding of the impact of development and how the impacts will be avoided and/or mitigated the application is contrary to Policy CS19 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

LACK OF ENHANCEMENT & MITIGATION DETAILS

(4) The proposed development could result in a net loss of biodiversity at the site. No enhancement or mitigation details have been produced in association with adequate survey work to determine if the application could result in a net gain in biodiversity as required by CS19 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) and PPS9. The development is therefore contrary to Core Strategy Policy CS19 and PPS9.

ABSENCE OF DETAILS OF RENEWABLE ENERGY PRODUCTION EQUIPMENT

(5) The application fails to include details of how the building will limit energy consumption and how onsite renewable energy production equipment to off-set at least 15% of predicted carbon emissions for the periods up to 2016, is to be provided. Considerations associated with delivering this requirement could materially alter the scheme and in the absence of such information the proposal is contrary to Policy CS20 (Sustainable Resource Use) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007), which seeks to secure sustainable resource use.

POOR LIVING CONDITIONS

(6) The accommodation proposed contains habitable rooms that have only obscure glazed openings and therefore very limited outlook. This creates poor living conditions for potential future occupiers and provides an unacceptable living environment that does not provide a decent standard of accommodation at the site. The application is therefore contrary to the advice given in the Adopted Development Guidelines Supplementary Planning Document (2010) in section 2.3 (Residential Conversions to HMOs and Flats) and Policy CS15 of the adopted Plymouth Local Development Framework Core Strategy (2007).

INFORMATIVE: SECTION 106 CONTRIBUTIONS

(1) Had the Local Planning Authority been minded to approve the application, the applicant's attention is drawn to the fact that the application contains no provisions to mitigate the impacts of the proposal, in accordance with Policy CS33 of the Adopted Core Strategy and the guidelines set out in the Adopted Planning Obligations and Affordable Housing SPD (2010). The methodology of mitigating the impacts of the proposed development is outlined in the Committee Report (addendum) and in the event of an approval would be secured via Section 106 Agreement.

Relevant Policies

The following (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, were taken into account in determining this application:

- PPS1 - Delivering Sustainable Development
- CS28 - Local Transport Consideration
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS19 - Wildlife
- CS20 - Resource Use
- CS01 - Sustainable Linked Communities
- CS02 - Design

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PLANNING APPLICATION REPORT



ITEM: 14

Application Number: I1/00804/FUL

Applicant: AXA P&C

Description of Application: Erection of a new retail unit attached to Block A, the removal of the first three bays and side extension to Block B, installation of a new front elevation, erection of a mezzanine floor, relocation of external sales area and associated car parking and landscaping alterations, (net increase 2,449 Sqm)

Type of Application: Full Application

Site Address: FRIARY RETAIL PARK, EXETER STREET PLYMOUTH

Ward: St Peter & The Waterfront

Valid Date of Application: 20/06/2011

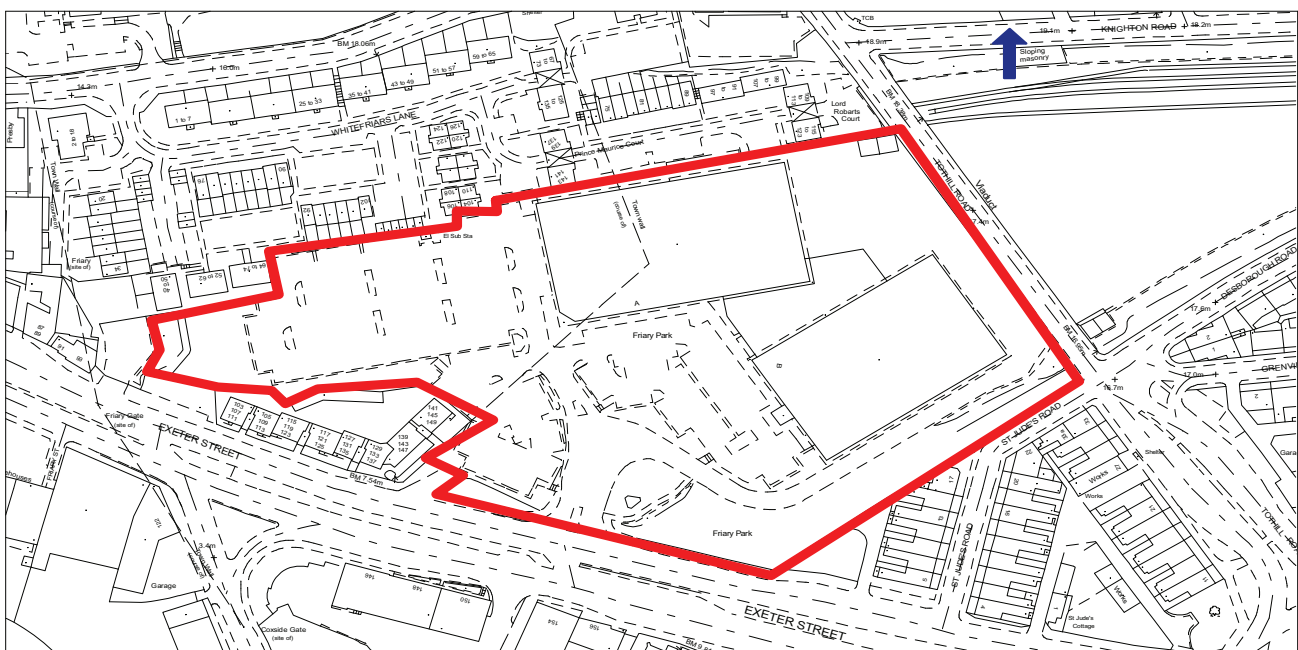
8/13 Week Date: 19/09/2011

Decision Category: Major Application

Case Officer : Jeremy Guise

Recommendation: Grant Conditionally

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



OFFICERS REPORT

Site Description

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

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

Proposal Description

Planning permission is sought for the erection of 3,458 square metres of new floor space comprising a new build 660sqm extension to block A (Currently occupied by Dunelm and a pet shop), a 349sqm extension to the side 2,499sqm mezzanine level (shops tradable area) within existing building of block B (Currently occupied by Wicks) together with the removal of 1,009sqm of demolition and reconfiguration of block B.

The extension to block A is shown on its western side into an area that is currently used for car parking. It is shown flush with the front of the building, but it would not be as deep. In terms of design it would appear as a modern, industrial shed type structure, similar in appearance to the existing and be capable of being occupied by a separate retailer. The part of the proposal would involve the loss of 23 parking spaces, reducing the overall number of spaces across the site from 341 to 318 (within these numbers is an increase in the number of disability spaces: from 10 to 18)

The other part of the application involves the reconfiguration of block B. The front three bays of the existing building are shown removed, a side extension added – resulting in a net increase of 349sqm - and an internal mezzanine floor Net (additional gross internal; floor space 2,449sqm).

A Planning and retail assessment; Flood risk assessment; Design & access statement and Transport assessment have been submitted to accompany the application.

Relevant Planning History

- Ref 86/01699/OUT - Outline application to redevelop railway goods yard with (1) non food retail stores, a garden centre, 400 car parking spaces (8 acres) & (2) residential. 16th September 1987.
- Ref:- 06/00706/EXDE - Installation of internal steelwork forming part of a mezzanine floor (2,449sqm total) - Lawful Development Certificate ISSUED (Planning permission not required) 12th July 2006.
- 10/01160/FUL Erection of 2,449 square metres mezzanine level (shops tradable area) within existing building GRANTED CONDITIONALLY 22 Oct 2010

Consultation Responses

Highway Authority – The applicant has submitted a Transport Assessment in support of the application.

Further views will be reported

Public Protection Service – No comment.

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

Representations

Neighbours have been notified of the application in accordance with Council guidelines and two site notices posted. This has not resulted in receipt any letter of representation.

Analysis

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

The key issues in this case are:-

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

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

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

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

This application proposal would consolidate and extend the existing Friary retail park and is, on the face of it, contrary to Policy CS07 and Proposal SH05, Friary Park of

the Sutton Harbour Area Action Plan (AAP). Previously, in connection with 10/01160/FUL, it was accepted that the existence of a Certificate of Lawful Development for similar quantum of development acted as a significant 'fallback' position in any assessment – it was not considered that there are sufficient grounds to withhold planning permission. The applicants are now seeking to push the logic of that interpretation further. Essentially, in this proposal, the net figure retail floor space is not increased over and beyond the existing plus previously approved mezzanine, but its distribution and configuration across the retail park is different. Instead of being provided as mezzanine 660sqm is a new retail unit and 349sqm is ground floor trading space.

The issue is what demonstrable harm arises from allowing the proposal. The Proposal SH05 commitment in the AAP remains in place, until 2021, but currently there is no delivery mechanism. The proposed development does not preclude future comprehensive redevelopment of the retail park.

The nature of the retailers operating from the Friary Retail Park, means that it will not be in direct competition with city centre retail functions. To ensure that that neither the city centre's role as the primary comparison shopping and retail destination is weakened by the proposed development, or that the site attracts the volumes of traffic and ancillary uses associated with food retail, it is proposed to impose a condition restricting the goods on sale to prevent sale of food products. The nature of the retailer in the proposed new unit is not known, but extension of the condition to prevent food sales is considered appropriate.

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

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

The impact upon the amenities of surrounding property

Friary Retail Park is relatively self-contained, with its own access, and the proposed additional floor space is located within an existing building. The impact will be limited. Whilst disturbance to shift workers from deliveries is regrettable, it would not be reasonable to try and control deliveries to this floor space during the hours of the normal working day. Distinguishing between deliveries of goods for sale at this floor space, and goods being delivered for sale at the existing floor space would be impossible, making any such condition unenforceable and therefore not sound.

Community contributions / Section 106 Obligations

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

Equalities & Diversities issues

The increase in the number of parking spaces suitable for use by people with disabilities is welcome.

Conclusions

The proposal frustrates the implementation of Proposal SH05 in its objective to secure the closure of the existing Friary Retail Park and mixed use redevelopment, but, in the absence of an effective delivery mechanism, the case for refusal in terms of demonstrable harm is not strong.

Conditional restrictions on sales, opening hours and delivery times, similar to those imposed on the original appeal approval, are considered to be necessary safeguard to ensure that the proposal does not have a major impact upon the city's existing retail hierarchy or attract excessive vehicle movements into the retail park.

Recommendation

In respect of the application dated **20/06/2011** and the submitted drawings I0752/TP/01Rev-; I0752/TP/02Rev-; I0752/TP/03Rev-; I0752/TP/04Rev-; I0752/TP/05Rev-; I0752/TP/06Rev-; I0752/TP/07Rev-; I0752/TP/08Rev-; I0752/TP/09Rev-; I0752/TP/10Rev-; I0752/TP/11Rev-; I0752/TP/12Rev- & I0752/TP/20, 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.

IN ACCORDANCE WITH APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: I0/0572-TPI01 & I0752-HP001 – A.

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.

RESTRICTION ON SALES

(3) The whole premises, both the existing floor space and the proposed, shall not be used for the sale of food other than confectionary, intended to be consumed off the premises.

Reason:

To ensure that the proposed development does not adversely impact on traffic movement/ parking or the vitality of the city centre in accordance with Policies CS07 and CS28 of the Adopted Core Strategy.

RESTRICTION ON OPENING HOURS

(4) The whole premises, both the existing floor space and the proposed, shall not be open for the sale of goods between 20.00 hours and 08.00 hours each day.

Reason:

In order to ensure that disturbance to local residents is minimised in accordance with policies CS22 and CS34 of the adopted core strategy.

RESTRICTION ON DELIVERY HOURS

(5) No deliveries shall be made to the premises between 18.00 hours and 07.00 hours each day.

Reason:

In order to ensure that disturbance to local residents is minimised in accordance with policies CS22 and CS34 of the adopted core strategy.

EXTERNAL MATERIALS

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

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy 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 of the additional retail floor space upon the city's shopping hierarchy, the adequacy of the proposed parking and impact of the proposal upon the surrounding road network, the impact upon the amenities of surrounding property, and community contributions, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

PPS1 - Delivering Sustainable Development
CS28 - Local Transport Consideration
CS32 - Designing out Crime
CS33 - Community Benefits/Planning Obligation
CS34 - Planning Application Consideration
CS22 - Pollution
CS07 - Plymouth Retail Hierarchy
CS08 - Retail Development Considerations
CS20 - Resource Use

CS01 - Sustainable Linked Communities
CS02 - Design
PPS4 - Economic Growth

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CITY OF PLYMOUTH

Subject: Proposed variation to Section 106 unilateral undertaking to amend clause relating to measures to mitigate the impact of the development

Committee: Planning

Date: 28 July 2011

CMT Member: Director for Development and Regeneration

Author: Paul Westrope, Area Planning Manager (East)

Contact: Tel: 01752 304336
e-mail: paul.westrope@plymouth.gov.uk

Ref: 10/00180/FUL

Key Decision: No

Part: I

Executive Summary:

This report relates to planning permission 10/00180/FUL, which was for the erection of 12 affordable/local needs or sheltered/supported residential flats at Woodland Terrace Lane, Lipson, Plymouth. The planning permission was granted in May 2010, the developer having completed an associated unilateral undertaking under Section 106 of the Planning Act.

The application was assessed having regard to the Council's Planning Obligations and Affordable Housing Supplementary Planning Document (SPD) (adopted 2008) and, to address the cumulative impact of development on infrastructure needs, there was a need for mitigation measures to address strategic transport impacts of the development, namely an undertaking to pay £37,324 tariff contribution towards these measures.

Since that decision, the First Review of the SPD has been adopted in August 2010. This SPD exempts affordable housing developments from the seeking of tariff contributions, to support delivery of affordable housing consistent with the then emerging provisions for the Community Infrastructure Levy. It did not however exempt affordable housing schemes from bespoke planning obligations if they are needed to address specific local needs.

If the application was to be considered today, we would not seek any tariff contributions on the basis of this exemption. However, we would need to reconsider the application in light of other potential impacts, based upon the evidence at the time. In this respect, Children's Services has identified that a contribution of £8,168 to improve capacity at a specified local primary school would be necessary to the grant of planning permission, as a bespoke contribution that would need to be spent within 5 years of the date of the agreement.

The developer wishes to vary the unilateral undertaking so as to remove the clause referring to the payment of the transport contribution and replace it with the bespoke contribution to an education capacity project at the school.

The report is considered in the context of the Local Development Framework, which includes a policy framework for addressing the impacts of development in support of the Council's priority for delivering growth.

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

The implication of agreeing to the variation as sought would be that a contribution of £37,324 to transport mitigation measures would not be forthcoming but a contribution of £8,168 to local schools would be paid.

Other Implications: e.g. Section 17 Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.

The case for seeking these measures in the first instance rested on the cumulative impact of new development on the City's transport network. However, since the planning application was considered and determined, the Council's policy framework in relation to planning obligations has changed. If the planning application was determined now, a tariff contribution would not be sought. This does not prevent a separate negotiation in relation to more local or site specific impacts as part of a bespoke planning obligation.

Recommendations & Reasons for recommended action:

It is recommended that, in accordance with policy CS33 of the Core Strategy of Plymouth's Local Development Framework, the Planning Obligations and Affordable Housing Supplementary Planning Document First Review and the Government's Community Infrastructure Levy Regulations, agreement is given to the variation of the existing Section 106 unilateral undertaking to amend clause 4.1.1 relating to mitigation measures so as to remove the payment of £37,324 in respect of strategic transport impacts and to add the payment of £8,168 in respect of improving capacity at a specified local primary school.

The background to, and reasons for, this recommendation are set out in the report below.

Alternative options considered and reasons for recommended action:

To refuse to agree to variation of the unilateral undertaking. This would cause the applicants to pay the sum of £37,324. However, the scheme is considered to be unviable on the basis of this payment and, given the pressing need for the type of development that is proposed, which has been verified by Housing Services, it is considered a reasonable position to support the variation sought by the developer in this particular instance.

Background papers:

1. Planning Officer's report for application 10/00180/FUL
2. Planning Obligations and Affordable Housing Supplementary Planning Document First Review 2010

Sign off: comment must be sought from those whose area of responsibility may be affected by the decision, as follows (insert initials of Finance and Legal reps, and of HR, Corporate Property, IT and Strat. Proc. As appropriate):

Fin		Leg JAR/ 9253		HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											

Report:

In October 2009, planning permission (reference 09/00832/FUL) was granted to Bibio Limited for the erection of 12 sheltered/supported residential flats comprising 4 two-bedroom units and 8 one-bedroom units at Woodland Terrace Lane, Lipson, Plymouth. This scheme was for sheltered/supported accommodation and as such no impacts in need of mitigation through planning obligations were identified in consideration of the application.

To allow a fall-back position if there were insufficient nominations or funds for supported housing, a further planning application (reference 10/00180/FUL) was submitted by Bibio Limited in February 2010 that included the alternative of affordable housing. Planning permission was granted in May 2010 for the erection of 12 affordable/local needs or sheltered/supported residential flats at the site. With this application, a unilateral undertaking had been submitted under Section 106 of the Planning Act. This undertaking included a provision to address the cumulative impact of development on infrastructure needs, namely the payment of £37,324 tariff contributions towards addressing the strategic transport impacts of the development. Although the applicants had not realised (prior to making the second application) that this was an impact the Council would normally seek to mitigate in relation to general affordable housing schemes, they did not have time to submit a viability assessment and instead decided to agree the payment so as not to delay the scheme and compromise its Homes and Communities Agency (HCA) funding.

The second application (10/00180/FUL) had been considered and determined having regard to the Council's Planning Obligations and Affordable Housing Supplementary Planning Document (SPD). In August 2010, the First Review of the SPD was adopted. This took due account of Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. It also gave exemptions to certain types of development from tariff contributions (including affordable housing) in recognition of the wider role of such developments and to provide consistency with the exemptions likely to apply through the CIL process. However, the 2010 SPD was clear that negotiated bespoke obligations may still be sought where there is a local impact that needs to be addressed.

In August 2010, the possibility of removing the payment of the £37,324 was first raised by an agent acting on behalf of the applicants. In October 2010, a request was made on behalf of the applicants for agreement to amend the unilateral undertaking on the basis that, if a third application was submitted, the Council would no longer seek a developer contribution to mitigate strategic transport impacts, given the exemption made in the First Review of the SPD. A third application was not submitted as this would have caused costs and delays that would have potentially jeopardised the scheme. The development, for a supported housing client group of people of all ages with learning disabilities, all being affordable housing to lifetime homes standards, has been commenced, again partly due to HCA funding requirements.

Unfortunately, there has been a long delay in considering the request. This is in part due to the unusual nature of the request for a scheme which has now commenced on the basis of a planning permission which included a transport contribution.

This is an important scheme which the Council would wish to support. Housing Officers have confirmed that the financial cost of the transport contribution would be a significant burden on this development, and were the application to have been considered now rather than in early 2010, we would not have sought to negotiate the transport contribution. However, we would have had regard to the fact that it allows for a more general affordable

housing development and would have identified a local impact on education capacity which would need some mitigation through a capacity improvement scheme in a local primary school. The cost of mitigating this impact is £8,168, which would be a bespoke negotiated planning obligation. The developer has agreed to make include such a contribution in the deed of variation to the unilateral undertaking, in lieu of the transport tariff.

The set of circumstances in this case lead your officers to recommend agreement to variation of the unilateral undertaking. These circumstances include:

- the fall-back reason for submitting a second planning application
- the applicant's need to avoid delay in obtaining the second planning permission, leading to agreement to paying the sum in respect of strategic transport impact without further assessment
- the important nature of the scheme ~ supported housing for people with learning difficulties
- the absence of any advantage in requiring a third planning application to be submitted
- the disadvantages of requiring a third application, including costs, delay and uncertainty for the applicants

It is therefore recommended that, in accordance with policy CS33 of the Core Strategy of Plymouth's Local Development Framework, the Planning Obligations and Affordable Housing Supplementary Planning Document First Review and the Government's Community Infrastructure Levy Regulations, agreement is given to the variation of the existing Section 106 unilateral undertaking to amend clause 4.1.1 relating to mitigation measures so as to remove the payment of £37,324 in respect of strategic transport impacts and to add a bespoke contribution of £8,168 to increase education capacity at a specified local primary school, such a scheme of improvement to be implemented within 5 years, in accordance with the "negotiated element" provisions of the 2010 SPD.

PLANNING COMMITTEE

Decisions issued for the following period: 20 June 2011 to 18 July 2011

Note - This list includes:

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

Item No 1

Application Number: 10/01542/FUL **Applicant:** Devington Homes

Application Type: Full Application

Description of Development: Change of use and conversion of ground and lower ground floor from restaurant/café (class A3 use)(430 sqm gross internal floorspace) to two duplex apartments (class c3) and restaurant/café (class A3 use)(140 sqm gross internal floorspace), excavation of part of front terrace to create terraced basement courtyards and associated works.
Amendment to planning application 06/00711/FUL

Site Address THE GRAND HOTEL,24 ELLIOT STREET PLYMOUTH

Case Officer: Mark Evans

Decision Date: 18/07/2011

Decision: Application Withdrawn

Item No 2

Application Number: 10/01543/LBC **Applicant:** Devington Homes

Application Type: Listed Building

Description of Development: Change of use and conversion of ground and lower ground floor from restaurant/café (class A3 use)(430 sqm gross internal floorspace) to two duplex apartments (class c3) and restaurant/café (class A3 use)(140 sqm gross internal floorspace), excavation of part of front terrace to create terraced basement courtyards and associated works.
Amendment to planning application 06/00711/FUL

Site Address THE GRAND HOTEL,24 ELLIOT STREET PLYMOUTH

Case Officer: Mark Evans

Decision Date: 18/07/2011

Decision: Application Withdrawn

Item No 3

Application Number: 10/02013/FUL **Applicant:** RJ Belcher & RJ Goode
Application Type: Full Application
Description of Development: Erection of 5 terraced town houses (three storey) with associated parking and refuse storage (renewal of 07/01957/FUL)
Site Address LAND ADJOINING 21 EAST PARK AVENUE PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 06/07/2011
Decision: Grant Subject to S106 Obligation - Full

Item No 4

Application Number: 11/00018/FUL **Applicant:** Taylor Wimpey (Exeter)
Application Type: Full Application
Description of Development: Erection of 14 houses (two-storey in height) with the provision of site access and associated works
Site Address PENLEE COTTAGE, PLYMBRIDGE ROAD PLYMOUTH
Case Officer: Janine Warne
Decision Date: 24/06/2011
Decision: Grant Subject to S106 Obligation - Full

Item No 5

Application Number: 11/00134/ADV **Applicant:** Renault Vospers
Application Type: Advertisement
Description of Development: 1 illuminated totem sign (refused) and 3 flag poles (approved)
Site Address RENAULT VOSPERS, MARSH MILLS PARK PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 21/06/2011
Decision: Advertisement Split Decision

Item No **6**

Application Number: 11/00259/FUL **Applicant:** Tamar Bridge & Torpoint Ferry J
Application Type: Full Application
Description of Development: Erection of storage facility of security fencing associated with
Torpoint Ferry
Site Address TORPOINT FERRY OFFICE, FERRY ROAD
Case Officer: Adam Williams
Decision Date: 08/07/2011
Decision: Grant Conditionally

Item No **7**

Application Number: 11/00345/FUL **Applicant:** Mrs Mary Clark
Application Type: Full Application
Description of Development: Installation of external lift to the rear of building
Site Address FLATS 1, 2 AND 3 BRETON HOUSE VAUXHALL QUAY
THE BARBICAN PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 05/07/2011
Decision: Refuse

Item No **8**

Application Number: 11/00346/LBC **Applicant:** Mrs Mary Clark
Application Type: Listed Building
Description of Development: Installation of external lift to the rear of building
Site Address FLATS 1, 2 AND 3 BRETON HOUSE VAUXHALL QUAY
THE BARBICAN PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 05/07/2011
Decision: Refuse

Item No 9

Application Number: 11/00352/FUL **Applicant:** NHS
Application Type: Full Application
Description of Development: Installation of photovoltaic cells on rear roof (south-facing)
Site Address 50 INCHKEITH ROAD PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 01/07/2011
Decision: Grant Conditionally

Item No 10

Application Number: 11/00372/FUL **Applicant:** Dartmeet Developments Ltd
Application Type: Full Application
Description of Development: Extension and alterations to house on Plot 3b; repositioning of houses on plots 2 and 3b towards Springfield Road; alterations to positioning of garages for Plots 1 and 2 (to form a double garage); provision of detached double garage for Plot 3b and provision of detached double garage and retention of existing outbuilding as garage/store for farmhouse (amended version of 08/01209)
Site Address 8 SPRINGFIELD ROAD PLYMOUTH
Case Officer: Jon Fox
Decision Date: 23/06/2011
Decision: Grant Conditionally

Item No 11

Application Number: 11/00391/FUL **Applicant:** Russell Ham Motors Ltd
Application Type: Full Application
Description of Development: Rear extension (to replace existing), replacement roof, installation of wall cladding panels and replacement UPVC windows
Site Address BRITANNIA GARAGE, 4 WOLSELEY ROAD MILEHOUSE PLYMOUTH
Case Officer: Janine Warne
Decision Date: 30/06/2011
Decision: Grant Conditionally

Item No 12

Application Number: 11/00459/FUL **Applicant:** Mr & Mrs H & PJ Shaw
Application Type: Full Application
Description of Development: Change of use, conversion, and alteration of guest house to form accommodation for 10 students
Site Address 32 HOUNDISCOMBE ROAD PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 23/06/2011
Decision: Grant Conditionally

Item No 13

Application Number: 11/00466/TC **Applicant:** Mrs Loretta Keane
Application Type: Trees in Cons Area
Description of Development: TREE WORKS
Site Address PLYMPTON PARK
Case Officer: Jane Turner
Decision Date: 27/06/2011
Decision: Application Withdrawn

Item No 14

Application Number: 11/00501/FUL **Applicant:** Commercial Concepts Ltd
Application Type: Full Application
Description of Development: Demolition of public house and erection of a terrace of 4no, 3 storey dwellings and associated parking forecourt
Site Address HELE ARMS,34 MARKET ROAD PLYMOUTH
Case Officer: Robert Heard
Decision Date: 12/07/2011
Decision: Application Withdrawn

Item No 15

Application Number: 11/00522/FUL **Applicant:** Mapeley Estates Limited
Application Type: Full Application
Description of Development: Installation of new automatic rising entrance barrier
Site Address COMPLIANCE OFFICE WEST POINT,71 EBRINGTON STREET PLYMOUTH
Case Officer: Adam Williams
Decision Date: 22/06/2011
Decision: Grant Conditionally

Item No 16

Application Number: 11/00533/FUL **Applicant:** Miss Julie Mazzoni
Application Type: Full Application
Description of Development: Rear Conservatory
Site Address 40 FOUNTAINS CRESCENT PLYMOUTH
Case Officer: Mark Utting
Decision Date: 24/06/2011
Decision: Grant Conditionally

Item No 17

Application Number: 11/00548/FUL **Applicant:** Mr William Willmott
Application Type: Full Application
Description of Development: Erection of conservatory to rear of existing property
Site Address 105 CHURCH WAY PLYMOUTH
Case Officer: Mark Utting
Decision Date: 07/07/2011
Decision: Grant Conditionally

Item No 18

Application Number: 11/00564/FUL **Applicant:** Royal London Mutual Insurance
Application Type: Full Application
Description of Development: Renewal of planning permission 08/00656/FUL for refurbishment works, including reconfiguration to form 2 retail units, amendments to external appearance of building and installation of mezzanine floor for retail sales and ancillary storage
Site Address UNIT 2 ERRILL RETAIL PARK, PLYMOUTH ROAD
PLYMPTON PLYMOUTH
Case Officer: Robert Heard
Decision Date: 06/07/2011
Decision: Grant Conditionally

Item No 19

Application Number: 11/00577/FUL **Applicant:** Mr M Soper
Application Type: Full Application
Description of Development: Re-develop site by erection of two 3/4 storey blocks containing 45 units of student accommodation with associated car parking, cycle storage, refuse storage and amenity space
Site Address LAND OFF BEAUMONT ROAD PLYMOUTH
Case Officer: Robert Heard
Decision Date: 11/07/2011
Decision: Grant Subject to S106 Obligation - Full

Item No 20

Application Number: 11/00579/FUL **Applicant:** Mr and Mrs L Vanstone
Application Type: Full Application
Description of Development: Two-storey side extension, front porch, and development to front garden including shed and vehicle hardstanding
Site Address 4 OVERTON GARDENS PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 11/07/2011
Decision: Grant Conditionally

Item No 21

Application Number: 11/00580/FUL **Applicant:** Mrs J Marsh
Application Type: Full Application
Description of Development: Change of use from offices and 5-bedroom student maisonette to accommodation for 8 students
Site Address 85 NORTH HILL PLYMOUTH
Case Officer: Robert Heard
Decision Date: 15/07/2011
Decision: Grant Conditionally

Item No 22

Application Number: 11/00582/FUL **Applicant:** The Bowden Practice
Application Type: Full Application
Description of Development: Change of use and alteration from Office (Use Class B1) to a Physiotherapy Practice (Use Class D1a) and formation of two parking spaces
Site Address 6A DERRIFORD PARK PLYMOUTH
Case Officer: Janine Warne
Decision Date: 30/06/2011
Decision: Grant Conditionally

Item No 23

Application Number: 11/00587/ADV **Applicant:** Plymouth Arts Centre
Application Type: Advertisement
Description of Development: 1 fascia sign and 2 painted wall signs (1 externally illuminated)
Site Address 38 LOOE STREET PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 18/07/2011
Decision: Grant Conditionally

Item No 24

Application Number: 11/00588/RE **Applicant:** Archstone Lifestyle Properties
Application Type: Reserved Matters
Description of Development: Reserved matters application (appearance, landscaping, layout and scale) for nursing home with associated car parking
Site Address LAND AT ERNESETTLE LANE ST BUDEAUX PLYMOUTH
Case Officer: Carly Francis
Decision Date: 08/07/2011
Decision: Grant Conditionally

Item No 25

Application Number: 11/00589/FUL **Applicant:** HMS Drake
Application Type: Full Application
Description of Development: Rehabilitation centre to include swimming pool, hydrotherapy pool, gymnasium, changing rooms and associated landscaping
Site Address DEVONPORT DOCKYARD, SALTASH ROAD KEYHAM PLYMOUTH
Case Officer: Adam Williams
Decision Date: 06/07/2011
Decision: Grant Conditionally

Item No 26

Application Number: 11/00591/FUL **Applicant:** Mr Tim Guang Liao
Application Type: Full Application
Description of Development: Variation of condition 4 of ref: 08/00315/FUL (opening hours) to allow the restaurant to open until 10:30pm on Sundays
Site Address MEZZANINE FLOOR ABOVE 72-84 ROYAL PARADE, AND 80 ROYAL PARADE PLYMOUTH
Case Officer: Jeremy Guise
Decision Date: 21/06/2011
Decision: Grant Conditionally

Item No 27

Application Number: 11/00595/FUL **Applicant:** James Whybrow
Application Type: Full Application
Description of Development: Develop side garden by erection of dwellinghouse with associated works
Site Address 159 STANBOROUGH ROAD PLYMOUTH
Case Officer: Jon Fox
Decision Date: 11/07/2011
Decision: Refuse

Item No 28

Application Number: 11/00616/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 18 to 8 parking spaces , and other associated works
Site Address MCDONALDS RESTAURANT, COYPOOL ROAD PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 07/07/2011
Decision: Grant Conditionally

Item No 29

Application Number: 11/00617/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: Stuart Anderson
Decision Date: 07/07/2011
Decision: Grant Conditionally

Item No 30

Application Number: 11/00619/FUL **Applicant:** Mr G Rogers
Application Type: Full Application
Description of Development: First floor extension and existing ground floor extension to rear including the raising of the existing flat roof to rear tenement extension
Site Address 47 BARN PARK ROAD HYDE PARK PLYMOUTH
Case Officer: Mark Utting
Decision Date: 01/07/2011
Decision: Grant Conditionally

Item No 31

Application Number: 11/00625/FUL **Applicant:** Mr G Secker
Application Type: Full Application
Description of Development: Formation of hardstanding and access onto Boringdon Hill
Site Address 1 BLANCHARD PLACE PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 23/06/2011
Decision: Refuse

Item No 32

Application Number: 11/00631/FUL **Applicant:** University of Plymouth
Application Type: Full Application
Description of Development: Marine engineering research and teaching facility building (6 storeys), with associated hard and soft landscaping areas, bicycle parking areas etc. Revised scheme to 10/00366/FUL, to include the addition of an air handling unit
Site Address UNIVERSITY OF PLYMOUTH, DRAKE CIRCUS PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 11/07/2011
Decision: Grant Conditionally

Item No 33

Application Number: 11/00632/FUL **Applicant:** Mr Richard Hiller
Application Type: Full Application
Description of Development: Develop land at rear by erection of two-storey dwelling house
Site Address 19 VICTORIA ROAD PLYMOUTH
Case Officer: Carly Francis
Decision Date: 30/06/2011
Decision: Grant Conditionally

Item No 34

Application Number: 11/00647/FUL **Applicant:** Mr John Aken
Application Type: Full Application
Description of Development: Single- storey rear extension (existing conservatory to be removed)
Site Address 40 LONG ROWDEN PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 24/06/2011
Decision: Grant Conditionally

Item No 35

Application Number: 11/00648/LBC **Applicant:** Chiuas Brothers Ltd
Application Type: Listed Building
Description of Development: Installation of new glass doors to gift shop with existing timber doors to be retained
Site Address 60 SOUTHSIDE STREET PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 14/07/2011
Decision: Grant Conditionally

Item No 36

Application Number: 11/00659/FUL **Applicant:** Affinity Sutton Group
Application Type: Full Application
Description of Development: External wall insulation
Site Address 2-4 SWALE CLOSE PLYMOUTH
Case Officer: Mark Utting
Decision Date: 04/07/2011
Decision: Grant Conditionally

Item No 37

Application Number: 11/00661/FUL **Applicant:** Affinity Sutton Group
Application Type: Full Application
Description of Development: External wall insulation
Site Address 1 SWALE CLOSE PLYMOUTH
Case Officer: Mark Utting
Decision Date: 23/06/2011
Decision: Grant Conditionally

Item No 38

Application Number: 11/00663/FUL **Applicant:** Affinity Sutton Group
Application Type: Full Application
Description of Development: External wall insulation
Site Address 2-8 THERLOW ROAD PLYMOUTH
Case Officer: Mark Utting
Decision Date: 23/06/2011
Decision: Grant Conditionally

Item No 39

Application Number: 11/00664/FUL **Applicant:** Plymouth Community Homes
Application Type: Full Application
Description of Development: Single storey rear extension to bungalow
Site Address 2 WOODFORD CLOSE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 30/06/2011
Decision: Grant Conditionally

Item No 40

Application Number: 11/00669/FUL **Applicant:** BDW Trading Ltd
Application Type: Full Application
Description of Development: Erection of four dwellings (amendment to scheme approved under application 10/00681)
Site Address FORMER BARNE BARTON PRIMARY SCHOOL, POOLE PARK ROAD PLYMOUTH
Case Officer: Carly Francis
Decision Date: 23/06/2011
Decision: Grant Conditionally

Item No 41

Application Number: 11/00671/FUL **Applicant:** Cheque Centre Limited
Application Type: Full Application
Description of Development: Change of use from Class A1 (retail) to Class A2 (financial and professional services)
Site Address 104 CORNWALL STREET CITY CENTRE PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 05/07/2011
Decision: Grant Conditionally

Item No 42

Application Number: 11/00672/FUL **Applicant:** Mrs Susan Smith
Application Type: Full Application
Description of Development: Single-storey front extension
Site Address 12 LOWERSIDE PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 21/06/2011
Decision: Grant Conditionally

Item No 43

Application Number: 11/00673/LBC **Applicant:** Plymouth Visual Arts Consortiu
Application Type: Listed Building
Description of Development: Alterations to convert the building into a temporary 3 month gallery space; works include temporary flooring, cladding, lobby area, lighting and associated alterations
Site Address SLAUGHTER BUILDING, ROYAL WILLIAM YARD
PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 05/07/2011
Decision: Grant Conditionally

Item No 44

Application Number: 11/00674/24 **Applicant:** Harlequin Ltd
Application Type: GPDO PT24
Description of Development: Openreach Broadband Unit
Site Address OPPOSITE THE POST HOUSE, SEVEN STARS LANE
PLYMOUTH
Case Officer: Mark Utting
Decision Date: 08/07/2011
Decision: Prior approval not req PT24

Item No 45

Application Number: 11/00675/24 **Applicant:** Harlequin
Application Type: GPDO PT24
Description of Development: Openreach Broadband Cabinet
Site Address OPPOSITE 12 EGGBUCKLAND ROAD PLYMOUTH
Case Officer: Mark Utting
Decision Date: 22/06/2011
Decision: Prior approval not req PT24

Item No 46

Application Number: 11/00676/24 **Applicant:** Harlequin

Application Type: GPDO PT24

Description of Development: Openreach Broadband Cabinet

Site Address OPPOSITE 6 COMPTON AVENUE PLYMOUTH

Case Officer: Mark Utting

Decision Date: 08/07/2011

Decision: Prior approval not req PT24

Item No 47

Application Number: 11/00677/24 **Applicant:** Harlequin

Application Type: GPDO PT24

Description of Development: Openreach broadband cabint

Site Address ELM ROAD, SOUTH OF ELM HOUSE, MANNAMEAD AVENUE PLYMOUTH

Case Officer: Mark Utting

Decision Date: 15/07/2011

Decision: Prior approval not req PT24

Item No 48

Application Number: 11/00678/24 **Applicant:** Harlequin

Application Type: GPDO PT24

Description of Development: Openreach Broadband Cabinet

Site Address OPPOSITE THE WALRUS, ATHENAEUM STREET PLYMOUTH

Case Officer: Mark Utting

Decision Date: 22/06/2011

Decision: Prior approval not req PT24

Item No 49

Application Number: 11/00679/24 **Applicant:** Harlequin Ltd

Application Type: GPDO PT24

Description of Development: Openreach Broadband Cabinet

Site Address DURNFORD STREET SOUTH OF 24-38 BARRACK PLACE PLYMOUTH

Case Officer: Mark Utting

Decision Date: 22/06/2011

Decision: Prior approval not req PT24

Item No 50

Application Number: 11/00680/24 **Applicant:** Harlequin Ltd

Application Type: GPDO PT24

Description of Development: Openreach Broadband Cabinet

Site Address MUTLEY ROAD, SOUTH OF 55 MANNAMEAD ROAD PLYMOUTH

Case Officer: Mark Utting

Decision Date: 15/07/2011

Decision: Application Withdrawn

Item No 51

Application Number: 11/00681/24 **Applicant:** Harlequin Ltd

Application Type: GPDO PT24

Description of Development: Openreach Broadband Cabinets

Site Address NOTTE STREET, SOUTH OF 1 HOEGATE STREET PLYMOUTH

Case Officer: Mark Utting

Decision Date: 22/06/2011

Decision: Prior approval not req PT24

Item No 52

Application Number: 11/00682/24 **Applicant:** Harlequin Ltd

Application Type: GPDO PT24

Description of Development: Openreach Broadband Cabinets

Site Address POUND STREET, SOUTH OF 92 CREMYLL STREET
PLYMOUTH

Case Officer: Mark Utting

Decision Date: 22/06/2011

Decision: Prior approval not req PT24

Item No 53

Application Number: 11/00683/24 **Applicant:** Harlequin Ltd

Application Type: GPDO PT24

Description of Development: Openreach Broadband Cabinet

Site Address BASKET OPE, OPPOSITE 16-42 VAUXHALL STREET
PLYMOUTH

Case Officer: Mark Utting

Decision Date: 15/07/2011

Decision: Prior approval not req PT24

Item No 54

Application Number: 11/00684/24 **Applicant:** Harlequin Limited

Application Type: GPDO PT24

Description of Development: Openreach Broadband Cabinets

Site Address NORTH ROAD WEST, SOUTH OF 300 NORTH ROAD
WEST PLYMOUTH

Case Officer: Mark Utting

Decision Date: 15/07/2011

Decision: Prior approval not req PT24

Item No 55

Application Number: 11/00685/24 **Applicant:** Harlequin Limited

Application Type: GPDO PT24

Description of Development: Openreach Broadband Cabinets

Site Address BUCKWELL STREET, SOUTH OF 59 BUCKWELL STREET PLYMOUTH

Case Officer: Mark Utting

Decision Date: 22/06/2011

Decision: Prior approval not req PT24

Item No 56

Application Number: 11/00687/FUL **Applicant:** Interlube Systems Limited

Application Type: Full Application

Description of Development: Erection of 2.4 metre high paladin fence and gates

Site Address INTERLUBE SYSTEMS LIMITED, ST MODWEN ROAD PARKWAY INDUSTRIAL ESTATE PLYMOUTH

Case Officer: Adam Williams

Decision Date: 06/07/2011

Decision: Grant Conditionally

Item No 57

Application Number: 11/00688/FUL **Applicant:** Mr Stephen Welch

Application Type: Full Application

Description of Development: Two storey side extension and first floor front extension

Site Address 1 WARDLOW CLOSE PLYMOUTH

Case Officer: Adam Williams

Decision Date: 22/06/2011

Decision: Grant Conditionally

Item No 58

Application Number: 11/00692/FUL **Applicant:** Ashoka Buddhist Centre
Application Type: Full Application
Description of Development: Formation of four rooms in roofspace, with two dormers on west elevation, and rooflights on south and east elevations, and use of second floor level flat roof as an outdoor amenity area, with erection of obscure-glazed screens
Site Address 33 SUTHERLAND ROAD PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 20/06/2011
Decision: Grant Conditionally

Item No 59

Application Number: 11/00694/FUL **Applicant:** Plymouth Cricket Club
Application Type: Full Application
Description of Development: Replacement 'pavillion and associated works for cricket and community uses
Site Address PLYMOUTH CRICKET GROUND, CUMBERLAND ROAD PLYMOUTH
Case Officer: Jeremy Guise
Decision Date: 20/06/2011
Decision: Grant Conditionally

Item No 60

Application Number: 11/00696/FUL **Applicant:** Ultralase
Application Type: Full Application
Description of Development: Change of use from class A2 to class D1
Site Address 1-4 DERRYS CROSS PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 24/06/2011
Decision: Grant Conditionally

Item No 61

Application Number: 11/00703/FUL **Applicant:** Mr G Eggleton
Application Type: Full Application
Description of Development: Replacement front porch
Site Address 63 HIGHER PARK CLOSE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 06/07/2011
Decision: Refuse

Item No 62

Application Number: 11/00707/FUL **Applicant:** Mr G Jones
Application Type: Full Application
Description of Development: Retention of Summer House, raised platform and fence
Site Address 5 WARDLOW CLOSE PLYMOUTH
Case Officer: Paul Steen
Decision Date: 04/07/2011
Decision: Grant Conditionally

Item No 63

Application Number: 11/00708/FUL **Applicant:** Paul Russell
Application Type: Full Application
Description of Development: Alterations to garage doors, roof and new supporting walls
Site Address 193 STUART ROAD PLYMOUTH
Case Officer: Mark Utting
Decision Date: 23/06/2011
Decision: Grant Conditionally

Item No 64

Application Number: 11/00709/FUL **Applicant:** Emma's 4 Everyone
Application Type: Full Application
Description of Development: Single-storey rear extension to existing gym to provide 2 beauty rooms and rest area
Site Address 703 WOLSELEY ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 24/06/2011
Decision: Refuse

Item No 65

Application Number: 11/00711/24 **Applicant:** Harlequin Ltd
Application Type: GPDO PT24
Description of Development: Openreach Broadband Cabinet
Site Address CRESCENT AVENUE S-O BUCKINGHAM GUEST HOUSE
1 ST JAMES PLACE EAST PLYMOUTH
Case Officer: Mark Utting
Decision Date: 15/07/2011
Decision: Prior approval not req PT24

Item No 66

Application Number: 11/00712/FUL **Applicant:** Mr & Mrs Langton
Application Type: Full Application
Description of Development: Front porch (to replace existing porch)
Site Address 12 PENRITH GARDENS PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 23/06/2011
Decision: Grant Conditionally

Item No 67

Application Number: 11/00713/FUL **Applicant:** Mr Allen Murray
Application Type: Full Application
Description of Development: Installation of solar panels on rear roof
Site Address 14 WINDSOR PLACE PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 28/06/2011
Decision: Refuse

Item No 68

Application Number: 11/00728/FUL **Applicant:** Mr & Mrs Phil Dyer
Application Type: Full Application
Description of Development: Demolish existing conservatory, new rear single storey extension and rear raised decking area
Site Address 41 CHADDLEWOOD CLOSE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 30/06/2011
Decision: Grant Conditionally

Item No 69

Application Number: 11/00729/FUL **Applicant:** Trelawney Partnership
Application Type: Full Application
Description of Development: Change of use, conversion and alteration of public house to form three commercial units (1x A2 'financial and professional services', 1x solarium - 'sui generis' and 1 x A5 'hot food takeaway') and three self contained flats at first floor
Site Address EX TRELAWNEY ARMS, 642 WOLSELEY ROAD ST BUDEAUX PLYMOUTH
Case Officer: Janine Warne
Decision Date: 24/06/2011
Decision: Grant Conditionally

Item No 70

Application Number: 11/00730/EXU **Applicant:** Westbeer Ltd
Application Type: LDC Existing Use
Description of Development: 7 bedroom HMO
Site Address 59 NORTH ROAD EAST PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 13/07/2011
Decision: Issue Certificate - Lawful Use

Item No 71

Application Number: 11/00733/FUL **Applicant:** Chivas Brother Ltd
Application Type: Full Application
Description of Development: Conversion of basement store into bar area
Site Address PLYMOUTH GIN DISTILLERY, SOUTHSIDE STREET
Case Officer: Karen Gallacher
Decision Date: 01/07/2011
Decision: Grant Conditionally

Item No 72

Application Number: 11/00747/LBC **Applicant:** Devon & Cornwall Housing Ltd
Application Type: Listed Building
Description of Development: Installation of replacement mechanical ventilation with associated roof ventilators
Site Address 2 NELSON GARDENS PLYMOUTH
Case Officer: Janine Warne
Decision Date: 01/07/2011
Decision: Grant Conditionally

Item No 73

Application Number: 11/00753/ADV **Applicant:** Ultralase
Application Type: Advertisement
Description of Development: Fascia sign A (Refused); Fascia sign B (approved)
Site Address 1-4 DERRYS CROSS PLYMOUTH
Case Officer: Mark Utting
Decision Date: 11/07/2011
Decision: Advertisement Split Decision

Item No 74

Application Number: 11/00754/FUL **Applicant:** Mr/s Kemp
Application Type: Full Application
Description of Development: Single-storey extension to front, side and rear (existing lean-to side extension to be removed)
Site Address 124 RINGMORE WAY PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 05/07/2011
Decision: Grant Conditionally

Item No 75

Application Number: 11/00756/LBC **Applicant:** Mr and Mrs Ward
Application Type: Listed Building
Description of Development: Removal of some internal wall partitions to reform floor plan to original state
Site Address APARTMENT 5, 5 ELLIOT TERRACE THE HOE PLYMOUTH
Case Officer: Mark Utting
Decision Date: 01/07/2011
Decision: Grant Conditionally

Item No 76

Application Number: 11/00758/FUL **Applicant:** Mr Jon and Mrs Mandy Oliver
Application Type: Full Application
Description of Development: Single storey rear and side extension
Site Address 60 BORINGDON HILL PLYMOUTH
Case Officer: Mike Stone
Decision Date: 05/07/2011
Decision: Refuse

Item No 77

Application Number: 11/00762/FUL **Applicant:** Mr Victor Delbridge
Application Type: Full Application
Description of Development: Single-storey side and rear extension
Site Address 251 TAUNTON AVENUE PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 18/07/2011
Decision: Grant Conditionally

Item No 78

Application Number: 11/00764/24 **Applicant:** Harlequin Ltd
Application Type: GPDO PT24
Description of Development: Openreach Broadband Cabinet
Site Address LOVELL ROAD, S/O 2 WHITEFORD ROAD Plymouth
Case Officer: Mark Utting
Decision Date: 15/07/2011
Decision: Prior approval not req PT24

Item No 79

Application Number: 11/00767/24 **Applicant:** Harlequin Ltd
Application Type: GPDO PT24
Description of Development: Openreach Broadband Cabinet
Site Address BEAUMONT ROAD, R-O 9-15 WHITE FRIARS LANE
PLYMOUTH
Case Officer: Mark Utting
Decision Date: 22/06/2011
Decision: Prior approval not req PT24

Item No 80

Application Number: 11/00769/FUL **Applicant:** Mr B Dodds

Application Type: Full Application

Description of Development: Single storey side extension

Site Address 10 HEMERDON HEIGHTS PLYMOUTH

Case Officer: Simon Osborne

Decision Date: 23/06/2011

Decision: Grant Conditionally

Item No 81

Application Number: 11/00771/FUL **Applicant:** Mr & Mrs Roach

Application Type: Full Application

Description of Development: Rear conservatory (existing structure to be removed)

Site Address 34 LANGSTONE ROAD PLYMOUTH

Case Officer: Simon Osborne

Decision Date: 01/07/2011

Decision: Refuse

Item No 82

Application Number: 11/00776/FUL **Applicant:** Mr and Mrs David Weston

Application Type: Full Application

Description of Development: Single storey rear extension and associated raised decking

Site Address 34 BURROW HILL PLYMOUTH

Case Officer: Simon Osborne

Decision Date: 30/06/2011

Decision: Grant Conditionally

Item No 83

Application Number: 11/00777/FUL **Applicant:** Plymouth City Council

Application Type: Full Application

Description of Development: Installation of 17 ventilation stacks to existing roof

Site Address WINDSOR HOUSE, TAVISTOCK ROAD PLYMOUTH

Case Officer: Adam Williams

Decision Date: 08/07/2011

Decision: Grant Conditionally

Item No 84

Application Number: 11/00781/FUL **Applicant:** Mr Mark & Mrs Donna Churchill
Application Type: Full Application
Description of Development: First floor and single storey rear extensions
Site Address 88A WEMBURY ROAD PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 30/06/2011
Decision: Grant Conditionally

Item No 85

Application Number: 11/00782/FUL **Applicant:** Elburton Primary School
Application Type: Full Application
Description of Development: Construction of timber deck and canopy forming a covered external teaching space and play areas, with associated ramps, boundary fence, and landscaped area (existing covered area to be removed)
Site Address ELBURTON PRIMARY SCHOOL, HAYE ROAD SOUTH
ELBURTON PLYMOUTH
Case Officer: Stuart Anderson
Decision Date: 08/07/2011
Decision: Grant Conditionally

Item No 86

Application Number: 11/00783/PR **Applicant:** Ms F Jackson
Application Type: LDC Proposed Develop
Description of Development: Rear dormer and replacement of first floor rear window with french doors and Juliet balcony
Site Address 43 DURWENT CLOSE PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 30/06/2011
Decision: Issue Certificate - Lawful Use

Item No 87

Application Number: 11/00785/FUL **Applicant:** Mr Graham Haddock
Application Type: Full Application
Description of Development: Single storey front extension
Site Address 7 PINWOOD CLOSE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 15/07/2011
Decision: Grant Conditionally

Item No 88

Application Number: 11/00792/FUL **Applicant:** Mrs J Sutcliffe
Application Type: Full Application
Description of Development: 2 Storey side extension (existing structure to be removed)
Site Address 16 BEATTIE ROAD PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 13/07/2011
Decision: Grant Conditionally

Item No 89

Application Number: 11/00802/FUL **Applicant:** Mr Nick Wakem
Application Type: Full Application
Description of Development: Single storey front extension/porch
Site Address 85 WINDERMERE CRESCENT PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 01/07/2011
Decision: Grant Conditionally

Item No 90

Application Number: 11/00805/LBC **Applicant:** Prezzo PLC
Application Type: Listed Building
Description of Development: Non illuminated fascia 'text' signs and an internally illuminated 'menu' pillar sign
Site Address PREZZO UNITS 16 & 17, MILLS BAKERY, ROYAL WILLIAM YARD PLYMOUTH
Case Officer: Mark Utting
Decision Date: 12/07/2011
Decision: Grant Conditionally

Item No 91

Application Number: 11/00806/ADV **Applicant:** Prezzo PLC
Application Type: Advertisement
Description of Development: Non illuminated fascia 'text' sign (approved) and an internally illuminated 'menu' pillar signs (Refused)
Site Address PREZZO UNITS 16 & 17, MILLS BAKERY, ROYAL WILLIAM YARD PLYMOUTH
Case Officer: Mark Utting
Decision Date: 12/07/2011
Decision: Refuse

Item No 92

Application Number: 11/00813/LBC **Applicant:** Plymouth Arts Centre
Application Type: Listed Building
Description of Development: 1 Fascia sign and 2 painted wall signs (1 externally illuminated)
Site Address Plymouth Arts Centre 38 LOOE STREET PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 18/07/2011
Decision: Grant Conditionally

Item No 93

Application Number: 11/00819/LBC **Applicant:** Urban Splash
Application Type: Listed Building
Description of Development: Redirection of existing rain water outlets to allow discharge of water below the boardwalk and removal of lead sheathed spout and replacement with cast iron rainwater goods
Site Address SLAUGHTER HOUSE, CREMYLL STREET PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 06/07/2011
Decision: Grant Conditionally

Item No 94

Application Number: 11/00820/LBC **Applicant:** Ms K Sparshatt
Application Type: Listed Building
Description of Development: Alterations to improve access, including platform and stair lifts, alterations to stepped areas, new bridge platform, widening entrances, alterations to toilets, floor level alterations, removal of hearth stone and wall linings and creation of acoustic lobby
Site Address PLYMOUTH ART CENTRE, 38 LOOE STREET PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 14/07/2011
Decision: Grant Conditionally

Item No 95

Application Number: 11/00822/TPO **Applicant:** Green Oak Tree Care
Application Type: Tree Preservation
Description of Development: Oak - crown lift by 3-4 feet
Site Address 1 DRAKES CLOSE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 05/07/2011
Decision: Grant Conditionally

Item No 96

Application Number: 11/00823/TPO **Applicant:** Mrs Ann Holt
Application Type: Tree Preservation
Description of Development: Holly - Reduce by 5m, thin by 20%, crown lift to 4m
Site Address 4 VALLEY VIEW ROAD HIGHER COMPTON PLYMOUTH
Case Officer: Jane Turner
Decision Date: 05/07/2011
Decision: Grant Conditionally

Item No 97

Application Number: 11/00824/FUL **Applicant:** Mr & Mrs Mario & Katie Curtis
Application Type: Full Application
Description of Development: Erection of two-storey dwellinghouse
Site Address 15 SHUTE PARK ROAD PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 13/07/2011
Decision: Refuse

Item No 98

Application Number: 11/00825/FUL **Applicant:** Mr K Sammels
Application Type: Full Application
Description of Development: Single-storey rear extension
Site Address 60 MIDDLEFIELD ROAD SOUTHWAY PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 14/07/2011
Decision: Grant Conditionally

Item No 99

Application Number: 11/00828/FUL **Applicant:** Mr & Mrs Somerville
Application Type: Full Application
Description of Development: Single-storey side/rear extension
Site Address 33 LANGMEAD ROAD PLYMOUTH
Case Officer: Mark Utting
Decision Date: 13/07/2011
Decision: Grant Conditionally

Item No 100

Application Number: 11/00830/FUL **Applicant:** Plymouth Community Homes
Application Type: Full Application
Description of Development: Single-storey rear extension
Site Address 521 BUDSHEAD ROAD PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 15/07/2011
Decision: Refuse

Item No 101

Application Number: 11/00832/EXU **Applicant:** Mr & Mrs M Yung
Application Type: LDC Existing Use
Description of Development: Use of lower ground floor of property as separate unit of residential accommodation (including external staircase)
Site Address 40 BREAN DOWN ROAD PEVERELL PLYMOUTH
Case Officer: Adam Williams
Decision Date: 15/07/2011
Decision: Issue Certificate - Lawful Use

Item No 102

Application Number: 11/00833/FUL **Applicant:** McDonald's Restaurants Ltd
Application Type: Full Application
Description of Development: New shopfront details
Site Address MCDONALD'S RESTAURANTS LIMITED 13 NEW GEORGE STREET PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 11/07/2011
Decision: Grant Conditionally

Item No 103

Application Number: 11/00834/ADV **Applicant:** The Co-operative Group Ltd
Application Type: Advertisement
Description of Development: 1 externally illuminated fascia sign, 1 internally illuminated projecting sign
Site Address 17 MARLBOROUGH STREET PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 14/07/2011
Decision: Grant Conditionally

Item No 104

Application Number: 11/00835/ADV **Applicant:** McDonald's Restaurant Ltd
Application Type: Advertisement
Description of Development: Internally illuminated fascia signs and projecting sign
Site Address MCDONALDS RESTAURANT'S LTD 13 NEW GEORGE STREET PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 11/07/2011
Decision: Grant Conditionally

Item No 105

Application Number: 11/00836/FUL **Applicant:** Linden Homes South West
Application Type: Full Application
Description of Development: Erection of two detached dwellinghouses
Site Address FORMER TENNIS COURTS, OFF THE LANE, PLYMBRIDGE ROAD PLYMOUTH
Case Officer: Robert Heard
Decision Date: 14/07/2011
Decision: Grant Conditionally

Item No 106

Application Number: 11/00842/ADV **Applicant:** Texaco
Application Type: Advertisement
Description of Development: 2x free standing pole signs
Site Address PETROL FILLING STATION, BUDSHEAD ROAD
PLYMOUTH
Case Officer: Mark Utting
Decision Date: 13/07/2011
Decision: Refuse

Item No 107

Application Number: 11/00843/TPO **Applicant:** All About Trees
Application Type: Tree Preservation
Description of Development: Ash - pollard or re-coppice
Site Address BEHIND 65 AND 67, KINGFISHER WAY PLYMOUTH
Case Officer: Jane Turner
Decision Date: 06/07/2011
Decision: Grant Conditionally

Item No 108

Application Number: 11/00844/TPO **Applicant:** All About Trees
Application Type: Tree Preservation
Description of Development: Horse chestnut - reduce by 1 - 1.5m
Site Address OPEN SPACE TO SIDE OF 20 KINGFISHER WAY
PLYMOUTH
Case Officer: Jane Turner
Decision Date: 12/07/2011
Decision: Refuse

Item No 109

Application Number: 11/00845/FUL **Applicant:** Plymouth Community Homes
Application Type: Full Application
Description of Development: Erection of new fencing and gates on Batter Street and Stillman Street
Site Address STILLMAN COURT, STILLMAN STREET PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 11/07/2011
Decision: Grant Conditionally

Item No 110

Application Number: 11/00861/TC **Applicant:** Mrs B Theobald
Application Type: Trees in Cons Area
Description of Development: Oak - reduction of lower branches by 3-4m
Site Address 14 HARWOOD AVENUE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 29/06/2011
Decision: Grant Conditionally

Item No 111

Application Number: 11/00862/31 **Applicant:** Plymouth City Council
Application Type: GPDO PT31
Description of Development: Determination as to whether prior approval is required for the demolition of the former Southway Primary School and nursery and proposed landscaping of the site
Site Address SOUTHWAY PRIMARY SCHOOL, BAMPFYLDE WAY PLYMOUTH
Case Officer: Janine Warne
Decision Date: 14/07/2011
Decision: Prior approval not req PT24

Item No 112

Application Number: 11/00880/FUL **Applicant:** Mr Philip Ryeland
Application Type: Full Application
Description of Development: Removal of existing conservatory and erection of new conservatory
Site Address 3 WILLIAM EVANS CLOSE PLYMOUTH
Case Officer: Mark Utting
Decision Date: 13/07/2011
Decision: Grant Conditionally

Item No 113

Application Number: 11/00882/ADV **Applicant:** Mr A Wheeler
Application Type: Advertisement
Description of Development: Non illuminated painted wall signs
Site Address 82 HIGHER COMPTON ROAD PLYMOUTH
Case Officer: Mark Utting
Decision Date: 14/07/2011
Decision: Refuse

Item No 114

Application Number: 11/00885/PR **Applicant:** Mr and Mrs Stancombe
Application Type: LDC Proposed Develop
Description of Development: Rear conservatory
Site Address 11 LAUNCESTON CLOSE PLYMOUTH
Case Officer: Mark Utting
Decision Date: 13/07/2011
Decision: Issue Certificate - Lawful Use

Item No 115

Application Number: 11/00887/FUL **Applicant:** Mr T Fairbanks
Application Type: Full Application
Description of Development: Conservatory to northeast elevation
Site Address 11 BELLE VUE ROAD PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 18/07/2011
Decision: Grant Conditionally

Item No 116

Application Number: 11/00891/TPO **Applicant:** Hunts Tree & Garden Services L
Application Type: Tree Preservation
Description of Development: Beech - reduction of various branches by varying amounts
Site Address 4 ALWIN PARK NOTRE DAME CLOSE DERRIFORD
PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 08/07/2011
Decision: Grant Conditionally

Item No 117

Application Number: 11/00901/TC **Applicant:** Ms Kate Tomason
Application Type: Trees in Cons Area
Description of Development: Ash - fell
Site Address 2 CANN COTTAGES, TAMERTON FOLIOT ROAD
PLYMOUTH
Case Officer: Jane Turner
Decision Date: 29/06/2011
Decision: Grant Conditionally

Item No 118

Application Number: 11/00902/TPO **Applicant:** Mr Ian Dickinson
Application Type: Tree Preservation
Description of Development: Sycamore, Ash and Holm Oak - crown lift to match height
overhanging neighbours
Site Address KINNAIRD HOUSE, BUCKINGHAM PLACE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 13/07/2011
Decision: Grant Conditionally

Item No 119

Application Number: 11/00903/TPO **Applicant:** Mrs Hill
Application Type: Tree Preservation
Description of Development: 2 Holm Oak - Re pollard
Yew - Remove one low branch
Site Address 32 THORNHILL WAY PLYMOUTH
Case Officer: Jane Turner
Decision Date: 12/07/2011
Decision: Grant Conditionally

Item No 120

Application Number: 11/00904/TC **Applicant:** Margaret McMillan Nursery
Application Type: Trees in Cons Area
Description of Development: Dead cherry - remove (exempt)
Lime- near playhouse raise crown to 2.5m above ground level
Lime - on going removal of lower shoots over pushchair store
Site Address 24 HOE STREET PLYMOUTH
Case Officer: Jane Turner
Decision Date: 12/07/2011
Decision: Grant Conditionally

Item No 121

Application Number: 11/00905/TPO **Applicant:** Mrs Locock
Application Type: Tree Preservation
Description of Development: Cedar overhanging 14 Torland Road, crown lift to similar
height of crown in No 16
Site Address 16 TORLAND ROAD PLYMOUTH
Case Officer: Jane Turner
Decision Date: 13/07/2011
Decision: Grant Conditionally

Item No 122

Application Number: 11/00909/CA **Applicant:** Mrs L Sheldon
Application Type: Conservation Area
Description of Development: Removal of rear garage wall and reconstruction
Site Address 125 WINGFIELD ROAD PLYMOUTH
Case Officer: Adam Williams
Decision Date: 13/07/2011
Decision: CAC Not Required

Item No 123

Application Number: 11/00912/PR **Applicant:** Mr and Mrs Irving
Application Type: LDC Proposed Develop
Description of Development: Certificate of lawful development for rear dormer
Site Address 16 THORNHILL WAY PLYMOUTH
Case Officer: Mark Utting
Decision Date: 13/07/2011
Decision: Issue Certificate - Lawful Use

Item No 124

Application Number: 11/00917/FUL **Applicant:** Mrs J Coombe
Application Type: Full Application
Description of Development: Excavating small area of rear garden and constructing new retaining walls and new conservatory
Site Address 8 HUXHAM CLOSE PLYMOUTH
Case Officer: Mark Utting
Decision Date: 14/07/2011
Decision: Grant Conditionally

Item No 125

Application Number: 11/00923/EXU **Applicant:** Plymouth Waterfront Developm

Application Type: LDC Existing Use

Description of Development: Application for a lawful development certificate for leisure and commercial boat storage, moorings, pontoons, repairs and maintenance with ancillary offices, reception, car park and amenities (toilets, showers/changing and mess for staff, customers and persons with vessels alongside the quay and moored/berthed in the Cattewater

Site Address HOWARDS QUAY, FINNIGAN ROAD PLYMOUTH

Case Officer: Jon Fox

Decision Date: 15/07/2011

Decision: Issue Certificate - Lawful Use

Item No 126

Application Number: 11/00930/ADV **Applicant:** SBH UK and Ireland

Application Type: Advertisement

Description of Development: 1 internally illuminated sign, projecting sign and 1 externally illuminated sign

Site Address 131 UNION STREET PLYMOUTH

Case Officer: Mark Utting

Decision Date: 18/07/2011

Decision: Grant Conditionally

Item No 127

Application Number: 11/00935/TPO **Applicant:** Mr T Radley

Application Type: Tree Preservation

Description of Development: 3 sycamore - reduce by 4m, ash - pollard back to old cuts (approx 5-6m)

Site Address 29 CARADON CLOSE PLYMOUTH

Case Officer: Jane Turner

Decision Date: 13/07/2011

Decision: Grant Conditionally

Item No 128

Application Number: 11/00936/PR **Applicant:** Mr S Todd
Application Type: LDC Proposed Develop
Description of Development: Rear conservatory (existing structure to be removed)
Site Address 15 SHERRIL CLOSE PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 15/07/2011
Decision: Issue Certificate - Lawful Use

Item No 129

Application Number: 11/00939/FUL **Applicant:** Mr Peter McGirr
Application Type: Full Application
Description of Development: Two storey rear extension, raising of ridge, single storey side/rear extension (existing garage to be removed), erection of double private motor garage, alteration to hardstanding and widening of access
Site Address 58 STADDISCOMBE ROAD PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 18/07/2011
Decision: Grant Conditionally

Item No 130

Application Number: 11/00995/TC **Applicant:** Mr Keith Sheldon
Application Type: Trees in Cons Area
Description of Development: Lawson Cypress - Fell
Site Address 125 WINGFIELD ROAD PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 15/07/2011
Decision: Application Withdrawn

Item No 131

Application Number: 11/01015/TC **Applicant:** Mrs Patricia Bishop
Application Type: Trees in Cons Area
Description of Development: Deodar Cedar - 30% peripheral reduction (shortening of side branches by 1/3)
Site Address 6 ALBEMARLE VILLAS PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 14/07/2011
Decision: Grant Conditionally

Item No 132

Application Number: 11/01045/TPO **Applicant:** Mr Brian Needham
Application Type: Tree Preservation
Description of Development: TREE WORKS
Site Address 17 WOODFORD ROAD PLYMOUTH
Case Officer:
Decision Date: 01/07/2011
Decision: Planning Permission not required

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