

Public Document Pack

BEST ACHIEVING
COUNCIL OF THE YEAR



Barry Keel
Chief Executive

Plymouth City Council
Civic Centre
Plymouth PL1 2AA

www.plymouth.gov.uk/democracy

Date: 16-8-2011

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 25 August 2011

Time: 1.00 pm

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 - 10)

The Committee will be asked to confirm the minutes of the meeting held on 28 July 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 11 - 12)

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. 125 WINGFIELD ROAD, PLYMOUTH 11/01193/FUL (Pages 13 - 16)

Applicant:	Mrs Lynn Sheldon
Ward:	Stoke
Recommendation:	Grant conditionally

6.2. LAND ADJACENT TO 29 PETERSFIELD CLOSE, PLYMOUTH. 11/01049/FUL **(Pages 17 - 26)**

Applicant: Mrs Jackie Hunt
Ward: Compton
Recommendation: Grant conditionally

6.3. HMS DRAKE, SALTASH ROAD, PLYMOUTH. 11/01013/FUL **(Pages 27 - 30)**

Applicant: Mr Jock Easton
Ward: Devonport
Recommendation: Grant conditionally

6.4. LAND OFF CUNDY CLOSE, PLYMPTON, PLYMOUTH. 11/00149/FUL **(Pages 31 - 46)**

Applicant: Persimmon Homes South West
Ward: Plympton St Mary
Recommendation: Refuse

6.5. ELLIOT HIRE, EATON BUSINESS PARK, PLYMBRIDGE ROAD, PLYMOUTH. 11/01061/FUL **(Pages 47 - 56)**

Applicant: The Una Group
Ward: Moor View
Recommendation: Minded to grant conditionally subject to expiration of publicity period, delegated authority for the Assistant Director of Development and Regeneration to determine, if no letters of objection are received

6.6. FRIARY RETAIL PARK, EXETER STREET, PLYMOUTH. 11/00804/FUL **(Pages 57 - 70)**

Applicant: AXA P&C
Ward: St Peter and the Waterfront
Recommendation: Grant conditionally

7. PLANNING APPLICATION DECISIONS ISSUED (Pages 71 - 118)

The Assistant Director of Development (Planning Services) acting under powers delegated to him by the Council will submit a schedule outlining all decisions issued from 19 July 2011 to 15 August 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 119 - 120)

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.

Planning Committee

Thursday 28 July 2011

PRESENT:

Councillor Lock, in the Chair.

Councillor Mrs Bowyer, Vice-Chair.

Councillors Mrs Aspinall (substitute for Councillor Vincent), Browne, Churchill, Delbridge, Mrs Foster, Mrs Nicholson, Stevens, Tuohy, Wheeler and Williams.

Apology for absence: Councillor Vincent

Also in attendance: Paul Westrope (Lead Planning Officer), Julie Rundle (Lawyer) and Katey Johns (Democratic Support Officer).

The meeting started at 1 pm and finished at 3.05 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.

21. 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 Wheeler	25.2 – 5 Netton Close, Plymouth, 11/00915/FUL	Knows the applicant	Prejudicial
Councillor Churchill	25.15 – Proposed Variation to Section 106 Unilateral Undertaking to Amend Clause Relating to Measures to Mitigate the Impact of the Development	Knows one of the Directors	Prejudicial
Councillor Mrs. Nicholson	25.1 – 33 Edwards Drive, Plymouth, 11/00991/FUL	Knows one of the residents affected by the application	Personal
Councillor Mrs. Foster	25.1 – 33 Edwards Drive, Plymouth, 11/00991/FUL	Knows one of the residents affected by the application	Personal
Councillor Mrs. Aspinall	25.15 – Proposed Variation to Section	Governor at Salisbury Road	Personal

Name	Minute No. and Subject	Reason	Interest
	106 Unilateral Undertaking to Amend Clause Relating to Measures to Mitigate the Impact of the Development	Primary School	

22. **MINUTES**

Agreed the minutes of the meeting held on 30 June 2011, subject to the following amendments to the voting schedule –

- Councillors Vincent, Wheeler and Williams abstained from voting in respect of minutes 13 and 15
- the inclusion of voting details for minute 17.8 and the renumbering of subsequent items

23. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

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

There were no questions from members of the public.

25. **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 25.1, 25.9, 25.10, 25.11, 25.12, 25.13 and 25.14.

25.1 33 EDWARDS DRIVE, PLYMOUTH 11/00991/FUL

(Mr P Blackmore)

Decision:

Application **REFUSED** on the grounds that by virtue of its design, scale and massing, the extension would have an unacceptable impact on the amenities of 35 Edwards Drive in terms of loss of light and outlook contrary to policies CS02 and CS34 of the Plymouth Local Development Core Strategy (2006-2021) and guidance found within Supplementary Planning Document 'Development Guidelines', namely the Council's 45 degree guide.

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

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

the application).
(Councillors Mrs. Foster and Mrs. Nicholson declared personal interests in respect of the above item).

25.2 5 NETTON CLOSE, PLYMOUTH 11/00915/FUL

(Mr L Netherton)

Decision:

Application **GRANTED** conditionally.

(Councillor Wheeler, having declared a prejudicial interest in respect of the above item, withdrew from the meeting whilst it was being considered).

25.3 1 RONSDALE CLOSE, PLYMOUTH 11/00914/FUL

(Mrs S Reeves)

Decision:

Application **GRANTED** conditionally.

25.4 54 HOWARD ROAD, PLYMOUTH 11/00918/FUL

(Mr N Royston)

Decision:

Application **REFUSED**.

25.5 34 MOLESWORTH ROAD, PLYMPTON, PLYMOUTH 11/00919/FUL

(Mr B Phillips)

Decision:

Application **GRANTED** conditionally.

25.6 10 EASTFIELD CRESCENT PLYMOUTH 11/00951/FUL

(Mr Nicholas Houslander)

Decision:

Application **GRANTED** conditionally.

25.7 30 HILL PARK CRESCENT PLYMOUTH 11/00829/FUL

(Amber New Homes)

Decision:

Application **GRANTED** conditionally.

25.8 1 BREWHOUSE, ROYAL WILLIAM YARD, PLYMOUTH 11/00757/LBC

(Draco Property Limited)

Decision:

Application **GRANTED** conditionally.

(At the invitation of the Chair, the Committee heard representations in support of the application from Ward Councillor Penberthy).

25.9 LAND ADJACENT TO FOULSTON AVENUE, PLYMOUTH 11/00839/FUL

(Devon & Cornwall Housing)

Decision:

Application **GRANTED** conditionally as per the addendum report and the

additional removal of conditions 3, 4 and 5, subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 21/08/11.

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

(Councillor Wheeler's proposal for distribution of the S106 Obligation to be prioritised locally, having been seconded by Councillor Stevens, was put to the vote and declared carried).

25.10 ELLIOTT HIRE, EATON BUSINESS PARK, PLYMBRIDGE ROAD, PLYMOUTH 11/01061/FUL

(The Una Group)

Decision:

Application **DEFERRED**.

25.11 LAND AT MILLBAY ROAD, PLYMOUTH 10/01882/OUT

(English Cities Fund)

Decision:

Application **GRANTED** conditionally, subject to a S106 Obligation (as amended by the addendum report), with delegated authority to refuse in the event that the S106 Obligation is not completed by 28/10/11.

(With the Committee's, permission this item was moved).

25.12 NORTH WEST QUADRANT, DERRIFORD ROAD, PLYMOUTH 09/01899/OUT

(Wharfside Regeneration (Devon) Ltd)

Decision:

Application **REFUSED**, subject to the amendment to refusal reason three set out within the addendum.

25.13 140 NORTH HILL, PLYMOUTH 11/00456/OUT

(Pillar Land Securities)

Decision:

Application **REFUSED**.

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

25.14 FRIARY RETAIL PARK, EXETER STREET, PLYMOUTH 11/00804/FUL

(AXA P&C)

Decision:

Application **DEFERRED** for further consideration, as per the addendum report.

25.15 PROPOSED VARIATION TO SECTION 106 UNILATERAL UNDERTAKING TO AMEND CLAUSE RELATING TO MEASURES TO MITIGATE THE IMPACT OF THE DEVELOPMENT

The Director for Development and Regeneration submitted 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.

Agreed 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.

(Councillor Mrs. Aspinall declared a personal interest in respect of the above item).

(Councillor Churchill, having declared a prejudicial interest in respect of the above item, withdrew from the meeting whilst it was being considered).

26. **PLANNING APPLICATION DECISIONS ISSUED**

The Committee received a report from the Assistant Director of Development (Planning Services) on decisions issued for the period 20 June to 18 July 2011, including –

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

The Lead Planning Officer advised Members that item no. 3, Land adjoining 21 East Park Avenue, Plymouth, had not yet been determined and had been included in the list in error.

27. **APPEAL DECISIONS**

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

28. **EXEMPT BUSINESS**

There were no items of exempt business.

SCHEDULE OF VOTING (Pages 1 - 4)

PLEASE NOTE

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

This page is intentionally left blank

PLANNING COMMITTEE – 28 July 2011

SCHEDULE OF VOTING

Minute number and Application		Voting for	Voting against	Abstained	Absent due to interest declared	Absent
25.1	33 Edwards Drive, Plymouth 11/00991/FUL Officer Recommendation	Councillors Mrs. Bowyer, Browne and Lock	Councillors Delbridge, Mrs. Foster, Mrs. Nicholson, Stevens, Tuohy, Wheeler and Williams	Councillor Mrs. Aspinall		Councillor Churchill
25.1	33 Edwards Drive, Plymouth 11/00991/FUL Refusal Reasons	Councillors Delbridge, Mrs. Foster, Mrs. Nicholson, Stevens, Tuohy, Wheeler and Williams				
25.2	5 Netton Close, Plymouth 11/00915/FUL Officer Recommendation	Councillors Mrs. Aspinall, Mrs. Bowyer, Browne, Delbridge, Mrs. Foster, Lock, Mrs. Nicholson, Stevens, Tuohy and Williams			Councillor Wheeler	Councillor Churchill
25.3	1 Ronsdale Close, Plymouth 11/00914/FUL Officer Recommendation	Councillors Mrs. Aspinall, Mrs. Bowyer, Browne, Delbridge, Mrs. Foster, Lock, Mrs. Nicholson, Stevens, Tuohy, Wheeler and Williams				Councillor Churchill
25.4	54 Howard Road, Plymouth 11/00918/FUL Officer Recommendation	Councillors Mrs. Aspinall, Mrs. Bowyer, Browne, Delbridge, Mrs. Foster, Lock, Mrs. Nicholson, Stevens, Tuohy, Wheeler and Williams				Councillor Churchill

Minute number and Application	Voting for	Voting against	Abstained	Absent due to interest declared	Absent
25.5 34 Molesworth Road, Plympton, Plymouth 11/00919/FUL Officer Recommendation	Councillors Mrs. Aspinall, Mrs. Bowyer, Browne, Delbridge, Mrs. Foster, Lock, Mrs. Nicholson, Stevens, Tuohy, Wheeler and Williams				Councillor Churchill
25.6 10 Eastfield Crescent, Plymouth 11/00951/FUL Officer Recommendation	Councillors Mrs. Aspinall, Mrs. Bowyer, Browne, Delbridge, Mrs. Foster, Lock, Mrs. Nicholson, Stevens, Tuohy, Wheeler and Williams				Councillor Churchill
25.7 30 Hill Park Crescent, Plymouth 11/00829/FUL	Councillors Mrs. Aspinall, Mrs. Bowyer, Browne, Delbridge, Mrs. Foster, Lock, Mrs. Nicholson, Stevens, Tuohy, Wheeler and Williams				Councillor Churchill
25.8 1 Brewhouse, Royal William Yard, Plymouth 11/00757/LBC	Councillors Mrs. Aspinall, Mrs. Bowyer, Browne, Delbridge, Mrs. Foster, Lock, Mrs. Nicholson, Stevens, Tuohy, Wheeler and Williams				Councillor Churchill
25.9 Land adjacent to Foulston Avenue, Plymouth 11/00839/FUL S106 Obligation Amendment	Councillors Mrs. Aspinall, Mrs. Bowyer, Browne, Delbridge, Mrs. Foster, Lock, Mrs. Nicholson, Stevens, Tuohy, Wheeler and Williams				Councillor Churchill
25.9 Land adjacent to Foulston Avenue, Plymouth	Councillors Mrs. Aspinall, Mrs. Bowyer, Browne,				Councillor Churchill

Minute number and Application	Voting for	Voting against	Abstained	Absent due to interest declared	Absent
11/00839/FUL Officer's Recommendation	Delbridge, Mrs. Foster, Lock, Mrs. Nicholson, Stevens, Tuohy, Wheeler and Williams				
25.10 Elliott Hire, Eaton Business Park, Plymbridge Road, Plymouth 11/01061/FUL Officer's Amended Recommendation to Defer	Councillors Mrs. Aspinall, Mrs. Bowyer, Browne, Mrs. Foster, Lock, Mrs. Nicholson, Stevens, Tuohy, Wheeler and Williams				Councillors Churchill and Delbridge
25.11 Land at Millbay Road, Plymouth 10/01882/OUT To move to later on the agenda	Councillors Mrs. Aspinall, Mrs. Bowyer, Delbridge, Mrs. Foster, Lock, Mrs. Nicholson, Stevens, Tuohy, Wheeler and Williams				Councillors Browne and Churchill
25.11 Land at Millbay Road, Plymouth 10/01882/OUT Officer's Recommendation	Councillors Mrs. Aspinall, Mrs. Bowyer, Browne, Delbridge, Mrs. Foster, Lock, Mrs. Nicholson, Stevens, Tuohy, Wheeler and Williams		Councillor Churchill		
25.12 North West Quadrant, Derriford Road, Plymouth 09/01899/OUT Officer's Recommendation	Unanimous				
25.13 140 North Hill, Plymouth 11/00456/OUT Officer Recommendation	Unanimous				

Minute number and Application	Voting for	Voting against	Abstained	Absent due to interest declared	Absent
25.14 Friary Retail Park, Exeter Street, Plymouth I1/00804/FUL Officer's Amended Recommendation to Defer	Unanimous				
25.15 Proposed Variation to Section 106 Unilateral Undertaking to Amend Clause Relating to Measures to Mitigate the Impact of the Development	Councillors Mrs. Aspinall, Mrs. Bowyer, Browne, Delbridge, Mrs. Foster, Lock, Mrs. Nicholson, Stevens, Tuohy and Wheeler		Councillor Williams	Councillor Churchill	

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.

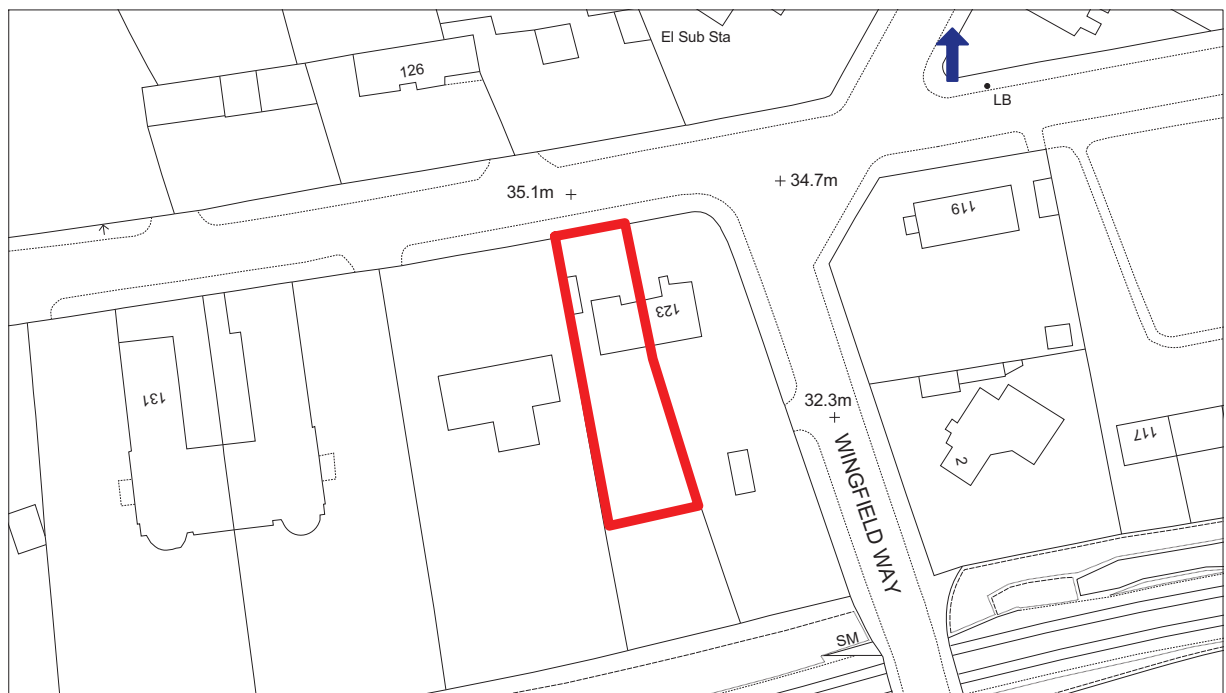
Where necessary Officers will advise Members of any other relevant planning issues to assist them with their decision.

PLANNING APPLICATION REPORT



ITEM: 01

Application Number:	11/01193/FUL
Applicant:	Mrs Lynn Sheldon
Description of Application:	Single-storey rear extension and swimming pool, including raising of part of garden
Type of Application:	Full Application
Site Address:	125 WINGFIELD ROAD PLYMOUTH
Ward:	Stoke
Valid Date of Application:	19/07/2011
8/13 Week Date:	13/09/2011
Decision Category:	Member/PCC Employee
Case Officer :	Adam Williams
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



(c) Crown Copyright. All rights reserved. Plymouth City Council Licence No. 100018633 Published 2011 Scale 1:1000

This application is brought to Committee because the agent is an employee of Plymouth City Council.

Site Description

125 Wingfield Road is a relatively modern semi detached property within the stoke conservation area.

Proposal Description

Single storey rear extension and swimming pool

Relevant Planning History

04/01880/FUL – Single Storey Rear Extension – Permitted

11/00908/FUL - Single storey rear extension and swimming pool - Withdrawn

Consultation Responses

None

Representations

None

Analysis

It should be noted as of writing this report (05/08/2011) the application is still within the consultation period which is due to expire on 23rd August and does not take account of any view which may not have been submitted. Any views expressed will be reported to the committee as an addendum

This application turns upon Policy CS34, CS03 of the Core Strategy 2006-2021 and Planning Policy Guidance 15 – Planning and the Historic Environment. The primary planning considerations for this application are; impact upon neighbouring amenity, impact upon character of the conservation area and its visual appearance, as detailed below.

This application contains a small amendment from the previous application in relation to the location of the swimming pool to protect a nearby Lawson Cyprus tree.

The extension is considered to be sympathetic with regards to materials and design; the extension will match the red brick and white render found on the existing property. Whilst the extension is full width it is considered to fit within the overall form of the property and as such will not appear bulky.

The property and that of its adjoining neighbour benefits from a large south facing rear amenity area and as such the addition of this extension will not demonstrably impact upon light to the adjoining neighbour.

The impacts upon the conservation area are considered negligible as neither the extension nor the swimming pool can be viewed from any public vantage point, in

addition due to the fairly modern nature of the property; the extension does not need to meet any historic design criteria.

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

Equalities & Diversities issues

None

Conclusions

Recommended for approval.

Recommendation

In respect of the application dated **19/07/2011** and the submitted drawings 02, 03, 04, 05, 06 and accompanying design and access statement, it is recommended to:

Grant Conditionally

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

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

Reason:

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

APPROVED PLANS

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

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 upon neighbouring amenity, impact upon character of the conservation area and its visual appearance, 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:

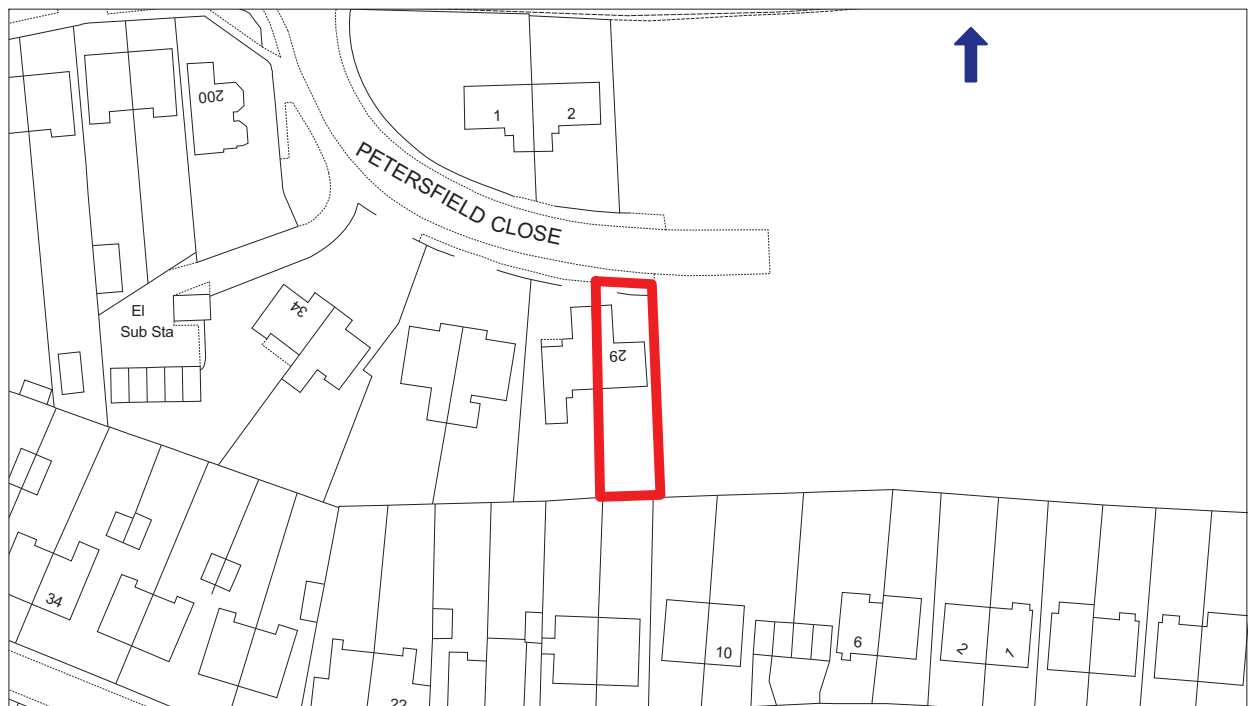
CS34 - Planning Application Consideration
CS03 - Historic Environment
SPDI - Development Guidelines

PLANNING APPLICATION REPORT



ITEM: 02

Application Number:	11/01049/FUL
Applicant:	Mrs Jackie Hunt
Description of Application:	Erection of detached dwellinghouse with integral private motor garage (renewal of permission 08/00623/FUL)
Type of Application:	Full Application
Site Address:	LAND ADJACENT TO 29 PETERSFIELD CLOSE PLYMOUTH
Ward:	Compton
Valid Date of Application:	12/07/2011
8/13 Week Date:	06/09/2011
Decision Category:	Member/PCC Employee
Case Officer :	Janine Warne
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



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

Site Description

The site is next to 29 Petersfield Close, on the southern side of the end of the road, which tapers out into an adjoining, undeveloped tract of land to the east. This tract of land is understood to have been the subject of further housing development in the past, but has remained undeveloped for many years.

Proposal Description

This application seeks to renew planning consent 08/00623/FUL for the erection of a detached dwellinghouse with integral private motor garage.

Relevant Planning History

08/00623/FUL – Erection of detached dwellinghouse with integral double private motor garage – Permitted.

07/01006/FUL – Detached house with integral garage – Refused – APPEAL DISMISSED.

Consultation Responses

Transport – Recommend refusal, on the basis that the access arrangement with Eggbuckland Road is hazardous. Transport Officers objected to the previous application (08/00623/ful) on similar grounds, and they wish to apply these objections to this current scheme as well.

Public Protection Service – No objections, subject to recommended conditions. Observations:

A Geotechnical Report has been submitted alongside the application. This has been considered by the Public Protection Service and, whilst the submitted report does not contain any information regarding land quality, PPS have recommended land quality conditions in accordance with the planning history. A Code of Practice condition is also recommended.

Technical Services: Structures – No response received.

Representations

At the time of writing this report, no letters of representation have been received.

Analysis

As outlined above, planning application 07/01006 for a detached house with integral garage was refused. The following reasons for refusal were given:

- Size of building/height of roof/rooflights
- Appearance of front elevation
- Sub-standard road junction

This application was dismissed at appeal. However, the Inspector considered that the extant permission for 34 dwellings, which included the application site, was of such weight that despite the inadequacy of the junction between Petersfield Close and Egguckland Road refusal reason 3 carried little weight. Notwithstanding this, the appeal was dismissed on the grounds of the forward position of the building, its height and design of the windows and cabrio rooflights.

In the case of application 08/00623/FUL, your Officers considered whether the proposals addressed the previous refusal reasons, taking into account the Inspector's decision to dismiss the appeal. Therefore, given the Inspector's comments regarding refusal reason 3, the primary planning considerations related to the design and appearance of the proposed dwelling; the case officer noted the following:

'With regard to the position, height and design of the dwelling, the building has been set back relative to its previous position and the height of the ridge has come down significantly, partly as a result of lowering the angle of pitch so that it matches other houses in the street. Together with amendments to the design of the building, including more sympathetically designed windows and dormer windows, the proposals are considered to be in accordance with policies CS02 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007 and would appear to satisfactorily address the issues raised by the Inspector that led him to dismiss the appeal.'

Therefore planning consent was granted, subject to a series of restrictive conditions.

The current application seeks to renew this consent. Therefore, in accordance with Government guidance, entitled 'Greater Flexibility for Planning Permissions Guidance', November 2009, the Local Planning Authority, in making its decision, shall focus its attention on development plan policies and any other material considerations (including national policies) which have changed significantly since the original grant of permission.

The proposed development has been found acceptable by the granting of planning permission for 08/00623/FUL. There have been no material changes to the relevant policy guidance and the site circumstances since the 2008 consent was granted. Therefore it is considered that the proposed development is, subject to the following conditions, still acceptable now.

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

Not applicable in this case.

Equalities & Diversities issues

No further comments to be made here.

Conclusions

For the reasons outlined above, this application is recommended for approval. It is recommended that the following conditions are added in the interests of protecting neighbouring residential amenity and conditions of highway safety.

Recommendation

In respect of the application dated **12/07/2011** and the submitted drawings H07-2 P01 Rev.A - Amended Site Plan; H07-2 P02 Rev.1; H07-2 P03 Rev.A; H07-2 P04 Rev.1; H07-2 P05 Rev.1; H07-2 P06 Rev.1; H07-2 P07 Rev.1; H07-2 P08 Rev.1 and supporting information ('Yeandle' Geotechnical Report, dated January 2010), it is recommended to: **Grant Conditionally**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

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

Reason:

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

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: H07-2 P01 Rev.A - Amended Site Plan; H07-2 P02 Rev.1; H07-2 P03 Rev.A; H07-2 P04 Rev.1; H07-2 P05 Rev.1; H07-2 P06 Rev.1; H07-2 P07 Rev.1; H07-2 P08 Rev.1

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.

NO FURTHER WINDOWS OR DOORS

(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) and Class A of Part 1 of Schedule 2 to that order, no further windows, external doors or other external openings (additional to those hereby approved) shall at any time be provided in the dwelling hereby permitted.

Reason:

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

RESTRICTIONS ON PERMITTED DEVELOPMENT

(4) 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 (enlargement, improvement or other alteration of a dwellinghouse), B (enlargement of a dwellinghouse consisting of an addition or alteration to its roof), C (any other alteration to the roof of a dwellinghouse), D (erection or construction of a porch outside any external door of a dwellinghouse), E (provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such), and F (provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such) of Part 1 of Schedule 2 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 preserve residential amenity, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF BOUNDARY TREATMENT

(5) Notwithstanding the submitted plans, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the approved dwellinghouse is first occupied and shall be carried out in accordance with the approved details.

Reason:

To ensure that the details of the boundary treatment are in keeping with the area, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LAND QUALITY

(6) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved (other than that required to be carried out as part of an approved scheme of remediation) shall not commence until conditions 7 to 9 have been complied with. If unexpected contamination is found after the development hereby approved has commenced, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 10 has been complied with in relation to that contamination.

Reason:

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

SITE CHARACTERISATION

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

The report of the findings shall include:

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

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

Reason:

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

SUBMISSION OF REMEDIATION SCHEME

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

Reason:

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

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

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

Reason:

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

REPORTING OF UNEXPECTED CONTAMINATION

(10) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 9.

Reason:

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

CONSTRUCTION OF DRIVEWAY

(11) The driveway serving the dwelling hereby permitted shall be hard-surfaced and drained before the dwelling is first occupied in accordance with details to be submitted to and approved in writing by the Local Planning Authority before development commences. The works shall accord with the approved details and thereafter maintained as such.

Reason:

In order to afford safe and convenient access to the dwelling and to preserve highway safety, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework 2007.

ROAD CONSTRUCTION

(12) Prior to the completion of the development, or the first occupation of the dwellinghouse hereby permitted, whichever is the sooner, the land fronting the site of the dwellinghouse and abutting the Highway Maintainable at the Public Expense shall be formed, laid out and constructed as a road, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure adequate access, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework 2007.

CODE OF PRACTICE

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

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

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

Reason:

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

INFORMATIVE - HIGHWAY WORKS

(1) With regard to condition 11, the Highway Authority will not adopt this new piece of road, but the applicant is advised to contact the Highway Authority to gain the necessary permissions for access to the site from the highway.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the height, scale and design of the building and its impact on the street scene and appearance of the area, and road access, 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 (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 Planning Guidance (SPG) Notes, Government Policy Statements and Government Circulars, as follows:

- CS28 - Local Transport Consideration
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS02 - Design
- CS15 - Housing Provision

This page is intentionally left blank

PLANNING APPLICATION REPORT



ITEM: 03

Application Number: 11/01013/FUL

Applicant: Mr Jock Easton

Description of Application: Use of reconstituted stone block walls and through-colour rendered walls, instead of stone walls (amendment to planning application 11/00101 for Erection of four-storey, 72 unit accommodation block for the rehabilitation of injured services personnel); grant conditionally

Type of Application: Full Application

Site Address: HMS DRAKE, SALTASH ROAD PLYMOUTH

Ward: Devonport

Valid Date of Application: 21/06/2011

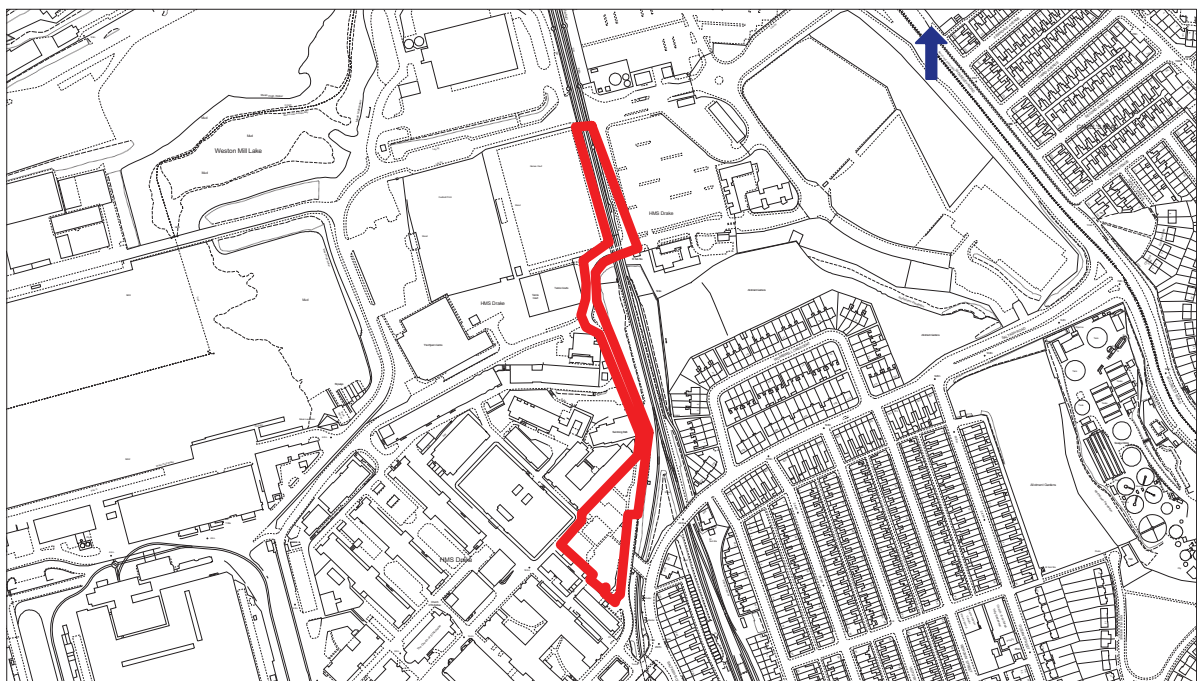
8/13 Week Date: **20/09/2011**

Decision Category: Major Application

Case Officer : Adam Williams

Recommendation: Grant Conditionally

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



Site Description

The site consists of an open, triangular shaped piece of land situated towards the north eastern end of the HMS Drake complex and is bounded on its eastern side by an internal access road and railway line that separates the site from Saltash Road. Within the complex the site is bounded to the south west by the Fenner building and the Frobisher building (both two storeys high), the latter being a Grade 2 listed building in Plymouth limestone. The Fenner building is constructed mainly in buff coloured brick with sandstone detailing around the windows. Much larger, four and six storey, accommodation buildings bound the site to the North West. There is mainly terraced housing lining the far side of Saltash Road, the nearest dwelling being the semi-detached house at No.264.

Proposal Description

Use of reconstituted stone block walls and through-colour rendered walls, instead of stone walls (amendment to planning application 11/00101 for Erection of four-storey, 72 unit accommodation block for the rehabilitation of injured services personnel)

Relevant Planning History

There have been numerous developments over the years at HMS Drake, the most significant of which, in terms of the current application, is 03/00969, which was an application for demolition of some existing buildings, erection of 3 new buildings and alteration/refurbishment of Ward Room, Mess and other buildings to provide new living accommodation and ancillary facilities for 1650 Naval personnel. One of the three new buildings in this development is the Cornwell VC building, which is the rear of the current proposal.

Consultation Responses

None

Representations

None

Analysis

This application turns upon Policy CS34, CS02, CS03 of the Core Strategy 2006-2021 and Planning Policy Guidance 15 – Planning and the Historic Environment. The primary planning considerations for this application are; impact upon visual amenity and impact upon the setting of nearby listed buildings, as detailed below

This application is to vary condition 2 of planning permission 11/00101/FUL to change plan No AR 062 001/P05 to AR 062 001/P07. The reason for this is to enable a change in materials.

Due to financial issues and a desire to ensure the project is deliverable the use of stone cladding is no longer viable. The proposal is to instead use reconstituted stone block and coloured to match the Portland stone found on nearby buildings, in particular the nearby by listed Frobisher building.

It is considered the changes are not detrimental to the appearance of the building and the materials chosen at this stage are still considered to sit well against nearby buildings.

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

None

Conclusions

Recommended for approval

Recommendation

In respect of the application dated **21/06/2011** and the submitted drawings ,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:(AR 062 001/P07)

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 upon visual amenity and impact upon the setting of nearby listed buildings, 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:

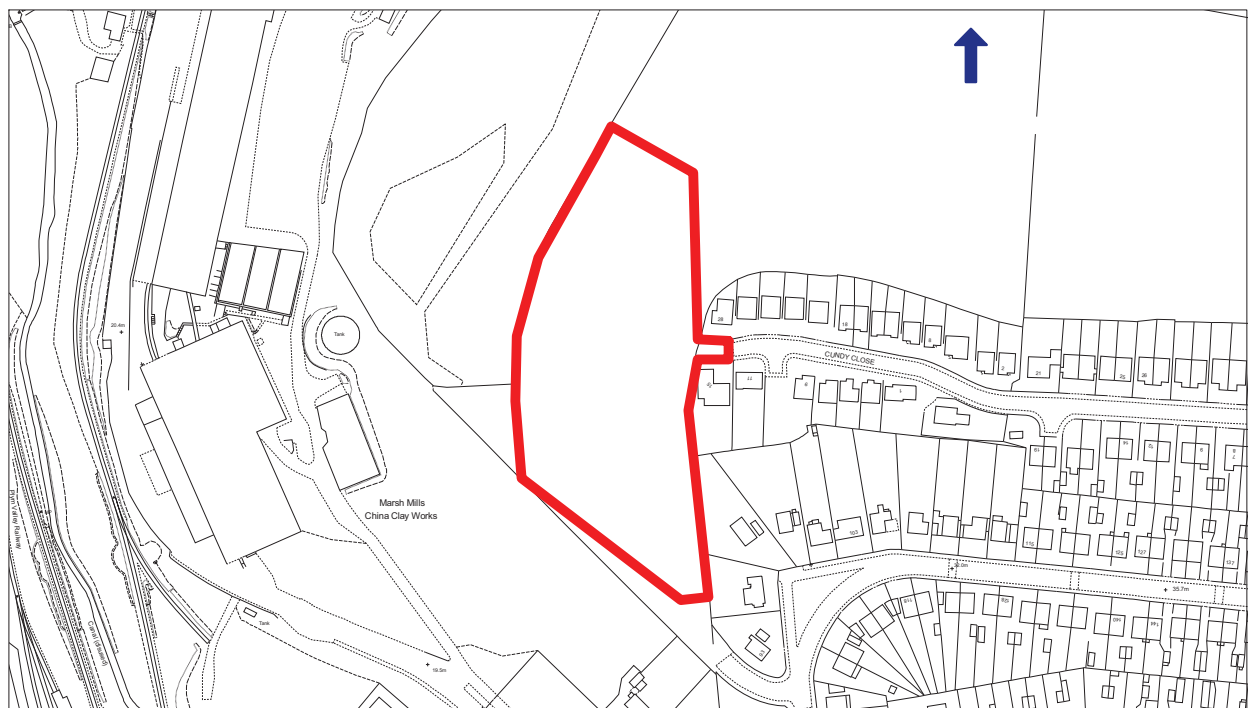
CS34 - Planning Application Consideration
CS03 - Historic Environment

PLANNING APPLICATION REPORT



ITEM: 04

Application Number:	I1/00149/FUL
Applicant:	Persimmon Homes South West
Description of Application:	Erection of 12 detached dwellings with garages and ancillary access road, landscaping and public open space
Type of Application:	Full Application
Site Address:	LAND OFF CUNDY CLOSE PLYMPTON PLYMOUTH
Ward:	Plympton St Mary
Valid Date of Application:	16/03/2011
8/13 Week Date:	15/06/2011
Decision Category:	Major Application
Case Officer :	Robert Heard
Recommendation:	Refuse
Click for Application Documents:	www.plymouth.gov.uk



(c) Crown Copyright. All rights reserved. Plymouth City Council Licence No. 100018633 Published 2011 Scale 1:3000

Update

Following the previous deferral at the May Planning Committee meeting for a site visit this application was again deferred by members at the June meeting to allow the applicants time to submit a plan showing a public footpath link at the south end of the site, enabling pedestrian access from the south and through the site to the public open space at the north end of the site.

The amended plan now shows a narrow footpath link from the end of the proposed vehicle turning head, passing between proposed plots 8 and 9 and terminating to the rear of plot 9. It does not link into any formal footpath network or to Woodford Avenue due to the existence of a strip of land to the south of the site and to the rear of existing properties on Woodford Avenue that is not within the applicants ownership. Therefore there is no right of access to the footpath from any public area or from the street or the footway on Woodford Avenue. It is thus considered to be undeliverable.

It is considered by officers that the proposed footpath would present an undesirable and unsafe link at the site by providing a narrow and enclosed backland access that would not be well overlooked by the surrounding properties, would allow informal public access alongside private areas of the development and would compromise security and encourage anti-social behaviour. The Devon and Cornwall Police Architectural Liaison Officer in his consultation response to the new layout has stated that:

It is my opinion that the proposed new public footpath link into this proposed development will compromise security and create an unsafe back lane into and out of the proposed development. This is contrary to the fundamental principles of secured by design by providing unrestricted public access to areas of the site that are not well overlooked, creating an enclosed public path adjacent to the private rear garden areas of the proposed dwellings. This will not provide a secure or safe environment at the site, particularly at night or in the evening when it is dark, and will provide opportunity for crime and anti social behaviour. I am also concerned that at the southern end, the proposed footpath does not link into any existing public footpath network or public highway, instead providing an access point onto land that is not in public ownership or the applicants ownership. The future of this piece of land is thus uncertain and I also have concerns that this area is isolated and unsafe, providing an ideal opportunity for people to congregate which could lead to anti social behaviour and increase the risk of crime in the area. The proposals are contrary to previous advice given regarding providing a successful, safe and secure layout at the site, with clear distinctions between public and private space.

Six further letters of representation have been received following the amended plans being advertised for public comment. Four of the letters repeat previous comments made by nearby residents, stating support for the proposal. However, two new letters of representation have been received from the occupiers of numbers 93 and 95 Woodford Avenue, the closest properties to the proposed new footpath link in the southern part of the site. They raise concern about the potential for groups of youths to congregate in the area to the rear of their properties that is within third party ownership, which could

elevate noise levels and result in anti social behaviour. They state that it would also provide easy access for the public to the rear of their properties, which could encourage crime. Concern is also raised about bags of dog faeces being thrown over their hedge or left on the ground near the rear of their properties.

For the reasons outlined above, namely the unsatisfactory layout which will compromise security and create an unsafe back lane at the site, contrary to the principles of secured by design, the application is recommended for refusal.

The main report that follows the Previous Update section below was the original report to committee, the recommendation of which to grant conditionally subject to a Section 106 Agreement has been superseded by the section above and the recommendation to refuse this application.

Previous Update

This application was deferred for a site visit at the previous committee and for the development to be considered within the context of development plan policy for the wider area. The site visit will be undertaken on the morning of the 30th June. With regards to planning policy for the wider area, there are no proposals within the Core Strategy to specifically develop any nearby site for residential development. It is also considered that development at this site will not prejudice options for development of the adjacent Imerys site and there is no vehicular or pedestrian link between the two sites.

This site is a remnant of former farm land and is now isolated from other agricultural land by residential development to the east, a substantial screening tree belt around the former china clay works to the south and west, and by the golf course to the north. As a potential development site it is more closely related to Cundy Close to the east, than to other adjacent land, and its development at this time would not be prejudicial to the proper planning of the area.

The parties that own the china clay works have submitted joint representations as part of the Sustainable Neighbourhood Development Plan Document consultation, which indicate three options for redevelopment of their site. These preliminary ideas are primarily residential based and do not address the allocation of a waste management facility on the northern part of the china clay works as contained in the Adopted Waste Development Plan Document. However, neither the adopted allocation, nor the owner's preference for residential development would impinge on the application site or prevent development of it. Both sites can be dealt with individually and any applications received determined on the basis of planning policy and relevant material considerations.

Should recreational or pedestrian access from the application site, or from Cundy Close, be required at some future time to any development, or to any open space on the china clay site, this could be achieved via the open space on the development now subject of this application, in the north of the site. Discussion on the final uses of the china clay site are likely to be made at some time in the future, and should not prejudice the determination of this current application.

Site Description

The site is located on the northern fringes of the residential area of Woodford. It slopes significantly from north to south and is part of a wider area of fields that are fairly open and mainly grassed. It is irregular in shape, measuring at a maximum approximately 180 metres in length and 76 metres in width, with a site area of 1.18 hectares.

The south and west boundaries of the site are defined by dense tree planting. Beyond this planting to the west of the site lies Marsh Mills China Clay works and to the south is existing residential development within the Woodford suburb. The north is open and immediately adjacent to the northern boundary is Boringdon Golf Course, which also extends to areas to the north east of the site and to the north of the existing properties on Cundy Close. Adjacent to the east of the site lies Cundy Close, which is a residential street characterised by detached 1980's houses. Access to the site is proposed to be from the west end of Cundy Close.

The site is approximately 3 miles to the east of Plymouth City Centre although there are a number of local amenities, including shops, schools and community facilities within walking distance of the site.

Proposal Description

This application proposes to develop the site for a residential development of 12 detached dwellings with private garages, including associated access road, landscaping and public space.

The dwellings proposed can be described as 'executive housing' with large plots and generous gardens, all with private garages and off street parking. The application proposes five 3 bed houses and seven 4 bed houses. All of the proposed dwellings are detached and 2 storey in height.

The application proposes that the site is accessed from Cundy Close, with the existing road being continued west into the site before turning south and terminating at the southern end of the site. The proposed access road is a shared surface street with a turning head at its end. All of the dwellings will be served by driveways leading from the proposed new street.

At the northern end of the site, between the development and Boringdon Golf Course, it is proposed to have an area of Public Open Space. This is proposed to remain open but will include planting. This area is intended to be a continuation of the existing 'strip' of open land between the existing dwellings on the northern side of Cundy Close and the golf course and its use will not be restricted to occupiers of the proposed new dwellings, as it will provide a link to the existing open land to the east.

Relevant Planning History

MA/57/PRE – Pre-app under DES for residential development. The application has evolved in accordance with the discussions held under this pre-app reference.
07/01717/OUT - Outline application for 14 houses (2 storey in height) with garages and public open space. REFUSED.

Consultation Responses

Highway Authority

No objection subject to conditions.

Public Protection Service

No objections subject to conditions.

Representations

Seven letters of objection received, raising the following points:

- There appears no good reason to access the site from Cundy Close.
- The proposed development will be detrimental to highway safety.
- There has been no change in circumstances at the site since the last application was refused.
- Loss of further green space is not acceptable.
- The development will incur a loss of wildlife at the site.

One letter received, stating that it is not a letter of objection, as long as pedestrian access is always maintained to the open area adjacent to the golf course.

The issues raised will be discussed below in the Analysis section of this report.

Analysis

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

As stated above, this application proposes to develop the site for a residential development of 12 detached two storey dwellings with private garages, including associated access road, landscaping and public space. It is considered that the main issues in the determination of this application are the principle of the proposed development; the impact that it will have on the character and appearance of the area; impact upon nearby properties residential amenities and impact upon the surrounding highway network. These issues will now be addressed in turn:

Principle of Development

The site is presently an open grassed area that slopes significantly from north to south. It has previously been allocated within the City of Plymouth Local Plan First Deposit (1995 – 2011) as an area of protected greenscape and is recognised in the Adopted City of Plymouth Local Development Framework Core Strategy (2007) as land forming part of a strategic greenscape network. A previous outline application at the site for residential development (ref: 07/01717) was refused due to it causing unacceptable intrusion into the surrounding countryside, which is part of the city's allocated Strategic Greenscape Network.

However, since the previous application was refused Boringdon Golf Course has opened, which means that the land to the north of the site which was previously open countryside and available for agricultural use is now in use as a members only golf course. This has resulted in the site becoming an isolated pocket of land that is no longer potentially suitable for agricultural use, for which it was considered most valuable. The site is no longer connected to the wider countryside and has no value for agricultural use due to its small size.

The site's value as an access corridor to the wider countryside has also diminished due to the development of the golf course. It no longer provides access to the wider greenscape network and is a piece of land that has become cut off and isolated from the areas it used to provide a link to. Hence its role as providing access to the wider greenscape network has been severely compromised.

Policy CS18 (Plymouth's Green Space) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) seeks to protect areas of greenscape from development proposals that will conflict with the function or role of a greenscape area. However, it is considered that the function and role of this particular greenscape area has already been significantly compromised by the development of the golf course, and that it no longer fulfils the function for which it was allocated a greenscape area. Therefore this application is not considered to conflict with the function or characteristics of the greenscape area and is not considered to be contrary to Policy CS18.

The site is not constrained by any other restrictive planning policy and is not located within a Conservation Area. It is therefore considered that the development of this site for residential purposes is acceptable in principle and compatible with the surrounding development which is residential in character.

The Sustainable Neighbourhoods Development Plan Issues and Preferred Options consultation has recently been undertaken and five replies were received for the Woodford Area. These revealed no overwhelming objection to the development of the site. Specifically, two stated that they thought all green areas in the neighbourhood should be retained, two identified the site as a good site for future housing development and one made no comment on either subject.

Character and Appearance

Policy CS43 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) refers to siting, layout, orientation, local context and character.

New development proposals are required to take account of the existing context and the criteria referred to. The form and use of existing development in the area is fairly consistent, the area is characterised by residential development mainly comprising of semi-detached and detached properties, on fairly large, generously proportioned plots.

Concerning issues of density and dwelling numbers, the density ratio at the site is just over 10 dph. Whilst previously this might have been considered low, in June last year the Government changed Planning Policy 3 (Housing) to remove reference to national minimum density levels. The proposed density level at the site is consistent with the surrounding area of Woodford, which is characterised by detached and semi detached lower than average density housing. This is considered acceptable, the site is on the fringes of the city and lower density housing with larger plots is most appropriate in these suburban, out of town locations.

Due to the application proposing 12 units, which is below the affordable housing threshold of 15 (as set out in Policy CS15 of the Core Strategy), issues of affordable housing avoidance need to be considered. Further to this, the councils Housing Strategy team have raised concerns that the proposed development is not an efficient use of land and that a higher density could ensure that Affordable Housing is delivered at the site. However, as described above, the proposed density level at the site is very similar to the existing density levels in this part of Plympton, and Woodford in particular is characterised by detached and semi detached dwellings on large plots with 91% of the housing stock being owner occupied. The development is therefore considered to be in keeping with the surrounding context and pattern of development, with larger plots and thus lower densities expected at edge of city sites such as this.

It is also not considered appropriate to seek the provision of off site affordable housing via this planning application. Due to the reasons outlined above, it is considered by officers that there has been no deliberate attempt to avoid having to provide affordable housing at the site, and that a low density 'executive' housing development is appropriate for the site due to the location and existing density and pattern of development in the surrounding areas. A higher density development is not considered suitable and the application is thus considered compliant with Policy CS15 of the Core Strategy.

Concerning the location of the site and context, it is located on high ground at the top of the Woodford suburb, on the very northern fringes of the existing built up area. Owing to the vegetation and built up nature of the context immediately to the east and south of the site, it is not prominent from the areas that are closest and is fairly well hidden, only becoming prominent when viewed from across the valley and areas of Merafield.

With regards to layout generally, the proposal is reflective of the existing built form in the area by providing detached dwellings in an area that is characterised by semi detached and detached family dwellings with large curtilages. The existing properties on the northern side of Cundy Close define the boundary between the urban environment of Woodford and the surrounding countryside beyond (and to the north). The proposed dwellings at the top (northern end) of the site respect this

building line and ensure that when viewed from areas to the south and across the valley, the development will appear as a natural extension of the existing building line established by the properties on Cundy Close, and will not appear as an incursion into the countryside, thus respecting the established pattern of development in the area.

As stated above, the development appears as a natural extension of Cundy Close, opening up the existing cul de sac arrangement at the west end of Cundy Close and continuing the street to the west and into the site before turning south where the road terminates near the southern end of the site, marked by a turning head. The proposed dwellings are arranged either side of the new shared surface street, oriented so that they face inwards overlooking the street. This helps to ensure that the public areas within the site benefit from natural surveillance from the front elevations of the proposed dwellings. The proposed layout of the site and orientation of the dwellings has been arranged in accordance with the key principles of 'secured by design' with no back lanes or areas where there might be confusion over whether land is private or communal, and it is not possible to access back gardens from any public space within the site, ensuring that the risk of crime at the site is reduced.

The proposed area of Public Open Space at the top (northern end) of the site is proposed to be planted but will remain open, joining up with the existing strip of public amenity space that lies between the existing properties on the northern side of Cundy Close and Boringdon golf course. This is the most natural location for an on-site amenity area, it ensures that the amenity land behind the existing dwellings is continued and that the informal footpath that runs alongside the western end of the golf course remains accessible (this is not a formal footpath but is a well used route that the golf course owner has made available and provides access from the site to the wider countryside to the north and west via a gate at the north west corner of the site). A new footpath within the site will provide access to the Public Open Space (from the new shared surface street) and the amenity strip behind the existing dwellings. The location of the POS is thus considered appropriate and provides a welcome link to the existing amenity space in the area whilst also providing mitigation for loss of the site as an informal recreation and dog walking area.

With regards to massing, design and external appearance, the whole site follows the same design form and the different dwelling types contain some very similar features that ensure that the scheme has balance and a considered design approach, through subtle repetition of features and materials. The proposed dwellings are residential and domestic in character, respecting the scale and proportioning of the existing dwellings on Cundy Close, being 2 storey with pitched roofs. Whilst generally being of traditional form to reflect the existing surrounding development, an element of contemporary design is reflected in the provision of more modern canopy shelters for the front doors and simple window and door designs that avoid the fussy detailing of past periods so that the development does not have too much of a pastiche feel to it. Glazed bays have been incorporated on the front elevation of some of the units and Juliet balconies are utilised to help give the development a modern appearance and to distinguish it from the surroundings.

The proposed dwellings are predominantly finished in render which is the dominant local material in this part of Plymouth, but generous use of timber cladding helps to blend the development into the surroundings, which are defined by an almost rural character with a nearby wood ensuring that the use of timber is appropriate and a suitable material for this area. Viewed against the backdrop of the golf course and woodland the materials palette is respectful of the surrounding landscape, whilst helping to introduce some minor contemporary features such as the Juliet balconies, glass bays and box windows, and generally the proposal is in keeping with the character and identity of the context in which it sits.

Overall, it is considered that the proposed development provides a good quality housing scheme that is sensitive to the character of the surrounding area, proposing a development that is traditional in form but with contemporary features that give it its own identity whilst respecting the character of the existing housing stock in the local area. The building line established by the existing dwellings on the northern side of Cundy Close is respected and the scale and massing of the dwellings and proportioning of the plots is considered acceptable. The development is therefore considered to make a positive contribution to local visual amenity and is compliant with Policy CS02 (Design) and CS34 (Planning Application Consideration) of the City of Plymouth Local Development Framework Core Strategy (2007).

Residential Amenity

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

The layout of the site has been arranged in order to minimise impact on the surrounding properties. The existing residential properties in closest proximity to the site are numbers 15 and 28 Cundy Close, which are adjacent to the site entrance on either side of Cundy Close. Number 28 is on the northern side of the street and is oriented facing south, on the same building line and orientation as the closest proposed dwelling. At the closest point there is a 21 metres separation distance between the 2 dwellings and this alone ensures that there will be no impact from the proposed development on the residential amenities of 28 Cundy Close.

Number 15 Cundy Close is located on the south side of the street, adjacent to the western boundary of the site. The nearest dwelling to this property is 18 metres away at the nearest point, with garages proposed between them. They are both oriented facing north and therefore no residential amenity conflict will be created between the existing and proposed dwelling.

The layout of the site has been arranged so that the relationship between the proposed dwellings within the site is not unacceptable. In summary, it is considered that there will be no significant residential amenity conflict created between the existing dwellings and proposed development and the application is therefore considered compliant with Policies CS14 and CS34 of the City of Plymouth Local Development Framework Core Strategy (2007).

Highways Issues

As already stated, access to the site for vehicles and pedestrians would be via Cundy Close, which is a residential estate road currently in the form of a cul-de-sac. The proposed residential development would be laid out and served by a shared surface street with a turning head at its end, which would form a short extension to Cundy Close with some form of demarcation at the entrance to the new street, possibly in the form of a rumble strip. A footpath off the new street would provide pedestrian access to the area of public open space retained at the north end of the application site.

Each of the proposed dwellings will have the benefit of a double garage and driveway, and each dwelling will be served by at least two parking spaces. All of the driveways either meet or exceed the minimum length driveway requirement of 5.5 metres. The application indicates that the street would be designed and constructed to an adoptable standard as a shared surface street, but that the street would not actually become public highway because it would fail to link with an adopted street.

The Highways Officer has stated support for the application, recommending approval subject to conditions.

Letters of Representation

Seven letters of objection have been received, the points raised are listed above in the representations section and analyses below:

1. There appears no good reason to access the site from Cundy Close;
2. The proposed development will be detrimental to highway safety.
3. There has been no change in circumstances at the site since the last application was refused.
4. Loss of further green space is not acceptable.
5. The development will incur a loss of wildlife at the site.

With regards to these issues:-

1. The developer has proposed to access the site from Cundy Close and this is acceptable with regards to Highways policy. The Councils Highways Officer is supportive of the scheme and the main highways issues are discussed above in the Highways section of this report.
2. As above, the Highways Officer has considered the application and is supportive of the proposal. The application is not considered to be detrimental to highway safety.
3. The change in circumstances at the site is addressed above in the section concerning the principle of development.
4. Loss of green space has also been evaluated in the section of report concerning principle of development.
5. The application has been accompanied by an Ecological Assessment which makes recommendations for biodiversity gain at the site. This is considered in further detail below (other issues), but the Councils Ecologist has confirmed that the mitigation proposed for biodiversity gain is acceptable and this will be secured via planning condition.

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.

In order to meet the requirement of Policy CS20 it is proposed to have Photovoltaic Panels installed on the roofs of the proposed dwellings. These will be almost flush with the roofline and will only have a minimal visual impact. Photovoltaic Panels generate electricity from light and their energy source is therefore sunlight, meaning that they do not require fuel to operate and produce no air pollution or hazardous waste. The use of Photovoltaic Panels is more than adequate to meet the 15% energy saving and the application is therefore compliant with Policy CS20.

Policy CS19 (Wildlife) requires that the application makes provision for protected species at the site and that it delivers a net biodiversity gain. The site is entirely covered by grassland and no rare, scarce, or notable plant species (at a national, regional or local level) have been recorded at the site. The Ecological Assessment submitted with the application includes a comprehensive evaluation of the site and recommends that mitigation in the form of specific planting (broadland scrub and a diverse grassland mix) and the provision of swift and bat boxes within the development be provided. This is considered acceptable and the Council's Ecologist has stated support for this form of mitigation, which will be secured via planning condition.

With regards to Lifetime Homes, 3 of the units proposed are being made available as Lifetime Homes. These are shown on the drawings submitted with the application. This is in accordance with Policy CS15 and is proposed to be secured via planning condition.

Section 106 Obligations

A planning obligation is required to mitigate the impacts of the proposal. The developers have asked for the development to be considered under Market Recovery and thus agree to the restrictions regarding making a substantial start on the development within 2 years of the date of any planning permission granted. They will benefit from a 25% reduction due to the site being Greenfield land. Impacts will arise in the following areas:

Local Infrastructure

Primary schools. The development provides for family accommodation which will generate a demand for school places. The Council's Children's Services have provided evidence that there is likely to be a deficiency of school places in the locality from 2012 given projected population growth. The development will therefore generate an impact that needs to be mitigated. The estimated cost of mitigating this impact is £25,677.

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 £2,097.

Childrens 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 £4,342.

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 £11,007.

Strategic Infrastructure

Strategic green space. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the quality of environmental sites protected by legislation, particularly through increased recreational demands. The Council's has 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 £13,534.

European Marine Site. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the environmental quality of European Marine Site particularly through increased recreational demands. The Council's has 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 £320.

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 £8,646.

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 £42,532.

Strategic public realm. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the City Centre's public realm. This is because there will be a greater level use of the City

Centre which itself generates extra pressure on the existing infrastructure. The estimated cost of mitigating this impact is £1,033.

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

- a. Local schools tariff: £25,677, to be allocated to the provision of additional school places within the south east locality.*
- b. Libraries tariff. £2,097 to be allocated to the provision of improved library facilities in the area.*
- c. Playing pitches tariff. £11,007, to be allocated to the provision of improved playing pitch facilities in the south sub-area, as identified in the Playing Pitch Strategy.*
- d. Local play space tariff. £4,342 to be allocated to the improvement of local play facilities.*
- e. Strategic green space tariff. £13,534 to be allocated to the provision of strategic green spaces that help to take pressure off the designated environmental sites, as identified in the Plymouth Green Infrastructure Delivery Plan.*
- f. European Marine Site tariff. £320 to be allocated to appropriate management measures for the Tamar Estuaries as identified in the Tamar Estuaries Management Plan.*
- g. Strategic sports facilities tariff. £8,646, to be allocated to the delivery of priority strategic sports facilities as identified in the Sports Facilities Strategy.*
- h. Strategic transport tariff. £42,532, to be allocated to the delivery of priority strategic transport interventions as identified in the LTP3 Transport Implementation Plan.*
- i. Public realm tariff. £1,033, to be allocated to the delivery of priority City Centre public realm improvements as proposed in the City Centre & University Area Action Plan.*

Therefore, to mitigate the impacts of the proposal, a total tariff contribution of £109,188 is required.

Equalities & Diversities issues

The application proposes 12 new residential units that on completion should be offered for sale on the open market and therefore will be available to people from all backgrounds to purchase. Three of the units proposed will also be Lifetime Homes. No negative impact to any equality group is anticipated.

Conclusions

To summarise, this application will provide 12 new dwellings with associated car parking, landscaping and open space also provided as part of the development package. The applicant has agreed to pay the financial contributions considered necessary to mitigate the impacts of the proposal and comply with the requirements of the Councils Market Recovery Scheme.

It is considered that the application proposes a good quality housing development with a layout that is sensitive to the existing pattern of development in the area and constraints of the site. The design of the dwellings respects the existing local housing stock whilst introducing contemporary aspects of building design, ensuring consistency in appearance through subtle repetition of key features and materials. The layout is a positive response to the constraints of the site.

The proposed development would not impact significantly upon nearby properties residential amenities due to the layout and orientation of the proposed dwellings and would not harm the surrounding highway network, providing adequate levels of off street car parking. The application is therefore recommended for approval, subject to conditions and the satisfactory completion of a S106 legal agreement, with delegated authority sought to refuse the application if the Section 106 Agreement is not signed by the 30 August 2011.

Recommendation

In respect of the application dated **16/03/2011** and the submitted drawings New footpath link at southern end of site

Site Location Plan, I228-P-S3 Rev A, I264-P-S3 Rev A, I443-P-S3 Rev A, I475-P-S3 Rev A, I475-P-S4 Rev A, I475-P-S5 Rev A, I475-P-S6 Rev A, EF-02 Rev B, HT-02, TP-03 Rev A, SUR-01, Garage Blocks (1) and (2) and accompanying Design and Access Statement, Ecology Impact Assessment, Energy Statement and Contamination Assessment Report

Amended Plans, it is recommended to: **Refuse**

Reasons for Refusal

UNSATISFACTORY AND UNSAFE LAYOUT

(1) It is considered that the proposed development would have an unsatisfactory layout due to the existence of a narrow and enclosed footpath link at the southern end of the site. This would compromise security and create an unsafe back lane into and out of the site. This is contrary to the fundamental principles of secured by design by providing unrestricted public access to areas of the site that are not well overlooked, creating an enclosed public path adjacent to the private rear garden areas of proposed dwellings. This would not provide a secure or safe environment at the site, particularly at night or in the evening when natural light is limited and will provide opportunity for crime and anti social behaviour. The application is therefore contrary to Policies CS32 (Designing Out Crime) and CS34 (Planning Application

Considerations) of the adopted Plymouth Local Development Framework Core Strategy (2007) and the guidance contained within Planning Policy Statement 1.

CREATION OF UNSAFE AREA AND ADDITIONAL RISK OF ANTI SOCIAL BEHAVIOUR

(2) The proposed footpath would not link into any existing public footpath network or public highway; it would provide access to and from a piece of land that is in third party ownership. The piece of land in question that is in third party ownership (and not part of the site or public highway) is secluded from public view. It would thus provide an isolated and unsafe area presenting an ideal setting for youths to gather, increasing the risk of anti social behaviour in this area. The future of this piece of land would also not be secure, or be able to be controlled. The application is therefore contrary to Policies CS32 and CS34 of the adopted Plymouth Local Development Framework Core Strategy (2007) and the guidance contained within Planning Policy Statement 1.

INFORMATIVE: SECTION 106 CONTRIBUTIONS

(1) The proposed residential development generates the need for contributions under Section 106 in order to provide adequate mitigation obligations and the need for other community benefits. Had the Local Planning Authority been minded to approve the application, the applicants attention is drawn to the Section 106 Obligations part of the officers report which sets out the methodology of mitigating the impacts of the proposed development.

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:

- PPS9 - Biodiversity and geological conservation
- PPS22 - Renewable Energy
- PPS23 - Planning & Pollution Control
- CS28 - Local Transport Consideration
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS18 - Plymouth's Green Space
- CS19 - Wildlife
- CS20 - Resource Use
- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS15 - Housing Provision
- SPD1 - Development Guidelines

This page is intentionally left blank

PLANNING APPLICATION REPORT



ITEM: 05

Application Number: I1/01061/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 position of buildings)

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

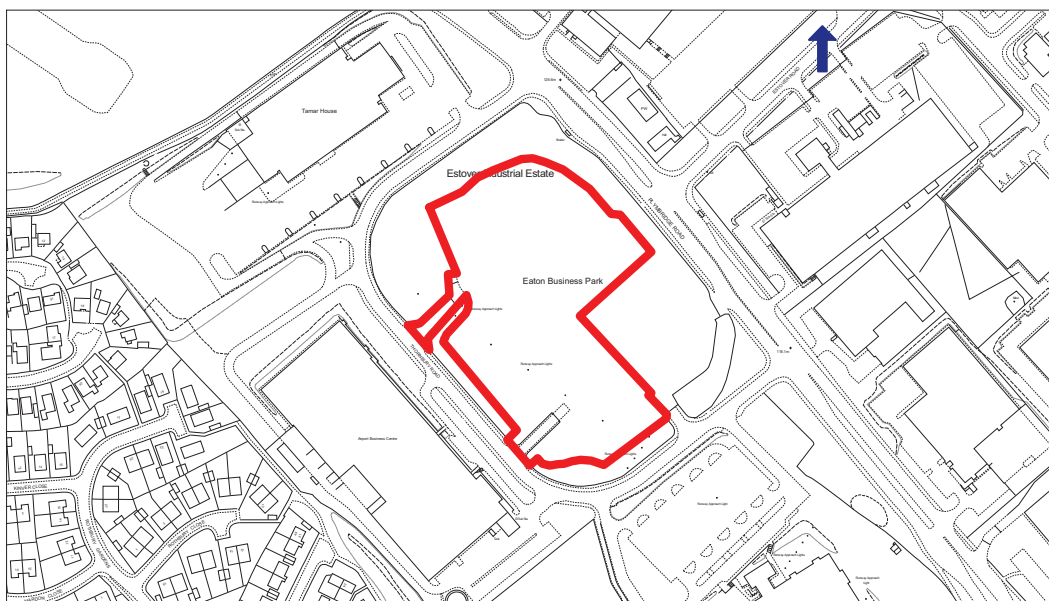
8/13 Week Date: **29/09/2011**

Decision Category: Major Application

Case Officer : Carly Francis

Recommendation: Minded to grant conditionally subject to expiration of publicity period, delegated authority for the Assistant Director of Development and Regeneration to determine, if no letters of objection are received.

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



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. 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 position of buildings).

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.

Three buildings are proposed on site, the remaining area is for external storage. This application differs from the previous application that was withdrawn and amended plans have been received following negotiation during this application process. The latest proposals have fewer employees than proposed in the last application and the position of the buildings has changed. The workshop building is now outside of the public safety zone, leaving the office building, furniture building and some of the storage area within the public safety zone.

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 has 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.

The applicants have now applied for a 9 year consent. The Council would support the principle of a temporary consent, as has been given for previous uses. These proposals would not therefore hinder any 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. The workshop building would now be outside of the public safety zone, the office building would be within 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 onto a site. The use proposed in this application is considered to be the type of use that would be suitable and the site has now been laid out so that most of the employees are based outside of the public safety zone. The only staff regularly based within the zone are those based in the office building, this would only be four members of staff and therefore would not conflict with the guidance in the above documents. Given this amended layout the application can now be supported. The site can now benefit the employment use without compromising 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. The principle of the use proposed is therefore deemed acceptable given the wide range of existing uses on site; it 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 applicant is confident that no noise pollution would be created and is producing a noise impact assessment to demonstrate this. 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. The applicant shall be working with our Public Protection Service to ensure that any noise pollution concerns are removed prior to committee, a full update regarding this shall be provided by way of an addendum.

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 Council's 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

This employment generating use is supported. The development proposed would not contradict any possible future expansion of the airport, and it is also considered that the type of use proposed is suitable for this site as few staff would be based within the public safety zone and therefore the proposal would comply with guidance in Circular 01/2010 and not prejudice public safety.

Unfortunately due to amended plans having been received the consultation period has not yet ended, it ends on the 30th August and therefore it is requested that delegated authority be given for the Assistant Director for Development to determine the application, once the public consultation period has ended, subject to no letters of representation raising objections being received.

Recommendation

In respect of the application dated **30/06/2011** and the submitted drawings 3065/01 F, RW009/05 C, RW009/04 Rev F, RW009/02, RW009/01, RW009/03, RW009/12, RW009/06 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: **Minded to grant conditionally subject to expiration of publicity period, delegated authority for the Assistant Director of Development and Regeneration to determine, if no letters of objection are received.**

Conditions

TEMPORARY USE: REINSTATEMENT

(1) The uses hereby permitted shall be discontinued, the buildings, containers and any associated equipment removed and the land restored to its former condition on or before 1st September 2020 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority before any works commence on site.

Reason:

In the opinion of the Local Planning Authority the temporary use to which this permission relates will need to be ceased in order to safeguard land for expansion of the runway at Plymouth City Airport. This condition is imposed to comply with Policy CS27 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

REPORTING OF UNEXPECTED CONTAMINATION

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

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

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

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

Reason:

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

CYCLE PROVISION

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

Reason:

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

GREEN STAFF TRAVEL PLAN DETAILS

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

- The provision of secure and convenient cycle parking facilities
- The provision of shower and changing facilities for staff
- Measures to regulate the management and use of car parking areas to be permitted

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

Reason:

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

STAFF RESTRICTION

(5) The number of staff employed at Elliot Hire shall not exceed 16 with no more than 4 employees based in the office building, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the opinion of the Local Planning Authority, such measures need to be taken in order to assess the risk had to those working within the Public Safeguarding Zones in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Circular 1/2002 'Control of Development in Airport Public Safety Zones'.

APPROVED PLANS

(6) The development hereby permitted shall be carried out in accordance with the following approved plans: 3065/01 F, RW009/05 C, RW009/04 Rev F, RW009/02, RW009/01, RW009/03, RW009/12, RW009/06.

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 public safety, the surrounding uses, on the highway and on the future plans of Plymouth City Airport, 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:

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

This page is intentionally left blank

PLANNING APPLICATION REPORT



ITEM: 06

Application Number: 11/00804/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

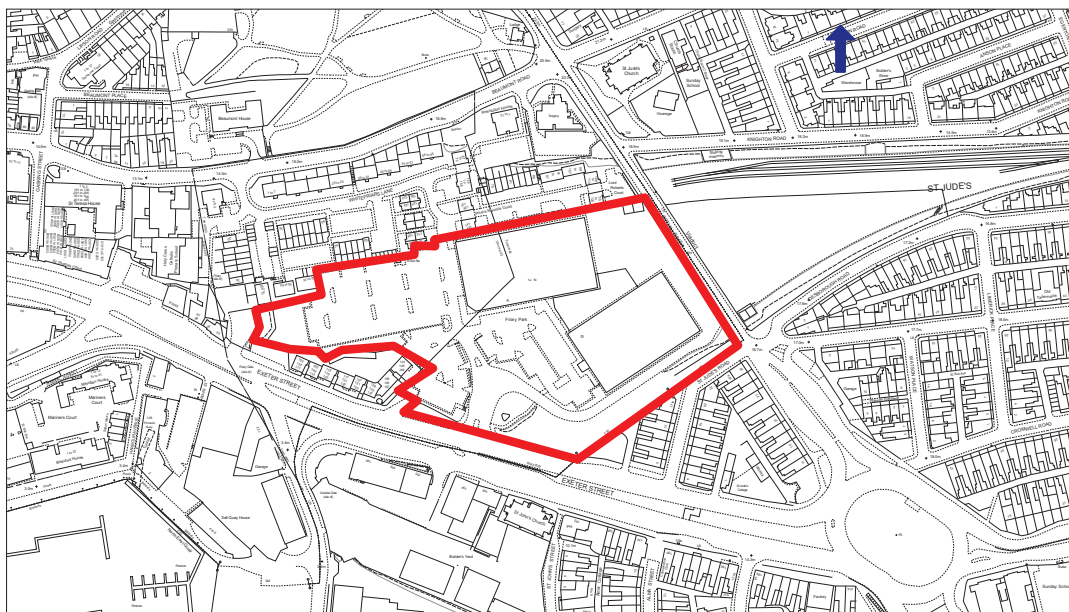
8/13 Week Date: **19/09/2011**

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.

Transport have reviewed the previous applications at the site and note that this latest proposal does not increase the overall level of floor space within the retail units currently operating on site.

The latest application proposes to reduce the footprint of Block B, which currently houses Wickes DIY store, but install the earlier granted mezzanine floor. This reduction in footprint area will be replaced at the Western end of Block as a new retail units with the same area. This will result in three units at Block A and one unit at Block B.

An end user of the newly formed unit at Block A is not detailed as part of the application. However, the applicant has suggested the unit will be for retail sales only. A condition to restrict this use and prevent future occupation by any use under either A3 or A5 (food or hot food take- away) should be attached to any grant of consent.

In order to facilitate the above changes the applicant is proposing to alter the car parking layout and access arrangements at the site. This will result in the net loss of 4 spaces but within the previous applications surveys were conducted which showed that the car parks had more than sufficient spare capacity. The improvements will make circulation around the car park better and as such the small loss is considered acceptable.

The most significant changes to the car park layout will be in front of Block B. With the reduction in scale of the unit the land gain will be turned into parking bays with associated vehicular routes. In order to prevent cars driving back through the car park, whilst trying to exit, the applicant is proposing to provide a new link to join the service road. There are no objections to this proposal.

The site is well served by Public Transport and there are bus stops on Exeter Street. One bus stop is located close to the street frontage of Block B. An existing paved link from the service road to Exeter Street exists which provides a desire line to the bus stop. There are a few steps at the boundary of the site due to level differences. By way of the alterations proposed to Block B and the fact that the applicant is proposing cycle storage adjacent to the new access link onto the service road a new desire line is made which can connect to the existing footpath and onto Exeter Street. Not only will these provide a link to the bus stop, it will also be a direct link onto the shared cycle lane which runs along Exeter Street.

Transport recommend that the applicant provide a 3m shared footway cycle way on the southern side of the service road to link to the existing footpath (opposite to the southern most point of Block B as far as the footpath link into Exeter Street). This existing footpath will also need to be widened and re-graded to remove the need for the steps. Details should be submitted to and approved in writing by the Local Planning Authority.

There is an aspiration by the City Council, and indeed provision secured through an application at the adjoining site, hence the above request for the link. As such, in order to secure this provision between the newly required link and the adjacent site the applicant is requested to provide rights of access or the Council to secure a future route. Any subsequent works will be funded by a third party or the Council. As this route lies within the red-line boundary it will be assumed that this would be within the applicant's control.

There is currently only an uncontrolled crossing facility across the junction 'bellmouth' off Exeter Street. The developer will be required to enter into a Section 278 agreement with the Highway Authority to design and implement localized crossing improvements, likely to consist of a tactile paving and coloured surface treatments, at the junction. It is not expected that the cost of such works will exceed £10,000. A negative condition will be required.

The applicant has indicated a willingness to provide a staff travel plan for the site. The above access improvements will enhance sustainable access routes into the site which should help toward any modal shift targets within the Travel Plan.

Conditions are recommended relating to: access /highway improvements (Grampian); cycle storage, Green staff travel plan details and provision for adjoining site

Public Protection Service –

Environmental protection observations

Further to reviewing the previous granted applications referred to within the application and viewing the current drawings there are a couple of areas of concern.

Firstly, the rear loading bay of the proposed addition to Block A may need a restriction. This will depend upon the occupant's business. This area has the potential for noise breakout to nearby residential units. Similarly the bin storage and resultant clearance of the trade waste is also a potential noise creating issue. Lastly the hours of operation of the newly created units should not differ from those of the existing units.

Land quality observations

Additional information, namely, Phase II Site Investigation, Friary Retail Park, and dated June 2009 has been received.

The report provides some assurance that contamination levels on the site are not so significant, that there will not be a remedial solution to them. Objections to the application are therefore withdrawn. Conditions requiring the submission of additional information for a few reasons:

- I. The investigation is fairly limited and ground conditions seem to vary considerably so Public Protection Service will be looking for more detailed information in the application areas.

2. The Phase II Site Investigation recommends additional gas monitoring, as ground gas could pose a risk to proposed extensions this monitoring should be carried out in the course of the planning application.

South West Water – Have no objections in terms of capacity within our infrastructure to serve the development proposal, but have requirements in relation to connection to public foul or combined sewer

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

Representations

Neighbours have been notified of the application in accordance with Council guidelines and two site notices posted. This has resulted in receipt of one letter of representation LOR (after the expiry of the formal consultation period, but before determination).

British Land recognizes that the application does not seek an uplift in retail floor space from that already permitted and therefore this representation should not be seen as a direct objection to the proposals. However, British Land has two main concerns with the proposal: firstly, that the current application will result in smaller retail units that could potentially sell goods that are usually found within City Centers, this is particularly the case with Block B; and secondly, that the existing conditions allow footwear to be sold from Block A and all comparison goods could potentially be sold from Block B.

In order to ensure that the proposal does not have an adverse impact on the city Centre, British Land strongly considers that additional conditions should be imposed to control the form and quantum of out-of-centre development. These should include:-

- *The minimum size of units permitted at these locations should be limited and any further subdivision of units should be restricted; and*
- *The range of goods which may be sold should be restricted to bulky goods for both Block A and Block B, for the avoidance of doubt, this does not permit the sale of clothing and footwear.*

In addition, a planning obligation should be entered into to ensure that the new unit at Block A and extension to Block B is not constructed until the floor space associated with Block B has been removed as per the previous application.

British Land is committed to the protection of the City Centre and its growth and improvement. Therefore, any planning application for out-of-centre retail development should be subject to appropriate conditions and restrict the form and quantum of new development so as not to harm the city centre.

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 a 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 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.

A more restrictive conditional regime, as suggested in representations, is not supported. Whilst the first suggested condition could be supported in policy CS07 terms it goes beyond the scope of the application in seeking to restrict subdivision of parts of the retail park outside the red line and does not satisfy the requirements of Circular 11/95 on use of conditions in terms of enforceability. Within Block B it would be impossible to have part of the ground floor in the NW and the mezzanine operating under a more restrictive regime than the rest of the building.

The likelihood of implementation of a hybrid scheme (which extends floor space without removing existing space shown as removed / or implementing a larger mezzanine) being implemented is considered slim, as essentially, with the exception of the extension to Block A, the proposal is mutually exclusive with existing space. It does not warrant a legal agreement, but it is considered prudent to require the proposal to be fully completed prior to occupation of any of the approved space.

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 welcomed.

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 a 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 10752/TP/01Rev-; 10752/TP/02Rev-; 10752/TP/03Rev-; 10752/TP/04Rev-; 10752/TP/05Rev-; 10752/TP/06Rev-; 10752/TP/07Rev-; 10752/TP/08Rev-; 10752/TP/09Rev-; 10752/TP/10Rev-; 10752/TP/11Rev-; 10752/TP/12Rev- & 10752/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: 10/0572-TPI01 & 10752-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.

LAND QUALITY

(7) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 8 to 11 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 11 has been complied with in relation to that contamination.

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

SITE CHARACTERISATION

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

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

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

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

(ii) an assessment of the potential risks to:

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

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

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

SUBMISSION OF REMEDIATION SCHEME

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

Protection Act 1990 in relation to the intended use of the land after remediation. Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

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

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the

effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

REPORTING UNEXPECTED CONTAMINATION

(11) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 9, which is subject to the approval in writing of the Local Planning Authority.

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

Local Planning Authority in accordance with condition 10.

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

GRAMPIAN (ACCESS/HIGHWAY IMPROVEMENTS)

(12) No development shall commence on site until the proposed access and improvements to the existing highway shown on the approved plans have been completed.

Reason:

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

CYCLE STORAGE

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

Reason:

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

GREEN STAFF TRAVEL PLAN DETAILS

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

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

Reason:

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

PROVISION FOR ADJOINING SITE

(15) In relation to the land immediately adjoining the boundary of the site, adequate allowance shall be made and shown on the plans required by condition (3) above to facilitate the construction of vehicular and pedestrian access thereto and the proper connection of all main services for the purposes of residential development.

Reason:

To ensure that the development of the said adjoining land is not prejudiced in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

COMPLETE PRIOR TO OCCUPATION

(16) The proposed development shall be fully completed prior to the first occupation of any of the approved space.

Reason:- To prevent the possibility of additional floor space, over and above that previously sanctioned and/or approved resulting from this permission.

SECTION 278 HIGHWAYS ACT 1980

(1) No work within the public highway should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. The Applicant should contact Plymouth Transport and Highways for the necessary approval.

HIGHWAY PERMITS

(2) This planning permission does not authorise the applicant to carry out works within the publically 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.

CONTACT SW WATER

(3) The applicant is advised to contact South West Water regarding connection to sewer s.

- 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

This page is intentionally left blank

PLANNING COMMITTEE

Decisions issued for the following period: 19 July 2011 to 15 August 2011

Note - This list includes:

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

Item No 1

Application Number: 09/01899/OUT **Applicant:** Wharfside Regeneration (Devon)

Application Type: Outline Application

Description of Development: 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

Site NORTH WEST QUADRANT, DERRIFORD ROAD PLYMOUTH

Case Officer: Robert McMillan

Decision Date: 29/07/2011

Decision: Refuse

Item No 2

Application Number: 10/01570/FUL **Applicant:** Mr David Norman

Application Type: Full Application

Description of Development: Flat roof and cooling unit over the rear yard

Site THE LOUNGE, 7 STOPFORD PLACE PLYMOUTH

Case Officer: Olivia Wilson

Decision Date: 25/07/2011

Decision: Grant Conditionally

Item No 3

Application Number: 10/02143/FUL **Applicant:** Midas Homes Ltd
Application Type: Full Application
Description of Development: Erection of three dwellings (amendment to scheme approved under application 09/01836)
Site LAND AT KINTERBURY SQUARE BARNE BARTON PLYMOUTH

Case Officer: Carly Francis
Decision Date: 12/08/2011
Decision: Grant Conditionally

Item No 4

Application Number: 11/00130/FUL **Applicant:** Plymstock Chapel
Application Type: Full Application
Description of Development: First floor extension to chapel, with alterations to front elevation, fire escape stairway, and off street parking
Site PLYMSTOCK CHAPEL, 10 CHURCH ROAD PLYMSTOCK PLYMOUTH

Case Officer: Simon Osborne
Decision Date: 29/07/2011
Decision: Application Withdrawn

Item No 5

Application Number: 11/00155/ADV **Applicant:** Urban Splash
Application Type: Advertisement
Description of Development: Application for consent to display advertisement for four public information points
Site ROYAL WILLIAM YARD PLYMOUTH

Case Officer: Mark Utting
Decision Date: 12/08/2011
Decision: Grant Conditionally

Item No 6

Application Number: 11/00408/FUL **Applicant:** Mr Richard Pillar
Application Type: Full Application
Description of Development: Redevelop site by erection of 5 terraced town houses with associated parking
Site 74 to 80 CROMWELL ROAD PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 03/08/2011
Decision: Grant Conditionally

Item No 7

Application Number: 11/00419/FUL **Applicant:** Becton Dickinson Vacutainer
Application Type: Full Application
Description of Development: Installation of eight storage silos (removal of modular units)
Site BECTON DICKINSON VACUTAINER SYSTEMS, BELLIVER WAY PLYMOUTH
Case Officer: Janine Warne
Decision Date: 25/07/2011
Decision: Grant Conditionally

Item No 8

Application Number: 11/00442/FUL **Applicant:** Mr Derek Anning
Application Type: Full Application
Description of Development: Erection of single-storey dwelling with private motor garage (including rear terrace) fronting onto Blackberry Close and construction of parking area fronting onto Billacombe Road
Site 66 BILLACOMBE ROAD PLYMOUTH
Case Officer: Jon Fox
Decision Date: 12/08/2011
Decision: Grant Conditionally

Item No 9

Application Number: 11/00454/FUL **Applicant:** Mr Paul White
Application Type: Full Application
Description of Development: Change of use of land for use as a private amenity space, two storey side extension and boundary fence
Site 19 NICHOLSON ROAD PLYMOUTH
Case Officer: Kirsty Barrett
Decision Date: 27/07/2011
Decision: Grant Conditionally

Item No 10

Application Number: 11/00456/OUT **Applicant:** Pillar Land Securities
Application Type: Outline Application
Description of Development: 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
Site 140 NORTH HILL PLYMOUTH
Case Officer: Robert Heard
Decision Date: 29/07/2011
Decision: Refuse

Item No 11

Application Number: 11/00496/FUL **Applicant:** Ogen Plymtrek
Application Type: Full Application
Description of Development: Alteration and extension to existing building including new chimney to facilitate use as a timber resource recovery centre
Site UNITS 21 - 29, 1 BELLIVER WAY PLYMOUTH
Case Officer: Carly Francis
Decision Date: 29/07/2011
Decision: Grant Conditionally

Item No 12

Application Number: 11/00499/LBC **Applicant:** Plymouth City Council
Application Type: Listed Building
Description of Development: Display of temporary media building wrap (artwork banner) across full width of north elevation from 4th floor to 13th floor
Site CIVIC CENTRE, ARMADA WAY PLYMOUTH
Case Officer: Mark Evans
Decision Date: 10/08/2011
Decision: Grant Conditionally

Item No 13

Application Number: 11/00513/FUL **Applicant:** Mplace Ltd
Application Type: Full Application
Description of Development: Alterations and change of use of single-storey workshop to form two-storey dwelling
Site THE DAIRY,6 DAIRY LANE PLYMOUTH
Case Officer: Janine Warne
Decision Date: 28/07/2011
Decision: Application Withdrawn

Item No 14

Application Number: 11/00516/FUL **Applicant:** The Una Group
Application Type: Full Application
Description of Development: 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.
Site Elliot Hire EATON BUSINESS PARK, 182 PLYMBRIDGE ROAD PLYMOUTH
Case Officer: Carly Francis
Decision Date: 19/07/2011
Decision: Application Withdrawn

Item No 15

Application Number: 11/00573/FUL **Applicant:** Miss Charlotte Handy
Application Type: Full Application
Description of Development: Replacement uPVC windows and replacement of window with patio doors at rear
Site FLAT 1, 127 NORTH HILL PLYMOUTH
Case Officer: Mike Stone
Decision Date: 26/07/2011
Decision: Grant Conditionally

Item No 16

Application Number: 11/00576/FUL **Applicant:** Executors of Estate of Late Ken
Application Type: Full Application
Description of Development: Change of use, conversion and alterations from shop to two self-contained flats, with single storey extension and associated cycle store and refuse storage
Site 8 HOOE ROAD PLYMSTOCK PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 10/08/2011
Decision: Refuse

Item No 17

Application Number: 11/00604/CAC **Applicant:** Mr Martin Hyde
Application Type: Conservation Area
Description of Development: HARDSTANDING
Site 21 EASTBURY AVENUE PLYMOUTH
Case Officer:
Decision Date: 09/08/2011
Decision: Planning Permission not required

Item No 18

Application Number: 11/00607/FUL **Applicant:** The Bac Bar
Application Type: Full Application
Description of Development: Replacement shopfront
Site THE BAC BAR, 38-40 DRAKE CIRCUS PLYMOUTH
Case Officer: Mike Stone
Decision Date: 04/08/2011
Decision: Grant Conditionally

Item No 19

Application Number: 11/00614/FUL **Applicant:** Mr Peter Kerton
Application Type: Full Application
Description of Development: Change of use, conversion and alterations, from shop to dwellinghouse
Site 3 UNDERWOOD ROAD PLYMOUTH
Case Officer: Katie Beesley
Decision Date: 03/08/2011
Decision: Grant Conditionally

Item No 20

Application Number: 11/00624/FUL **Applicant:** The Prudential Assurance
Application Type: Full Application
Description of Development: Amalgamation of 2 ground floor shop units (55-57 and 59 New George Street) replacement shop frontage, creation of loading door to rear and internal alterations to first and second floor layouts of 55-57 to form associated storage and staff facilities
Site 55-57 AND 59 NEW GEORGE STREET PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 01/08/2011
Decision: Grant Conditionally

Item No 21

Application Number: 11/00627/FUL **Applicant:** Mr Banekos Soloman
Application Type: Full Application
Description of Development: Change of use and conversion from offices to house in multiple occupancy (9 rooms)
Site 1 ADDISON ROAD PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 22/07/2011
Decision: Refuse

Item No 22

Application Number: 11/00655/REM **Applicant:** Cavanna Homes (Cornwall) Ltd
Application Type: Reserved Matters
Description of Development: Erection of 100 dwellings with associated garages, parking, footpaths, roads and open space; Application for reserved matters pursuant to outline planning permission 08/01968
Site PLYMOUTH AIRPORT, PLYMBRIDGE LANE PLYMOUTH
Case Officer: Robert McMillan
Decision Date: 27/07/2011
Decision: Grant Subject to Section 106 Obligation

Item No 23

Application Number: 11/00658/FUL **Applicant:** Plymouth City Council - PT & H
Application Type: Full Application
Description of Development: Construction of a shared use cycle/footway from Richmond Walk to Victoria Park including the provision of new street lighting
Site STONEHOUSE CREEK TO VICTORIA PARK PLYMOUTH
Case Officer: Adam Williams
Decision Date: 11/08/2011
Decision: Grant Conditionally

Item No 24

Application Number: 11/00710/FUL **Applicant:** Mr Alan Ivey
Application Type: Full Application
Description of Development: Change of use, conversion and alterations of lower ground floor from hairdressing salon to self-contained flat
Site 102 OLD LAIRA ROAD PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 05/08/2011
Decision: Grant Conditionally

Item No 25

Application Number: 11/00722/FUL **Applicant:** Design Development Limited
Application Type: Full Application
Description of Development: Change of use, conversion and alteration of builders workshop and offices to taxi booking office (use class sui-generis)
Site 82 HIGHER COMPTON ROAD PLYMOUTH
Case Officer: Janine Warne
Decision Date: 20/07/2011
Decision: Application Withdrawn

Item No 26

Application Number: 11/00723/FUL **Applicant:** Mr & Mrs Golden
Application Type: Full Application
Description of Development: First-floor side extension
Site 6 KINGSWAY GARDENS PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 27/07/2011
Decision: Grant Conditionally

Item No 27

Application Number: 11/00727/FUL **Applicant:** Mr Shaun Robinson
Application Type: Full Application
Description of Development: Two storey side extension, alterations to front to form a gable and alterations to front porch roof
Site 123 WINGFIELD ROAD PLYMOUTH
Case Officer: Mark Utting
Decision Date: 10/08/2011
Decision: Refuse

Item No 28

Application Number: 11/00731/FUL **Applicant:** Peninsula Autism Services and
Application Type: Full Application
Description of Development: Single-storey extension and alterations, and first-floor level extension (to create an additional storey), to existing outbuilding, to house two additional residents, with access steps to first-floor level
Site ST WINNOW, ROCKY PARK ROAD PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 03/08/2011
Decision: Grant Conditionally

Item No 29

Application Number: 11/00732/FUL **Applicant:** Mr Mark Tucker
Application Type: Full Application
Description of Development: Change of use of upper floors (first, second and third) from offices to residential accommodation
Site 29 MUTLEY PLAIN PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 04/08/2011
Decision: Refuse

Item No 30

Application Number: 11/00739/LBC **Applicant:** Chivas Brother Ltd
Application Type: Listed Building
Description of Development: Conversion of basement still room into members bar area
Site PLYMOUTH GIN DISTILLERY, SOUTHSIDE STREET
PLYMOUTH

Case Officer: Karen Gallacher
Decision Date: 21/07/2011
Decision: Grant Conditionally

Item No 31

Application Number: 11/00757/LBC **Applicant:** Draco Property Limited
Application Type: Listed Building
Description of Development: 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
Site 1 BREWHOUSE,ROYAL WILLIAM YARD PLYMOUTH

Case Officer: Mark Utting
Decision Date: 29/07/2011
Decision: Grant Conditionally

Item No 32

Application Number: 11/00759/LBC **Applicant:** Mr Tim Nokes
Application Type: Listed Building
Description of Development: internal alterations to basement
Site 5 COLLINGWOOD VILLAS, COLLINGWOOD ROAD PLYMOUTH

Case Officer: Olivia Wilson
Decision Date: 22/07/2011
Decision: Grant Conditionally

Item No 33

Application Number: 11/00761/FUL **Applicant:** Mount Wise Devon Limited
Application Type: Full Application
Description of Development: Add a condition listing plan number to permission ref; 09/00613/FUL (The demolition of modern additions and change use , extension and alterations to Admiralty House to form a boutique (21 bed) hotel, restaurant and 19 apartments)
Site ADMIRALTY HOUSE, MOD MOUNT WISE PLYMOUTH
Case Officer: Jeremy Guise
Decision Date: 19/07/2011
Decision: Grant Conditionally

Item No 34

Application Number: 11/00763/FUL **Applicant:** Mrs A Alarcon
Application Type: Full Application
Description of Development: Change of use and conversion of part of existing ground floor residential dwelling to form an additional practice room and sterilisation room for dental surgery.
Site 15 MILEHOUSE ROAD PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 10/08/2011
Decision: Refuse

Item No 35

Application Number: 11/00770/FUL **Applicant:** Mr Peter Elmes
Application Type: Full Application
Description of Development: Formation of rooms in roofspace including rear and side dormers, and single-storey rear extension
Site 151 ALMA ROAD PLYMOUTH
Case Officer: Katie Beesley
Decision Date: 03/08/2011
Decision: Grant Conditionally

Item No 36

Application Number: 11/00773/CAC **Applicant:** Mr Raad Binham

Application Type: Conservation Area

Description of Development:

Site 23 WYNDHAM STREET WEST PLYMOUTH

Case Officer:

Decision Date: 09/08/2011

Decision: CAC Not Required

Item No 37

Application Number: 11/00775/FUL **Applicant:** Mr/s Baverstock

Application Type: Full Application

Description of Development: Two storey front extension and detached private motor garage (amendment to scheme approved under 11/0003/FUL)

Site 36 UNDERLANE PLYMPTON PLYMOUTH

Case Officer: Mike Stone

Decision Date: 25/07/2011

Decision: Grant Conditionally

Item No 38

Application Number: 11/00779/FUL **Applicant:** Mr Stephen and Mrs Tui Shirley

Application Type: Full Application

Description of Development: Erection of single storey dwelling (with rooms in the roof), incorporating front dormer windows, rooflights, and integral private motor garage (revisions to previously approved scheme 09/00697/FUL)

Site LAKE HOUSE, 78 RADFORD PARK ROAD PLYMOUTH

Case Officer: Simon Osborne

Decision Date: 22/07/2011

Decision: Grant Conditionally

Item No 39

Application Number: 11/00780/TPO **Applicant:** Housing Managemetrn
Application Type: Tree Preservation
Description of Development: Tree maintenance works
Site TRELORRIN GARDENS, THORN PARK PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 11/08/2011
Decision: Grant Conditionally

Item No 40

Application Number: 11/00788/ADV **Applicant:** The Gym Group
Application Type: Advertisement
Description of Development: Advertisement consent for 2 aluminium fascia signs
Site GALA CLUBS, DERRYS CROSS PLYMOUTH
Case Officer: Jeremy Guise
Decision Date: 10/08/2011
Decision: Grant Conditionally

Item No 41

Application Number: 11/00789/FUL **Applicant:** Mr & Mrs Bull
Application Type: Full Application
Description of Development: Change of use and conversion of church into private members club
Site WHITLEIGH PENTECOSTAL CHURCH, 391-397 BUDSHEAD ROAD
PLYMOUTH
Case Officer: Janine Warne
Decision Date: 09/08/2011
Decision: Refuse

Item No 42

Application Number: 11/00807/FUL **Applicant:** Mr & Mrs Long
Application Type: Full Application
Description of Development: Single storey side/front extension and erection of detached double private motor garage at front of property
Site 324 TAVISTOCK ROAD PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 27/07/2011
Decision: Grant Conditionally

Item No 43

Application Number: 11/00808/PRD **Applicant:** Mr Smith and Ms Puzey
Application Type: LDC Proposed Develop
Description of Development: Loft conversion with rear dormer
Site 3 DELACOMBE CLOSE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 26/07/2011
Decision: Issue Certificate - Lawful Use

Item No 44

Application Number: 11/00829/FUL **Applicant:** Amber New Homes
Application Type: Full Application
Description of Development: Retention of extension to rear tenement to provide additional living accommodation for Flat 4
Site 30 HILL PARK CRESCENT PLYMOUTH
Case Officer: Paul Steen
Decision Date: 29/07/2011
Decision: Grant Conditionally

Item No 45

Application Number: 11/00837/FUL **Applicant:** Ministry of defence
Application Type: Full Application
Description of Development: Temporary accommodation unit
Site HMS DRAKE, ROYAL NAVY DEVONPORT PLYMOUTH
Case Officer: Adam Williams
Decision Date: 29/07/2011
Decision: Grant Conditionally

Item No 46

Application Number: 11/00838/FUL **Applicant:** Sunnybanks Homes
Application Type: Full Application
Description of Development: Develop part of garden by erection of three detached bungalows, one with integral private motor garage and two with detached double garages
Site WOOLWELL HOUSE, WOOLWELL DRIVE PLYMOUTH
Case Officer: Janine Warne
Decision Date: 09/08/2011
Decision: Grant Conditionally

Item No 47

Application Number: 11/00841/FUL **Applicant:** Mr P Long
Application Type: Full Application
Description of Development: Demolition of existing rear extension and erection of new single storey rear extension
Site 114 BROWNING ROAD PLYMOUTH
Case Officer: Mark Utting
Decision Date: 26/07/2011
Decision: Grant Conditionally

Item No 48

Application Number: 11/00853/FUL **Applicant:** Mr S Ingle
Application Type: Full Application
Description of Development: Part single storey/part two storey side extension (incorporating private motor garage) and single storey rear extension (existing conservatory to be removed)
Site -- 221 CROWNHILL ROAD CROWNHILL PLYMOUTH
Case Officer: Mark Utting
Decision Date: 12/08/2011
Decision: Grant Conditionally

Item No 49

Application Number: 11/00856/FUL **Applicant:** Lipson Community College
Application Type: Full Application
Description of Development: Erection of roof over external courtyard of the Holman Building, to create additional teaching space
Site LIPSON COMMUNITY COLLEGE, BERNICE TERRACE
PLYMOUTH

Case Officer: Simon Osborne
Decision Date: 12/08/2011
Decision: Grant Conditionally

Item No 50

Application Number: 11/00857/LBC **Applicant:** Ward Williams Associates
Application Type: Listed Building
Description of Development: Creation of boardroom including erection of internal partition walls and minor electrical works
Site 7-8 MILLS BAKERY, ROYAL WILLIAM YARD PLYMOUTH

Case Officer: Karen Gallacher
Decision Date: 19/07/2011
Decision: Grant Conditionally

Item No 51

Application Number: 11/00860/FUL **Applicant:** Mr J Bond
Application Type: Full Application
Description of Development: First floor side extension
Site 4 PADDOCK CLOSE PLYMOUTH

Case Officer: Simon Osborne
Decision Date: 22/07/2011
Decision: Grant Conditionally

Item No 52

Application Number: 11/00863/FUL **Applicant:** Bromhead Accountants
Application Type: Full Application
Description of Development: Single layer outer roof with sheet metal covering and provision of external gutters
Site HARSCOMBE HOUSE, 1DARKLAKE VIEW ESTOVER
PLYMOUTH
Case Officer: Adam Williams
Decision Date: 21/07/2011
Decision: Grant Conditionally

Item No 53

Application Number: 11/00865/ADV **Applicant:** KFC GB Ltd
Application Type: Advertisement
Description of Development: Two internally illuminated fascia signs, one non illuminated fascia sign and one hanging sign
Site 227 TAVISTOCK ROAD PLYMOUTH
Case Officer: Adam Williams
Decision Date: 21/07/2011
Decision: Grant Conditionally

Item No 54

Application Number: 11/00866/FUL **Applicant:** District Church Council,
Application Type: Full Application
Description of Development: Single-storey front extension to church hall
Site CHURCH HALL, MARINE ROAD ORESTON PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 26/07/2011
Decision: Grant Conditionally

Item No 55

Application Number: 11/00881/FUL **Applicant:** Mr Harry Middleton
Application Type: Full Application
Description of Development: Change of use from single dwellinghouse to 2 flats including associated rear staircase and rooflights
Site 3 GRANBY PLACE PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 25/07/2011
Decision: Refuse

Item No 56

Application Number: 11/00883/FUL **Applicant:** Mr T Squires
Application Type: Full Application
Description of Development: Change of use from C2 (sheltered housing) to C3 (residential dwelling)
Site 17 TO 18 HOME PARK PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 25/07/2011
Decision: Grant Conditionally

Item No 57

Application Number: 11/00886/ADV **Applicant:** Foot Anstey
Application Type: Advertisement
Description of Development: Internally illuminated fascia sign (sign A) - approved, Two internally illuminated fascia signs (signs B and C) - refused
Site SALT QUAY HOUSE PLYMOUTH
Case Officer: Katie Beesley
Decision Date: 27/07/2011
Decision: Advertisement Split Decision

Item No 58

Application Number: 11/00888/FUL **Applicant:** Origin Fertilisers Ltd
Application Type: Full Application
Description of Development: Single-storey lean-to extension, for the bulk storage of non-flammable agricultural fertilisers
Site ORIGIN FERTILISERS LTD, MAXWELL ROAD PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 12/08/2011
Decision: Grant Conditionally

Item No 59

Application Number: 11/00889/LBC **Applicant:** Mr Tim Noakes
Application Type: Listed Building
Description of Development: Internal alteration to basement and replacement of windows in basement bay window at front
Site 5 COLLINGWOOD VILLAS, COLLINGWOOD ROAD PLYMOUTH

Case Officer: Olivia Wilson
Decision Date: 22/07/2011
Decision: Grant Conditionally

Item No 60

Application Number: 11/00890/FUL **Applicant:** Mr Peter Anderson
Application Type: Full Application
Description of Development: Replace first-floor window in approved extension with juliet balcony, with provision of screen fence, and replace obscure-glazed window with clear glazing
Site 9 BEAUMONT AVENUE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 10/08/2011
Decision: Refuse

Item No 61

Application Number: 11/00892/FUL **Applicant:** Devon and Cornwall Housing
Application Type: Full Application
Description of Development: Change of use from 7 one bed flats to 6 two bed flats and one staff flat to provide 24 hour support for residents
Site 52-54 GRAND PARADE PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 12/08/2011
Decision: Grant Conditionally

Item No 62

Application Number: 11/00893/FUL **Applicant:** Plymouth City Council
Application Type: Full Application
Description of Development: New office and double garage
Site CAR PARK, WESTERN APPROACH PLYMOUTH
Case Officer: Adam Williams
Decision Date: 21/07/2011
Decision: Grant Conditionally

Item No 63

Application Number: 11/00894/FUL **Applicant:** Pandora Properties Plymouth LLP
Application Type: Full Application
Description of Development: Application to remove condition 3 of 10/02072/FUL, relating to use of smallest room, to use this room as a bedroom
Site 108 NORTH ROAD EAST PLYMOUTH
Case Officer: Ben Scheuregger
Decision Date: 26/07/2011
Decision: Grant Conditionally

Item No 64

Application Number: 11/00896/FUL **Applicant:** Mr Roger Kelly
Application Type: Full Application
Description of Development: Change of use of first and seconds floors of building from offices to four, two bedroomed self-contained flats, new front access door, and associated rear amenity space (ground floor offices to be retained)
Site 114-116 RIDGEWAY PLYMOUTH
Case Officer: Jon Fox
Decision Date: 25/07/2011
Decision: Refuse

Item No 65

Application Number: 11/00898/31 **Applicant:** Plymouth City Council
Application Type: GPDO PT31
Description of Development: Determination as to whether prior approval is required for demolition of the former Chaucer Primary School, former Manadon Day Centre and Plymouth Schools Library Services and proposed landscaping of site
Site CHAUCER WAY PLYMOUTH
Case Officer: Janine Warne
Decision Date: 19/07/2011
Decision: Prior approval not req PT24

Item No 66

Application Number: 11/00899/PRD **Applicant:** Mr Ken Pearce
Application Type: LDC Proposed Develop
Description of Development: Single storey extension to kitchen
Site 5 NORMANDY WAY PLYMOUTH
Case Officer: Mark Utting
Decision Date: 25/07/2011
Decision: Issue Certificate - Lawful Use

Item No 67

Application Number: 11/00900/PRD **Applicant:** Mr Paul Boyes
Application Type: LDC Proposed Develop
Description of Development: Formation of gable and rooms in roofspace including rear dormer
Site 1 LITCHATON CRESCENT PLYMOUTH
Case Officer: Mike Stone
Decision Date: 22/07/2011
Decision: Issue Certificate - Lawful Use

Item No 68

Application Number: 11/00906/FUL **Applicant:** Mr and Mrs Bennett
Application Type: Full Application
Description of Development: Single storey side and rear extension
Site 109 WHITLEIGH AVENUE PLYMOUTH
Case Officer: Adam Williams
Decision Date: 25/07/2011
Decision: Grant Conditionally

Item No 69

Application Number: 11/00907/TPO **Applicant:** Mr S Wood
Application Type: Tree Preservation
Description of Development: Beech - crown raise to height of 3-4m, reduce spread on house side by 1-2m
Site 14 APPLETON TOR CLOSE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 20/07/2011
Decision: Grant Conditionally

Item No 70

Application Number: 11/00908/FUL **Applicant:** Mrs L Sheldon
Application Type: Full Application
Description of Development: Single storey rear extension and swimming pool
Site 125 WINGFIELD ROAD PLYMOUTH
Case Officer: Adam Williams
Decision Date: 29/07/2011
Decision: Application Withdrawn

Item No 71

Application Number: 11/00910/FUL **Applicant:** Mrs S Plumb
Application Type: Full Application
Description of Development: Side extension including glazed link to cottage and alterations including opening through exterior wall, alteration of existing WC and boiler room (alterations to approved plans 10/00501/FUL)
Site CLITTAFORD COTTAGE, COOMBE LANE PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 27/07/2011
Decision: Grant Conditionally

Item No 72

Application Number: 11/00911/LBC **Applicant:** Mrs S Plumb
Application Type: Listed Building
Description of Development: Side extension including glazed link to cottage and alterations including opening through exterior wall, alteration of existing WC and boiler room (alterations to approved plans 10/00502/LBC)
Site CLITTAFORD COTTAGE, COOMBE LANE PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 27/07/2011
Decision: Grant Conditionally

Item No 73

Application Number: 11/00913/FUL **Applicant:** Mr N Passmore
Application Type: Full Application
Description of Development: Single storey extension to north elevation to provide swimming pool
Site WARLEIGH ACRE,50 OLD WARLEIGH LANE PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 27/07/2011
Decision: Grant Conditionally

Item No 74

Application Number: 11/00914/FUL **Applicant:** Mrs S Reeves
Application Type: Full Application
Description of Development: Two storey rear extension and single storey front extension/porch
Site 1 RONSDALE CLOSE PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 29/07/2011
Decision: Grant Conditionally

Item No 75

Application Number: 11/00915/FUL **Applicant:** Mr L Netherton
Application Type: Full Application
Description of Development: Formation of hardstanding and access to Netton Close
Site 5 NETTON CLOSE PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 29/07/2011
Decision: Grant Conditionally

Item No 76

Application Number: 11/00916/FUL **Applicant:** Mr P Flynn
Application Type: Full Application
Description of Development: Application for new planning permission to replace extant planning permission 08/00822/FUL for two-storey side extension
Site 49 BRIDLE CLOSE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 26/07/2011
Decision: Grant Conditionally

Item No 77

Application Number: 11/00918/FUL **Applicant:** Mr N Royston
Application Type: Full Application
Description of Development: 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
Site 54 HOWARD ROAD PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 29/07/2011
Decision: Refuse

Item No 78

Application Number: 11/00919/FUL **Applicant:** Mr B Phillips
Application Type: Full Application
Description of Development: Two-storey side and rear extension and single-storey rear extension
Site 34 MOLESWORTH ROAD PLYMPTON PLYMOUTH
Case Officer: Mike Stone
Decision Date: 29/07/2011
Decision: Grant Conditionally

Item No 79

Application Number: 11/00920/FUL **Applicant:** Mr and Mrs M Butson
Application Type: Full Application
Description of Development: Provision of pitched roof to garage
Site 49 FURZEHATT ROAD PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 28/07/2011
Decision: Grant Conditionally

Item No 80

Application Number: 11/00924/FUL **Applicant:** Messrs Bettison and Marler
Application Type: Full Application
Description of Development: Change of use of ground and lower ground floor offices to create 2 residential units
Site 4 ELLIOT STREET PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 12/08/2011
Decision: Grant Conditionally

Item No 81

Application Number: 11/00925/FUL **Applicant:** Anchor Trust
Application Type: Full Application
Description of Development: Replacement uPVC doors and windows
Site MANOR COURT, 257 BLANDFORD ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 26/07/2011
Decision: Grant Conditionally

Item No 82

Application Number: 11/00926/FUL **Applicant:** Mr P Thompson
Application Type: Full Application
Description of Development: Formation of two rear dormers
Site 61 BELGRAVE ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 26/07/2011
Decision: Grant Conditionally

Item No 83

Application Number: 11/00928/FUL **Applicant:** Plymouth Community Homes
Application Type: Full Application
Description of Development: Single storey rear extension
Site 2 GOODWIN CRESCENT PLYMOUTH
Case Officer: Adam Williams
Decision Date: 29/07/2011
Decision: Grant Conditionally

Item No 84

Application Number: 11/00931/FUL **Applicant:** Deichmann Shoes UK Ltd
Application Type: Full Application
Description of Development: New shopfront
Site 30-32 NEW GEORGE STREET PLYMOUTH
Case Officer: Adam Williams
Decision Date: 01/08/2011
Decision: Application Withdrawn

Item No 85

Application Number: 11/00932/ADV **Applicant:** Deichmann Shoes UK Ltd
Application Type: Advertisement
Description of Development: One internally illuminated fascia sign
Site 30 NEW GEORGE STREET PLYMOUTH
Case Officer: Adam Williams
Decision Date: 02/08/2011
Decision: Application Withdrawn

Item No 86

Application Number: 11/00933/FUL **Applicant:** Mr Jon Bennett
Application Type: Full Application
Description of Development: Replacement of concrete cladding panels (on east elevation of building fronting Exeter Street) with recomposed stone panels
Site PLYMOUTH TELEPHONE EXCHANGE, VIADUCT HOUSE EASTLAKE STREET PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 01/08/2011
Decision: Grant Conditionally

Item No 87

Application Number: 11/00938/FUL **Applicant:** Mr Eric Stevens
Application Type: Full Application
Description of Development: Change of use of premises to motor vehicle sales, repairs and as an MOT test centre
Site 12 MANOR STREET PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 10/08/2011
Decision: Refuse

Item No 88

Application Number: 11/00942/FUL **Applicant:** Plymouth Community Homes
Application Type: Full Application
Description of Development: Change of use and conversion of House in Multiple Occupation to single dwellinghouse
Site 34-35 SECOND AVENUE CAMELS HEAD PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 15/08/2011
Decision: Grant Conditionally

Item No 89

Application Number: 11/00943/FUL **Applicant:** Mr D Cresswell
Application Type: Full Application
Description of Development: Rear conservatory
Site 3 FRASER SQUARE PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 02/08/2011
Decision: Grant Conditionally

Item No 90

Application Number: 11/00944/LBC **Applicant:** St Austell Brewery
Application Type: Listed Building
Description of Development: 4 wall-mounted signs (2 menu signs and 2 information signs)
Site THE WATERING HOLE, QUAY ROAD PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 05/08/2011
Decision: Refuse

Item No 91

Application Number: 11/00945/FUL **Applicant:** Mr Roy Greep
Application Type: Full Application
Description of Development: Installation of dormer windows on the rear tenements of no 146 and 148 to external 2nd floor flats
Site 146 AND 148 SALTASH ROAD KEYHAM PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 01/08/2011
Decision: Grant Conditionally

Item No 92

Application Number: 11/00946/FUL **Applicant:** Mr C Davies
Application Type: Full Application
Description of Development: Raised decking in rear courtyard
Site 247 EMBANKMENT ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 08/08/2011
Decision: Application Withdrawn

Item No 93

Application Number: 11/00949/FUL **Applicant:** Mr Terry Pearse
Application Type: Full Application
Description of Development: Develop part of garden by erection of a detached 2 bedroom bungalow, with demolition of existing garage and erection of replacement private motor garage for existing dwelling
Site 11 LANG GROVE PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 01/08/2011
Decision: Grant Conditionally

Item No 94

Application Number: 11/00951/FUL **Applicant:** Mr Nicholas Houslander
Application Type: Full Application
Description of Development: Single-storey rear extension and associated decking
Site 10 EASTFIELD CRESCENT PLYMOUTH
Case Officer: Adam Williams
Decision Date: 29/07/2011
Decision: Grant Conditionally

Item No 95

Application Number: 11/00952/FUL **Applicant:** Elizabeth Waters
Application Type: Full Application
Description of Development: Extensions to residential care home
Site HIGHER PARK LODGE DEVONPORT PARK, FORE STREET
DEVONPORT PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 12/08/2011
Decision: Grant Conditionally

Item No 96

Application Number: 11/00953/FUL **Applicant:** Mrs A Tucker
Application Type: Full Application
Description of Development: Two storey side extension to form accommodation for elderly relative
Site 97 PETERS PARK LANE ST BUDEAUX PLYMOUTH
Case Officer: Mark Utting
Decision Date: 25/07/2011
Decision: Grant Conditionally

Item No 97

Application Number: 11/00955/ADV **Applicant:** Plymouth NHS
Application Type: Advertisement
Description of Development: Public art signage along boundary fence near to pedestrian entrance in Devonport Hill
Site CUMBERLAND CENTRE, DAMEREL CLOSE PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 03/08/2011
Decision: Grant Conditionally

Item No 98

Application Number: 11/00957/EXD **Applicant:** Mrs L Warren
Application Type: LDC Existing Develop
Description of Development: Certificate of lawfulness for an existing conservatory
Site 160 CHURCH WAY PLYMOUTH
Case Officer: Mark Utting
Decision Date: 27/07/2011
Decision: Issue Certificate - Lawful Use

Item No 99

Application Number: 11/00960/FUL **Applicant:** Jones Lang LaSalle
Application Type: Full Application
Description of Development: Change of use of second floor flat to commercial office accommodation
Site 65 SOUTHSIDE STREET PLYMOUTH
Case Officer: Adam Williams
Decision Date: 29/07/2011
Decision: Application Withdrawn

Item No 100

Application Number: 11/00962/PRD **Applicant:** Mr C Burch
Application Type: LDC Proposed Develop
Description of Development: Hip to gable conversion
Site 8 CRABTREE VILLAS, PLYMOUTH ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 04/08/2011
Decision: Issue Certificate - Lawful Use

Item No 101

Application Number: 11/00963/FUL **Applicant:** Mr and Mrs Reed
Application Type: Full Application
Description of Development: Single storey rear extension
Site 1 HOLLYCROFT ROAD PLYMOUTH
Case Officer: Mark Utting
Decision Date: 19/07/2011
Decision: Grant Conditionally

Item No 102

Application Number: 11/00973/FUL **Applicant:** Sunnybanks Homes
Application Type: Full Application
Description of Development: Develop part of garden by erection of detached bungalow with attached double private motor garage (vehicular and pedestrian access located within Plymouth City Council boundary)
Site WOOLWELL HOUSE, WOOLWELL DRIVE PLYMOUTH
Case Officer: Janine Warne
Decision Date: 05/08/2011
Decision: Grant Conditionally

Item No 103

Application Number: 11/00974/FUL **Applicant:** Mr & Mrs P Mather
Application Type: Full Application
Description of Development: Demolish rear conservatory and replace with single storey extension
Site 6 MORLEY CLOSE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 04/08/2011
Decision: Grant Conditionally

Item No 104

Application Number: 11/00976/FUL **Applicant:** Pizza Express
Application Type: Full Application
Description of Development: Retention of extract duct, A/C condensor, and chiller and freezer condensers to rear of property
Site UNIT 2, BARBICAN LEISURE PARK, BARBICAN APPROACH PLYMOUTH
Case Officer: Katie Beesley
Decision Date: 28/07/2011
Decision: Grant Conditionally

Item No 105

Application Number: 11/00977/FUL **Applicant:** Mr Charles Master-Curtis
Application Type: Full Application
Description of Development: Erection of 2 storey detached dwelling with detached private motor garage and associated access and parking
Site WOODVIEW 14 MOWHAY ROAD PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 27/07/2011
Decision: Grant Conditionally

Item No 106

Application Number: 11/00978/FUL **Applicant:** Mr Craig Downham
Application Type: Full Application
Description of Development: Continue use of single dwelling as four self-contained flats (three with bed sitting rooms, one with separate bedroom)
Site 71 BEAUMONT ROAD PLYMOUTH
Case Officer: Chris Watson
Decision Date: 08/08/2011
Decision: Grant Conditionally

Item No 107

Application Number: 11/00981/FUL **Applicant:** Ms Tremain
Application Type: Full Application
Description of Development: Single-storey rear extension
Site 17 JUBILEE ROAD PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 09/08/2011
Decision: Grant Conditionally

Item No 108

Application Number: 11/00987/FUL **Applicant:** Mr Mike Burr
Application Type: Full Application
Description of Development: Two-storey extension to scaffolding training unit to provide office, garage, workshop, storage and staff welfare areas
Site WIXENFORD DEPOT COLESDOWN HILL PLYMOUTH
Case Officer: Alan Hartridge
Decision Date: 08/08/2011
Decision: Grant Conditionally

Item No 109

Application Number: 11/00989/FUL **Applicant:** PCC, T & H
Application Type: Full Application
Description of Development: Formation of shared use foot/cycle path between Third Avenue and community centre car park (with ancillary works)
Site THIRD AVENUE TO STONEHOUSE COMMUNITY CENTRE
STOKE PLYMOUTH
Case Officer: Adam Williams
Decision Date: 10/08/2011
Decision: Grant Conditionally

Item No 110

Application Number: 11/00990/FUL **Applicant:** Mr Steven Larson
Application Type: Full Application
Description of Development: Retention of first-floor rear balcony
Site 30 ST JOHNS DRIVE PLYMOUTH
Case Officer: Katie Beesley
Decision Date: 04/08/2011
Decision: Refuse

Item No 111

Application Number: 11/00991/FUL **Applicant:** Mr P Blackmore
Application Type: Full Application
Description of Development: Two storey rear extension
Site 33 EDWARDS DRIVE PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 29/07/2011
Decision: Refuse

Item No 112

Application Number: 11/00992/FUL **Applicant:** Mr Ramin Ordi
Application Type: Full Application
Description of Development: Single storey extension with new door entrance in external wall
Site 8 SEYMOUR DRIVE PLYMOUTH
Case Officer: Mark Utting
Decision Date: 01/08/2011
Decision: Grant Conditionally

Item No 113

Application Number: 11/00993/PRD **Applicant:** Mr J Allan
Application Type: LDC Proposed Develop
Description of Development: Certificate of lawful development for rear dormer
Site 47 THORNHILL ROAD PLYMOUTH
Case Officer: Mark Utting
Decision Date: 10/08/2011
Decision: Issue Certificate - Lawful Use

Item No 114

Application Number: 11/00994/LBC **Applicant:** Mr Ramin Ordi
Application Type: Listed Building
Description of Development: Single storey extension with new door entrance in external wall
Site 8 SEYMOUR DRIVE PLYMOUTH
Case Officer: Mark Utting
Decision Date: 01/08/2011
Decision: Grant Conditionally

Item No 115

Application Number: 11/00996/FUL **Applicant:** Mr David Lane
Application Type: Full Application
Description of Development: First floor side extension
Site 7 WINGFIELD WAY PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 03/08/2011
Decision: Grant Conditionally

Item No 116

Application Number: 11/01001/FUL **Applicant:** Mr & Mrs W Mason
Application Type: Full Application
Description of Development: Revision to application 11/00586/FUL (approved) for 2 storey side extension with basement, single storey rear extension, enlargement of roof to create loft space and detached garage to rear
Site 4 ERNESETTLE CRESCENT PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 10/08/2011
Decision: Refuse

Item No 117

Application Number: 11/01002/FUL **Applicant:** Mr Clinton Pethick
Application Type: Full Application
Description of Development: Single storey side extension to provide a private swimming pool
Site 1 STADDISCOMBE PARK STADDISCOMBE PLYMOUTH
Case Officer: Ben Scheuregger
Decision Date: 28/07/2011
Decision: Grant Conditionally

Item No 118

Application Number: 11/01004/FUL **Applicant:** Mrs Lisa Collins
Application Type: Full Application
Description of Development: Single storey rear extension, two storey side extension and alterations to front garden including the formation of a vehicle hardstanding
Site 93 COMPTON AVENUE PLYMOUTH
Case Officer: Mark Utting
Decision Date: 12/08/2011
Decision: Grant Conditionally

Item No 119

Application Number: 11/01005/FUL **Applicant:** Mr James Smith
Application Type: Full Application
Description of Development: Single storey side extension
Site 10 KINSALE ROAD HIGHER ST BUDEAUX PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 11/08/2011
Decision: Grant Conditionally

Item No 120

Application Number: 11/01006/FUL **Applicant:** Mr Mark Conday
Application Type: Full Application
Description of Development: Two-storey rear extension (existing structures to be removed), alterations to side porch and new rooflight to rear
Site 4 NETTLEHAYES PLYMOUTH
Case Officer: Sarah Curtis
Decision Date: 28/07/2011
Decision: Grant Conditionally

Item No 121

Application Number: 11/01007/TPO **Applicant:** TMS SW Ltd
Application Type: Tree Preservation
Description of Development: Programme of tree management works
Site 1 RAGLAN ROAD PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 04/08/2011
Decision: Grant Conditionally

Item No 122

Application Number: 11/01008/FUL **Applicant:** Boringdon Hall Hotel
Application Type: Full Application
Description of Development: Application to vary condition 2 of planning decision notice 06/01394/FUL to allow continued retention of marquee for a further period up to 31 October 2012
Site BORINGDON HALL, BORINGDON HILL PLYMOUTH
Case Officer: Sarah Curtis
Decision Date: 15/08/2011
Decision: Grant Conditionally

Item No 123

Application Number: 11/01010/FUL **Applicant:** Capital Range Ltd
Application Type: Full Application
Description of Development: New shop front (Unit 4 - hot food takeaway)
Site 642 WOLSELEY ROAD PLYMOUTH
Case Officer: Janine Warne
Decision Date: 12/08/2011
Decision: Grant Conditionally

Item No 124

Application Number: 11/01011/ADV **Applicant:** Capital Range Ltd
Application Type: Advertisement
Description of Development: Internally illuminated fascia sign and projecting sign (Unit 4 - hot food take away)
Site 642 WOLSELEY ROAD PLYMOUTH
Case Officer: Janine Warne
Decision Date: 12/08/2011
Decision: Grant Conditionally

Item No 125

Application Number: 11/01012/FUL **Applicant:** C and G Catering
Application Type: Full Application
Description of Development: Siting of catering unit to be run in conjunction and side by side with The Wheel of Plymouth
Site NEXT TO THE WHEEL OF PLYMOUTH, ARMADA WAY PLYMOUTH
Case Officer: Ben Scheuregger
Decision Date: 05/08/2011
Decision: Grant Conditionally

Item No 126

Application Number: 11/01014/FUL **Applicant:** Yealmpstone Farm Primary
Application Type: Full Application
Description of Development: Removal or variation of condition (6) of planning permission 10/00474/FUL relating to a replacement tree
Site YEALMPSTONE FARM PRIMARY SCHOOL, MEADOWFIELD PLACE PLYMOUTH
Case Officer: Ben Scheuregger
Decision Date: 25/07/2011
Decision: Application Withdrawn

Item No 127

Application Number: 11/01016/TPO **Applicant:** Mr Nick Hawkins
Application Type: Tree Preservation
Description of Development: Sycamore - Fell
Site 12 ALBION DRIVE PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 11/08/2011
Decision: Grant Conditionally

Item No 128

Application Number: 11/01020/FUL **Applicant:** Mr & Mrs P Murphy
Application Type: Full Application
Description of Development: Single-storey extensions to north and south elevations and to existing garage to form double garage
Site 115 MANNAMEAD ROAD PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 12/08/2011
Decision: Grant Conditionally

Item No 129

Application Number: 11/01021/CAC **Applicant:** Mr & Mrs P Murphy
Application Type: Conservation Area
Description of Development: Demolition of single-storey extension
Site 115 MANNAMEAD ROAD PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 12/08/2011
Decision: Grant Conditionally

Item No 130

Application Number: 11/01023/FUL **Applicant:** Mr/Mrs G.E. Vickery
Application Type: Full Application
Description of Development: Demolition of garage and erection of single-storey side extension to accommodate daughter/son in law
Site 27 LEIGH COURT PLYMOUTH
Case Officer: Mark Utting
Decision Date: 27/07/2011
Decision: Grant Conditionally

Item No 131

Application Number: 11/01024/ADV **Applicant:** Co-op Funeralcare
Application Type: Advertisement
Description of Development: 1 internally illuminated fascia sign, 2 non-illuminated panel signs, 1 non-illuminated totem sign
Site WESTCOUNTRY SQUASH, AYLWIN CLOSE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 10/08/2011
Decision: Grant Conditionally

Item No 132

Application Number: 11/01025/LBC **Applicant:** Matrix Plymouth SA
Application Type: Listed Building
Description of Development: Revised internal sub-division and design of new apartment layouts
Site TRAFALGAR, CRAIGIE DRIVE THE MILLFIELDS PLYMOUTH

Case Officer: Jeremy Guise
Decision Date: 12/08/2011
Decision: Grant Conditionally

Item No 133

Application Number: 11/01026/FUL **Applicant:** Mr Jock Easton
Application Type: Full Application
Description of Development: Variation of condition 2 of planning approval 11/00101/FUL
Site HMS DRAKE, SALTASH ROAD KEYHAM PLYMOUTH

Case Officer: Jon Fox
Decision Date: 05/08/2011
Decision: Application Withdrawn

Item No 134

Application Number: 11/01027/FUL **Applicant:** GRCA
Application Type: Full Application
Description of Development: Change of use from residential to office
Site 17 THE SQUARE PLYMOUTH

Case Officer: Karen Gallacher
Decision Date: 12/08/2011
Decision: Grant Conditionally

Item No 135

Application Number: 11/01046/FUL **Applicant:** Mr Paul Lyle
Application Type: Full Application
Description of Development: Single storey rear extension
Site 8 OAKCROFT ROAD PLYMOUTH
Case Officer: Mark Utting
Decision Date: 12/08/2011
Decision: Grant Conditionally

Item No 136

Application Number: 11/01057/FUL **Applicant:** Mr M Dabner
Application Type: Full Application
Description of Development: Formation of roof terrace on existing single storey side extension
Site 22 ELFORD CRESCENT PLYMOUTH
Case Officer: Sarah Curtis
Decision Date: 05/08/2011
Decision: Refuse

Item No 137

Application Number: 11/01067/EXD **Applicant:** BDW Trading Limited
Application Type: LDC Existing Develop
Description of Development: Two-storey extension providing offices ancillary to primary use of premises for car repairs / motor engineering
Site UNIT 1, 27 to 29 MARKET ROAD PLYMOUTH
Case Officer: Ben Scheuregger
Decision Date: 12/08/2011
Decision: Issue Certificate - Lawful Use

Item No 138

Application Number: 11/01069/LBC **Applicant:** Gillespie Yunnie Architects
Application Type: Listed Building
Description of Development: New glazed enclosures to existing historic entrance doors
Site UNIT 1 BREWHOUSE, ROYAL WILLIAM YARD PLYMOUTH
Case Officer: Mark Utting
Decision Date: 12/08/2011
Decision: Grant Conditionally

Item No 139

Application Number: 11/01070/FUL **Applicant:** Mr & Mrs Ian and Mary Hughes
Application Type: Full Application
Description of Development: Alterations to dwelling including reroofing and formation of rooms in roofspace with rooflights to south west and north east elevations, (Revisions to planning consent 08/01834/FUL)
Site 2 SIMON CLOSE PLYMSTOCK PLYMOUTH
Case Officer: Sarah Curtis
Decision Date: 04/08/2011
Decision: Grant Conditionally

Item No 140

Application Number: 11/01071/FUL **Applicant:** Mr Lee Foster
Application Type: Full Application
Description of Development: Single-storey front extension/porch and single-storey rear extension
Site 313 SOUTHWAY DRIVE PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 11/08/2011
Decision: Application Withdrawn

Item No 141

Application Number: 11/01094/FUL **Applicant:** Ms V Sargeant
Application Type: Full Application
Description of Development: First-floor rear extension and associated works
Site 8 LIPPELL DRIVE PLYMOUTH
Case Officer: Ben Scheuregger
Decision Date: 05/08/2011
Decision: Grant Conditionally

Item No 142

Application Number: 11/01096/FUL **Applicant:** Mrs Judith Marsh
Application Type: Full Application
Description of Development: Change of use to 9 units of student accommodation together with alterations to roof space, external appearance and parking area
Site 23 COBOURG STREET PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 12/08/2011
Decision: Grant Conditionally

Item No 143

Application Number: 11/01111/FUL **Applicant:** Mr & Mrs McKee
Application Type: Full Application
Description of Development: Provision of pitched roof to existing conservatory and single storey rear extension
Site 41 FANSHAWE WAY PLYMOUTH
Case Officer: Sarah Curtis
Decision Date: 05/08/2011
Decision: Grant Conditionally

Item No 144

Application Number: 11/01124/FUL **Applicant:** Mr Michael Furzeland
Application Type: Full Application
Description of Development: Retrospective demolition of 2 storey structure to rear. Alterations and ext to shop premises, formation of 2 flats above shop. Erection of new 2 storey dwelling in rear yard with associated parking, amenity and refuse area.
Site 158 UNION STREET PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 12/08/2011
Decision: Refuse

Item No 145

Application Number: 11/01148/EXU **Applicant:** Mr A Olliver
Application Type: LDC Existing Use
Description of Development: Use as single family dwelling
Site 36 QUEENS ROAD LIPSON PLYMOUTH
Case Officer: Mike Stone
Decision Date: 25/07/2011
Decision: Issue Certificate - Lawful Use

Item No 146

Application Number: 11/01194/CAC **Applicant:** Mrs Lynn Sheldon
Application Type: Conservation Area
Description of Development: EXTENSION AND SWIMMING POOL
Site 125 WINGFIELD ROAD PLYMOUTH
Case Officer:
Decision Date: 26/07/2011
Decision: CAC Not Required

This page is intentionally left blank

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

Application Number **10/00711/OUT**
Appeal Site **LAND TO THE REAR OF 7-11 UNDERWOOD ROAD PLYMOUTH**
Appeal Proposal Outline application to develop land by erection of three 4-bedroomed 100sqm floor area detached dwellinghouses
Case Officer Jon Fox

Appeal Category
Appeal Type Written Representations
Appeal Decision Dismissed
Appeal Decision Date 25/07/2011
Conditions
Award of Costs Awarded To

Appeal Synopsis

The Planning Inspector has concluded that the proposed development is unacceptable because one of the three proposed dwellings would cause a significant reduction in daylight, and over much of the year, sunlight enjoyed in the adjacent parts of the private back garden of 44 Market Road.

The Planning Inspector noted that the garden of this neighbouring property is on a significantly lower level than the appeal site, and so this combined with the close proximity of the proposed dwelling, would create unacceptable conditions. In this particular respect, the Planning Inspector has agreed with the Council that the proposed development is contrary to Policies CS15 and CS34 of the Local Development Framework Core Strategy 2007.

The Planning Inspector did not, however, agree with the other specific refusal reasons that had been identified by the Council, including concerns about noise and disturbance to 11 and 13 Underwood Road at the point of access to the site, the perceived poor relationship between the development and other existing adjoining dwellings, and concerns that the development would be out of character with other development in the area with no frontage on to the main road (Underwood Road).

The Planning Inspector also specifically stated in his decision letter that although national Planning Policy Statement 3: Housing, has been amended so that the definition of previously-developed land now excludes private residential gardens, that in his view, this change is not of 'particular significance' in the context of the appeal proposal.

Application Number **10/01145/FUL**
Appeal Site **LAND AT PLEASURE HILL CLOSE PLYMOUTH**
Appeal Proposal Develop site by erection of 8 terraced houses and setting out of wildlife habitat
Case Officer Jon Fox

Appeal Category
Appeal Type Informal Hearing
Appeal Decision Dismissed
Appeal Decision Date 04/08/2011
Conditions
Award of Costs Awarded To

Appeal Synopsis

The houses were proposed to take up about half of an area set aside as natural grassland for nature conservation in a Section 106 dating from 1998 as mitigation for the habitat lost due to the retail development of the adjacent quarry site (originally Safeways, now Morrisons). The Inspector decided that the obligation in respect of the appeal site remains in force and he noted that the appellants had not sought to alter that obligation or to bring forward an alternative undertaking. The Inspector therefore considered that the scheme would not conserve or enhance the biological diversity, as sought by PPS9, and would conflict with policies CS18 and 19 of the Council's Core Strategy.

The Inspector assessed the impact of the development on nearby houses, particularly "Rooftops", and decided that there would be no material harm.

The Inspector noted that the appellants had indicated in their planning application that they were expecting to make payments to mitigate the impacts of the proposed development. He concluded that a payment would be required and that, in the absence of any obligation submitted to address the requirements, the scheme would undermine the Council's strategic approach to managing the impacts of development.

The Inspector took account of other matters, including the Government's commitment to a general presumption in favour of sustainable development, the presence of a 5-year land supply for housing in the City, and local residents' concerns over parking and traffic, but none of these affected his conclusion on the main aspects of the case.

An application for costs was made against the Council. The appellants argued that the Council had behaved unreasonably in that the nature conservation aspects could have been addressed by a condition on a planning permission and the Council's stance in respect of the impact on nearby properties was inconsistent with a previous application for developing the site. The Inspector considered that the Council had not behaved unreasonably on either count. He did not consider that a condition could have resolved the matter of the loss of natural grassland and he noted that there were sufficient differences between the previous scheme and the appealed scheme to justify the different approaches taken over the effect on nearby properties.

Application Number	10/01337/FUL
Appeal Site	THE GOLDMINE, 50 BUTT PARK ROAD PLYMOUTH
Appeal Proposal	Change of use and conversion and alteration of public house to form a house in multiple occupation (10 bedrooms) and formation of vehicle parking to rear
Case Officer	Janine Warne
Appeal Category	
Appeal Type	Written Representations
Appeal Decision	Dismissed
Appeal Decision Date	18/07/2011
Conditions	
Award of Costs	Awarded To

Appeal Synopsis

Following an overturned Committee decision, the Inspector dismissed this appeal on the basis of four principle issues, as outlined below.

Firstly, with regard to character, the Inspector agreed with Member's concerns, noting that the proposal would be incongruous with this out-of-town location and would result in increased competition for on-street parking causing significant and unacceptable harm to the established residential character of the locality, contrary to the adopted Development Guidelines SPD. In addition, the Inspector agreed that the proposal would fail to contribute to a positive sense of place and identity, contrary to policy CS01.

Secondly, with regard to neighbouring amenity, the Inspector agreed with Members that the proposal would be likely to result in noise associated with arrivals and departures (which would be of a different order from the noise associated with the former public house use) and would therefore harm the living conditions of neighbouring dwellings, contrary to policies CS22 and CS34.

Thirdly, with regard to highway safety/parking, the Inspector agreed that the proposal would be likely to cause hazard to highway users and unacceptable inconvenience to existing residents due to increased parking congestion, contrary to policies CS28 and CS34. However, contrary to Members' concerns, the Inspector concluded that use of the proposed access would not cause undue harm to road users. Rather, the Inspector deemed that the cramped site layout (with inadequate provision for bins and cycle parking) would result in inadequate vehicle turning space causing occasional reversing manoeuvres into the street which would be extremely hazardous.

Finally, the Inspector raised concerns regarding the living conditions of prospective occupiers. This issue was not raised by Members. The Inspector noted that the proposed privacy screens would restrict the outlook from two rear bedrooms to an unacceptable degree. In addition, the four bedrooms at the front of the building would suffer from overlooking at close quarters by pedestrians in the street and people approaching the rear entrance door would be able to look into nearby rear bedroom windows. The need to keep these windows permanently obscured would constitute unacceptability poor living conditions for the prospective occupiers of these rooms, in terms of lack of outlook, daylight and sunlight, contrary to policies CS15 and CS34.

The Inspector refused the application for costs. He noted that the Council was entirely within its rights to assess the proposed development and to express views about it which were at odds with the conclusions of its officers. He noted that whilst the reasons for doing so may have been influenced by local residents describing their experiences of the previous unauthorised HMO, this was not the same as having a prejudice regarding such uses. Furthermore the Inspector considered that the refusal reasons were clearly explained and justified by the Council's appeal statement. Therefore the Inspector concluded that unreasonable behaviour resulting in wasted expense, as described in Circular 03/2009, had not been demonstrated.

Note:

Copies of the full decision letters are available to Members, the press and public at the First Stop Reception.