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COUNCIL OF THE YEAR



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Date: 8-11-2011

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## **PLANNING COMMITTEE**

**Date:** Thursday 17 November 2011  
**Time:** 1 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 - 8)**

The Committee will be asked to confirm the minutes of the meeting held on the 20 October 2011.

#### 4. CHAIR'S URGENT BUSINESS

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

#### 5. QUESTIONS FROM MEMBERS OF THE PUBLIC

The Chair will receive and respond to questions from members of the public submitted in accordance with the Council's procedures. Questions shall not normally exceed 50 words in length and the total length of time allowed for public questions shall not exceed 10 minutes. Any question not answered within the total time allowed shall be the subject of a written response.

#### 6. PLANNING APPLICATIONS FOR CONSIDERATION

**(Pages 9 - 10)**

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

##### 6.1 NORTH PROSPECT ROAD, PLYMOUTH 11/01384/REM

**(Pages 11 - 26)**

Applicant: Barratt Homes Exeter  
Ward: Ham  
Recommendation: Grant Conditionally

##### 6.2 67 EBRINGTON STREET, PLYMOUTH 11/01598/FUL

**(Pages 27 - 32)**

Applicant: Mr Mohamed El Mohamdi  
Ward: St Peter & The Waterfront  
Recommendation: Refuse

**6.3** SOUTHWAY COMMUNITY COLLEGE, ROCKFIELD AVENUE, PLYMOUTH 11/01586/FUL **(Pages 33 - 40)**

Applicant: Everything Everywhere Ltd  
Ward: Southway  
Recommendation: Grant Conditionally

**6.4** 28 RIDGE ROAD, PLYMOUTH 11/01260/FUL **(Pages 41 - 50)**

Applicant: Mr A Reilly  
Ward: Plympton Erle  
Recommendation: Grant Conditionally

**6.5** THE TOWN HOUSE, 32 HARWELL STREET, PLYMOUTH. 11/01410/FUL **(Pages 51 - 70)**

Applicant: Town House (Plymouth) Ltd  
Ward: St Peter & The Waterfront  
Recommendation: Grant Conditionally subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 21 November 2011

**6.6** FORMER PLYMOUTH SUPERBOWL, COT HILL, PLYMOUTH 11/01492/FUL **(Pages 71 - 86)**

Applicant: Morston Assets Ltd  
Ward: Plympton Erle  
Recommendation: Grant Conditionally

**6.7** ROLAND LEVINSKY BUILDING, UNIVERSITY OF PLYMOUTH **(To Follow)**

Erection of an Arts Faculty Building and Arts Centre unit supporting accommodation 05/00371 - Update on Section 106 Agreement issues

**7. PLANNING APPLICATION DECISIONS ISSUED (Pages 87 - 122)**

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 8 October 2011 to 6 November 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 123 - 124)**

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 20 October 2011

### PRESENT:

Councillor Lock, in the Chair.

Councillor Mrs Bowyer, Vice Chair.

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

Apology for absence: Councillor Stevens

Also in attendance: Peter Ford - Lead Planning Officer, Mark Lawrence – Lawyer, Ross Jago - Democratic Support Officer.

The meeting started at 1.00 pm and finished at 3.15 pm.

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

### 51. DECLARATIONS OF INTEREST

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

Name	Minute No. and Subject	Reason	Interest
Councillor Lock	Minute No. 55.1 28 Ridge Road, Plymouth. 11/01260/FUL	Publically stated position on the application.	Prejudicial
Councillor Mrs Foster	Minute No. 55.2 Public Path Extinguishment Order – Ridgeway School	Family member attends the school.	Personal
Councillor Browne	Minute No. 55.2 Public Path Extinguishment Order – Ridgeway School	Former member of the Local Access Forum.	Personal
Councillor Wheeler	Minute No. 55.2 Public Path Extinguishment Order – Ridgeway School	Member of the Local Access Forum.	Personal
Councillor Churchill	Minute No. 55.2 Public Path Extinguishment Order – Ridgeway School	Member of the Local Access Forum.	Personal

52. **MINUTES**

Agreed the minutes of the meeting held on 6 October 2011.

53. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

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

The following question was received from a member of the public, in accordance with paragraph 10 of the Constitution.

Mr Cooper attended the meeting to ask his question and Councillor Lock (Chair of the Planning Committee) responded as set out below -

<b>Question No</b>	<b>Question By</b>	<b>Chair of the</b>	<b>Subject</b>
I (11/12)	Mr C Cooper	Planning Committee	Land North of West Park Hill, Plympton, Plymouth. 11/01209/FUL
<p>No safety analysis was undertaken regarding increased traffic on West Park Hill, the B3417 provides a bypass insuring that HGVs are kept away from residential areas. Are PCC negligent when allowing HGVs to use West Park Hill and therefore accountable in law when a serious accident occurs involving an HGV?</p> <p><b>Response:</b></p> <p>(a) The highway design characteristics of West Park Hill are such that the use of this road by HGVs does not give any cause for concern from a highway safety perspective. Furthermore the use of this route by HGVs is no different in nature to the remainder of the route often used by HGVs associated with the China Clay Operations which access the A38 at Deep Lane (Glen Road etc).</p> <p>(b) The alterations that have been proposed where the junction of the new proposed haul road meets West Park Hill has been subject to a Safety Audit that has been carried out in accordance with Volume 5 (Section 2, Part 2) of the Design Manual for Roads and Bridges.</p> <p>(c) It is the view of the Local Highway Authority that the changes that are proposed to the junction layout will help reduce the speed of traffic using West Park Hill (particularly for vehicles exiting the narrower section of West Park Hill and travelling westbound) and therefore improve the safety of the road. Following consultation, this view was also supported by the Road Casualty Reduction Officer at Devon and Cornwall Constabulary. The applicant is also now in the process of looking into the possibility of introducing further traffic calming measures (in the form of narrowings) to further reduce the speed of traffic using West Park Hill.</p> <p>(d) The local highway authority will therefore not be negligent by allowing HGVs to use West Park Hill. In any event any negligence claim would be subject to separate legal redress.</p>			

55. **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.

**55.1 28 RIDGE ROAD, PLYMOUTH. 11/01260/FUL**

(Mr A Reilly)

Decision:

Application **DEFERRED** for further consideration of legal issues.

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

(Councillor Mrs Bowyer took the chair and following legal advice proposed that the item be deferred. The proposal having been seconded by Councillor Browne was put to the vote and declared carried)

(This item was brought forward to facilitate better meeting management).

**55.2 PUBLIC PATH EXTINGUISHMENT ORDER - RIDGEWAY SCHOOL**

The Director for Development submitted a report requesting the referral of a Public Path (Special) Extinguishment Order to the Secretary of State for determination by public inquiry.

Agreed to authorise the referral of the Order to the Secretary of State and allow the confirmation of the Order to be consider by public inquiry.

(At the invitation of the Chair, the committee heard representations from Councillor Nicholson, ward member, in support of the recommendation)

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

(At the invitation of the Chair, the committee heard representation in support of the recommendation from the applicant and landowner)

**55.3 12 - 13 SUSSEX STREET, PLYMOUTH. 11/00766/FUL**

(Mr A MacLeod)

Decision:

Delegated authority, in consultation with Chair, Vice Chair and nominated opposition member to Grant Conditionally subject to a

S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 6 December 2011.

(The above recommendation was amended by officers to include consultation with Chair, Vice Chair and nominated opposition member as the public consultation was still open. Councillor Lock put the amended recommendation to the vote which was declared carried.)

The committee expressed concern that they had again been asked to consider a retrospective application, particularly one which had qualified for the market recovery scheme. Some members expressed the desire that the retrospective applications should be excluded from the market recovery scheme.

Agreed that the Chair would consult with the portfolio holder for Planning, Strategic Housing and Economic Development and request that retrospective applications are excluded from consideration under the market recovery scheme when the scheme is reviewed in the future.

(The above recommendation was proposed by Councillor Wheeler and, having been seconded by Councillor Mrs Foster, was put to the vote and declared carried.)

**55.4 12 - 13 SUSSEX STREET, PLYMOUTH. 11/00768/CAC**

(Mr MacLeod)

Decision:

Application **GRANTED** conditionally.

(This item was considered in conjunction with minute number 55.3)

**55.5 LAND NORTH OF WEST PARK HILL, PLYMPTON, PLYMOUTH. 11/01209/FUL**

(Wolf Minerals (UK) Ltd)

Decision:

**GRANTED** conditionally subject to the Secretary of State not issuing a direction under Section 77 of the Town and Country Planning Act 1990 for the application to be referred to him for determination.

Members added an additional informative to Undertake further level of consultation with residents and ward members on landscaping as part of the section 278 highways agreement.

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

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



(At the invitation of the Chair, the committee heard representations in support of the application from the applicants agent.)

56. **PLANNING APPLICATION DECISIONS ISSUED**

The Committee received a report of the Assistant Director of Development (Planning Services) on decisions issued for the period 12 September to 7 October 2011, including-

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

57. **APPEAL DECISIONS**

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

58. **EXEMPT BUSINESS**

There were no items of exempt business.

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

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

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

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## PLANNING COMMITTEE – 20 October 2011

## SCHEDULE OF VOTING

Minute number and Application	Voting for	Voting against	Abstained	Absent due to interest declared	Absent
55.1 11/1260FUL 28 Ridge Road	Councillors Mrs Bowyer, Browne, Churchill, Delbridge, Mrs Foster, Mrs Nicholson, Aspinall, Tuohy, Vincent, Wheeler and Williams			Councillor Lock.	
55.2 Public footpath extinguishment order	Unanimous				
55.3 11/00766/FUL 12 – 13 Sussex Street  Additional recommendation	Councillors Lock, Mrs Bowyer, Browne, Churchill, Delbridge, Mrs Foster, Mrs Nicholson, Tuohy, and Wheeler.  Councillors Lock, Mrs Bowyer, Browne, Churchill, Delbridge, Mrs Foster, Mrs Nicholson, Aspinall, Tuohy, Wheeler and Williams		Councillors Vincent, Williams and Mrs Aspinall.  Councillor Vincent		
55.4 11/01209/CAC 12 – 13 Sussex Street	Councillors Lock, Mrs Bowyer, Browne, Churchill, Delbridge, Mrs Foster, Mrs Nicholson, Aspinall, Tuohy, Wheeler and Williams		Councillor Vincent		
55.5 11/01209/FUL Land North of West Park Hill, Plympton	Councillors Lock, Mrs Bowyer, Browne, Churchill, Delbridge, Mrs		Councillor Mrs Nicholson		

<b>Minute number and Application</b>	<b>Voting for</b>	<b>Voting against</b>	<b>Abstained</b>	<b>Absent due to interest declared</b>	<b>Absent</b>
	Foster, Aspinall, Tuohy, Wheeler, Vincent and Williams.				

## **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: 05**

**Application Number:** 11/01384/REM

**Applicant:** Barratt Homes Exeter

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

**Type of Application:** Reserved Matters

**Site Address:** NORTH PROSPECT ROAD PLYMOUTH

**Ward:** Ham

**Valid Date of Application:** 05/09/2011

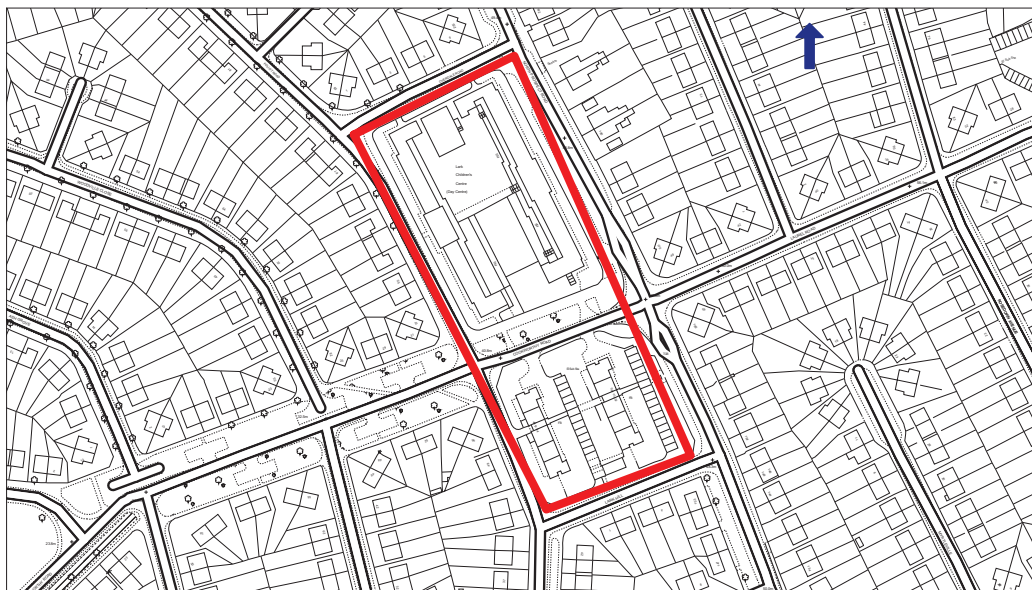
**8/13 Week Date:** **05/12/2011**

**Decision Category:** Major Application

**Case Officer :** Carly Kirk

**Recommendation:** Grant Conditionally

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



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## OFFICERS REPORT

### Site Description

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

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

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

The site is surrounded by residential properties, and to the east of the site Phase 1A is under construction.

### Proposal Description

Reserved matters application (access, appearance, landscaping, layout and scale) for the erection of 26 houses and 5 flats and the erection of a community hub building with mixed uses including multi-use community hall, retail, nursery and office space with 58 flats above (39 for supported housing and 19 others) and public open space (demolition of existing buildings including school, flats and associated garages).

### Relevant Planning History

10/02026 (FULL) Redevelopment of site by erection of 148 new mixed tenure homes in the form of 117 houses, 23 flats and 8 coachhouses with associated parking and amenity areas (demolition of all existing buildings on site)- GRANTED CONDITIONALLY SUBJECT TO S106.

10/02065 (OUT) Outline application (all matters reserved) for the erection of 26 houses and 5 flats and the erection of a community hub building with mixed uses including multi-use community hall, retail, nursery and office space with 58 flats above and public open space- GRANTED CONDITIONALLY SUBJECT TO S106.

### Consultation Responses

**Highway Authority-** no objections.

**Parks Services-** no comments received.

**Highway Agency-** no further comments received however the condition applied at outline stage requiring a travel plan still needs to be adhered to.



**South West Water-** no further comments received, however those made at outline remain, no objection but ask the applicant to note that public sewers lie within the site and that their diversion will be required as a part of the redevelopment.

**Public Protection Department-** raise concerns about potential noise pollution and land contamination. This consultee response was only received on 2<sup>nd</sup> November and therefore these concerns shall be discussed and a solution progressed prior to planning committee- an update shall be provided by way of an addendum.

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

**Environment Agency-** no objections.

**Housing Strategy-** no objections.

### **Representations**

1 letter of representation objecting for the following reasons:

- Retailers and their staff fear duplication of existing trades already on North Prospect Road.
- No access for deliveries except through front door raising practical and safety issues for general public.
- No parking spaces are available to the retailers for passing trade.
- No vehicular access to residents or retailers refuse areas.
- No fire exits except through the single entrance in the proposed shops.

### **Analysis**

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

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

This application did form the subject of pre-application discussions and the agent has liaised with the future users of the hub to try and ensure that the spaces created for them are suitable and meet their particular needs. As a result of pre-application discussions amendments have been made to the scheme including, for example, alterations to the nursery space.

## **General Layout**

The basic layout of the site remains as indicated at outline stage with the hub at the south end of the site and housing and a block of flats to the north. The hub uses would now however be in just one building and the other main building to the south of the site would contain 19 flats.

In consolidating all of the community uses into one building the public realm has been sub-divided from one large hard landscaped square into two spaces- a new landscaped set of gardens 'Cookworthy Gardens' replacing Cookworthy Road and a smaller community square the 'Community Courtyard' around which the L-shaped community hub wraps in the opposite direction to that indicated at outline stage. This maximizes the frontage onto the important North Prospect Road while creating a sheltered south facing courtyard.

## The Community Hub Building

As North Prospect Road is the primary route through the area, the retail, library and community learning facilities were considered the most appropriate uses to face this road. These facilities will serve the widest catchment and therefore would benefit from the convenience of the adjacent bus stop and parallel parking. To ensure the maximum cohesion of the facilities in the library with those in the community learning space these two facilities are located adjacent to each other. In addition to these uses it was considered very important that the rest of the facilities in the hub would have their own 'front door' facing on to North Prospect Road. so a reception for the whole building has been provided here which is shared with the library.

To enhance the use of the proposed community courtyard and Cookworthy Gardens a new atrium space connects the two and is the heart of the new facilities. It is linked to the North Prospect 'front door' via a stair that extends through the double height space. This hub area serves the community hall, kitchen and surestart shop with space for a cafe / informal meeting area. As a flexible space for all it is envisaged that the functions of this space will evolve, and this is reflected in the design, for example when demand requires it the community hall can open into the space to increase capacity.

The nursery is provided with a separate access from the secure community courtyard. The community courtyard will be managed with the rest of the hub and will be closed when the building is not in use to ensure that the spaces cannot be misused. The nursery also has access to its own play space facing south and is protected by a high wall on all sides. The nursery has a smaller secondary outdoor space to the west and provides first floor frontage onto Foliot Road and the Community Gardens.

Supported Housing for the Elderly is proposed above the hub, the principle entrance is from Lark Hill, providing the closest access to both the bus stop on North Prospect Road, the parking associated with the flats and the space for a drop off is in front of the entrance and away from the traffic of North Prospect Road. This main entrance has a generous reception with lift access to the upper floor.

The secondary entrance faces onto Cookworthy Gardens providing access to the Gardens and the main community atrium space. A communal roof terrace is proposed and community lounge areas. A refuse storage area is also provided in the building so that the elderly do not have to struggle with taking their rubbish to the communal stores.

### Flats to the north of Cookworthy Gardens

These flats have been designed to provide a strong frontage to ensure that the new community gardens are well overlooked. All flats have their primary frontage facing south onto the gardens, including private balconies for every flat. The parking is located either on street (off Foliot Road) or in small private and secure rear parking courtyards. These are overlooked from the flats to ensure that they have passive surveillance and are gated to provide further security. The depth of the parking courtyards is used to ensure that the privacy of the rear gardens, for the new homes to the north, is maintained. The nearest dwellings would be over 10m away and have no habitable room windows on their facing side elevations, so there would be no loss of privacy to either the flats or the dwellings. To maximise the sense of activity in the principle frontage, the flats also include communal front doors onto the new gardens, in addition to the private access points from the secure courtyards.

Although the primary frontage is to the south, the building also has an important role to play in the approach along North Prospect Road from the north, specifically as the remainder of this frontage is set back to accommodate the access road. As a result the flats in this area are designed to face in all three directions ensuring an active frontage all along this key frontage.

### Housing

The semi-detached houses on the northern half of the site fronting onto North Prospect Road are set back behind an access road. This allows parking to be accommodated on the street frontage and the retention of the mature existing Lime trees. The refuse and rear garden access for these homes is all served via shared side access points.

The terraces of houses fronting onto Foliot Road have their parking on plot in larger front gardens. This has the advantage of minimising their impact on the existing homes on the opposite side of Foliot Road and also allows bicycle and bin storage to be accommodated where it is not possible to gain access to the rear gardens due to the level change between the front and back of the house.

The space between the dwellings fronting North Prospect Road and Foliot Road is approximately 21m, which is deemed an appropriate separation distance in accordance with the Development Guidelines SPD.

### Flats at the junction of Overdale Road/ North Prospect Road

This building picks up on the layout of Phase 1A to reinforce the gateway on North Prospect Road when approaching from the north. The building would have an active frontage in each direction it fronts. The homes are provided with their own private balconies and a communal garden/ service yard. Parking is provided either off Overdale Road or the new service road running parallel to North Prospect Road.

## Internal Amenity/ Curtilage Areas

In terms of the curtilage size of the dwellings and the flats proposed, 11 of the 89 units would have curtilage areas that fall slightly short of the guidance given in the Development Guidelines SPD. However, it should be noted that this is a guidance document and is designed to be thought provoking not prescriptive. It also states that the size and nature of the space will depend on the type of dwelling and its location and it is not unreasonable to assume that outdoor amenity space might be lower in some instances. Overall it is considered that as many of the curtilage areas exceed the guidance given a good range of accommodation would be offered.

This is also the case in terms of the size of residential units; most meet the guidance set out in the SPD or exceed this. Only 14 of the 89 units proposed would fall short of this and this would only be by a small amount, so the dwellings proposed are deemed acceptable. The flats will have communal refuse storage areas; all of the housing will have their own private refuse storage areas.

Overall the layout of the site and the individual uses are deemed acceptable and are in accordance with policies CS15 and CS34.

## **Appearance**

The scheme has been designed to provide an enhanced frontage to North Prospect Road.

### The Community Hub Building

This building has been designed to reflect its landmark status with a robust stone base for all of the community functions located on the ground floors and each of the four 'wings' for the supported housing above have been given a distinctive character.

The main entrances are expressed through large areas of glazing; the frontage to North Prospect Road is given the most prominent treatment with the predominant white render offset by large slightly recessed colour panels between windows – a different one expressed for each flat to give them individual identity.

The elevation facing onto Cookworthy Gardens will have a cladding panel to contrast with the rendered treatment of North Prospect Road frontage; there will also be projecting window boxes for each of the flats in this wing.

The remaining two wings take a similar approach to the frontage to North Prospect Road but given their secondary nature the tones used are more neutral and earthy. The same large recessed panels of colour between windows are used but in place of the strong reds, oranges and yellows of the main frontage an autumnal set of tones mixes rusty terracotas with warm greys and golden yellows. The secondary nature of these wings is further emphasised with a lowered parapet.

### Flats to North of Cookworthy Gardens

In a similar way that the layout and massing of the flats to the north of the new Cookworthy Gardens mediate between the housing and the community hub, the detailing has been designed to resolve the relationship between the two. The balconies to the two bedroom flats are wrapped in a stone frame on the same bay as

the colonnade opposite while the same design of window is used in a similar varying arrangement across each floor. This use of stone at the corners responds to the architecture of the flats in Phase IA. The frontage to North Prospect mirrors the character of the supported housing on the same frontage with large areas of colour connecting windows in slightly recessed panels against a white main block. Stone planters are used to disguise the significant changes of level in the frontage to Cookworthy Gardens. The colours of the other blocks then pick up the palette of autumnal colours used in other elements of the hub.

### Housing/ Flats at the junction of Overdale Road & North Prospect Road

The houses to the north of Cookworthy Gardens are predominantly render with a palette of different colours used to subtly reflect the different character areas and the hierarchy within the built form, this is as approved with Phase IA the homes. The homes fronting North Prospect feature a light off- white render while those to Foliot Road have a warmer cream tone. Similarly roof materials vary to reflect their context. The primary frontage to North Prospect Road features a roof finish of a slate grey colour to reflect its importance. The remainder of the homes are tiled to reflect their context. The flats in the north east corner will be rendered to match the flats in Phase IA and will include stone to the corner balconies to reflect the landmark importance of the frontage.

The design of the hub building, flats and proposed housing is deemed acceptable as are the proposed materials. The development would therefore be accordance with Policies CS02 and CS34.

### **Scale**

The scale of the hub building proposed is deemed acceptable, it would range from 2 storeys to 5 storeys high.

The elevation fronting North Prospect Road would be four storeys high and provide an important frontage to the main street. At Foliot Road and Lark Hill the hub has a lower context (particularly with the slope falling away to the west) and as a consequence the building is set back from the road and given a reduced height of three- four storeys above the street. The impact upon those dwellings on Foliot Road would not be detrimental and it is actually considered that the existing relationship between these dwellings and the school buildings/ flats on site would be improved.

The whole of the hub is given a parapeted flat roof. This has a number of advantages - it can accommodate a roof level garden for the supported housing for the elderly and it reduces the overall mass of the building (particularly given the depth of the building would result in a large pitched roof). The flats to the north of the new Cookworthy Gardens step with the site and reflect the adjacent flats within Phase IA. This allows the building to provide appropriate enclosure to Cookworthy Gardens and mediate from the scale of the hub to the remainder of the housing. At the centre of the block through accommodating the level changes the building becomes five storeys.

The houses fronting North Prospect Road are a mixture of two and three storey mixed into the frontage to mediate to the scale of the flats at the either end of the terrace and the three storey houses on the opposite side of the street. Split level units are proposed fronting Foliot Road.

The scale of the buildings proposed are deemed to be appropriate to the surroundings and are therefore deemed to accord with Policies CS02 and CS34.

### **Landscaping**

The open space between the hub and proposed flats has been problematic due to the changing levels; however informal play space is proposed which is encouraged and meets the needs of the area as identified in the Sustainable Neighbourhood Assessment.

#### Cookworthy Gardens

A green link will be created on the existing alignment of Cookworthy Road between Foliot Road and North Prospect Road to the park beyond. This green link will be formed into a series of terraces linked with playable elements to provide an alternative route for children to use and climb up or roll down, natural play elements such as stepping logs and giant pebbles will link the paths and create a play trail. Wild flower meadows will be established on the grass banks to provide colour, seasonal interest and enhanced biodiversity. Benches will be placed regularly along the route to provide resting places.

At the centre of this space is the Local Square. This paved space is located at the entrance to the atrium and library where it can function both as an area for events such as markets and fetes, and also a meeting and resting place for people to stop and enjoy the view. It has been designed with level access out from the central atrium of the Community Hub building, providing spill out space for any activities and events that may be taking place inside.

#### Community Courtyard

The courtyard area the other side of the hub will be open to the public during controlled hours and provide access from Lark Hill to the Community Green via the central atrium of the building. Tree and shrub planting beds will be created between the courtyard and parking areas beyond creating a visual buffer between the two areas and improving the quality of the space for users. Further shrub and climber planting along available elevations of the building will further soften the appearance of the area. A dedicated area adjoining the courtyard will be provided for the nursery which will have controlled access. This play space will be screened from the courtyard with a 1.8m high boundary wall to all sides.

#### Tree Retention/ Planting Proposals

The existing mature trees make an important contribution to the character and ecology of the site. The plans have therefore been structured to retain as many trees of significance as possible. Existing mature trees have been retained on North Prospect Road and Laurel Road. Cookworthy Gardens have been designed to retain existing mature trees where possible. Within the Community Hub area, there are approximately 15 individual trees on site. 8 of 11 of the good quality trees will be

retained on site. Extensive tree planting will take place to compensate for trees removed and 35 new trees are proposed which includes 7 new large street trees, 8 new medium park trees, 20 new ornamental trees within the courtyard, nursery play area and southern building frontage. Following comments regarding the position of buildings amendments to the North Prospect Road frontage have been made to allow the successful retention of important street trees. The planting areas in Foliot Road have also been increased in size. It was hoped that the Horse Chestnut tree to the front of the old school on the Foliot Road side (opposite 57) could be retained but unfortunately altering the layout to retain this tree would result in other concerns for the scheme. Overall it is deemed that the replanting proposed would compensate for the loss of this tree.

### Ecology and Biodiversity

Over arching the design of the landscape is the protection and enhancement of ecology and biodiversity. Improvements in biodiversity across the site will be addressed with the use of local native plants species where appropriate. Creation of a wildlife framework is proposed through species rich biodiverse planting and wildflower meadow on banks which is designed and managed to encourage butterflies and invertebrates. Shrub species will be selected to provide food and shelter for birds and invertebrates.

The landscaping proposals have been well considered and therefore it is deemed that the proposals would accord with Policies CS18 and CS19.

### **Access and Car Parking**

The access arrangements remain the same as indicated at outline stage. The vehicular movement will be reconfigured due to the closure of the short section of Cookworthy Road that runs through the site and the pedestrian route that replaces it. Alternative proposals for accessing the remainder of Cookworthy Road - to the west of Phase 1B - are for cars to turn off North Prospect at the previous junction to the south onto Lark Hill. The other element in the vehicular movement network is the provision of a secondary road running parallel to North Prospect Road, to accommodate the parking for units fronting the road, without requiring direct access from this busy road. This road also provides access to the parking for the flats that front the northern side of the pedestrianised area at the centre of the site. The pedestrian movement will largely follow existing routes. The new community hub, however, will act as an additional route, which along with the pedestrianisation of Cookworthy Road will contribute to a safer and more useable set of routes through the area.

The applicant has submitted information which outlines any amendments and updates to the original application. It confirms that the level of car parking proposed complies with the original Transport Assessment and Plymouth City Council parking strategy.

The majority of off-street parking is achieved by direct access from Lark Hill, Foliot Road and Overdale Road. No access is provided from North Prospect Road, albeit existing parking bays along this road are retained. The Transport Service raise no objections to this arrangement for parking and the developer will be required to

secure dropped kerb vehicular crossings. These can be included within the Section 278 Agreement for highway works associated with the development, and are secured by condition at Outline stage.

A new street is proposed, with access from Overdale Road, running adjacent to the back of the footway on North Prospect Road. This road will serve as an access to 12 houses and a secure parking area to the rear of the community hub. A tracking plot has been submitted which demonstrates that a refuse vehicle can access and turn within the proposed street. It is intended that this street be constructed to adoptable standards and subsequently adopted by the Highway Authority, however, it may be more appropriate to retain this as a private street due to parking arrangements, with spaces allocated between areas of Highway. This is not a planning consideration and can be discussed with the developer should consent be granted.

Servicing and refuse collection details have been provided for the hub building and a route has been demarcated for emergency vehicle access through the parking court off Lark Hill. Secure cycle storage is provided for all residential properties and the community hub.

Again, as per the Outline consent, the developer is required to provide a number of highway improvements and amendments in the vicinity of the site. Discussions to agree the details are currently ongoing, but the developer should be reminded that such works must be completed prior to occupation of any unit or dwelling.

The major access and car parking issues regarding this development have already been agreed in principle. This application has not raised any further concerns and all of the previous planning conditions are still relevant. The proposals are therefore deemed to accord with Policy CS18.

### **Secure by Design**

The process of developing the design has been significantly influenced by the Secured by Design principles that seek to achieve natural surveillance in active neighbourhoods through the design of the layout, the mix of dwelling types and connection to established movement networks. Routes through and around are well defined, overlooked and busy.

All routes provide clear delineation between the public realm and private realm thus protecting private spaces. Separate rear footpaths have been avoided. All routes are well overlooked to create a safe environment and will be well lit to ensure that they are easy and secure at night. The routes through the site are delineated using traditional street patterns that are understandable to all, houses fronting onto each street with front doors. All connections have been considered and potential security balanced against pedestrian and vehicle desire lines. The principle area of design focus for security in access and movement has been the new Cookworthy Garden which replaces a section of the road. This new amenity space has been designed to maximise the visibility of open spaces from both North Prospect Road and Foliot Road as well as making sure it is well fronted by the homes looking on to the space.



Through making the principle community square secure and controlled by the management of the hub the design ensures that this space is protected from the misuse. The small area of parking adjacent to the street at Larkhill and Foliot Road are secure both by virtue of being overlooked and adjacent to the street and also due to the lighting and planting proposed. The Police Architectural Liaison Officer has been involved in advising on these proposals since pre-application stage and therefore is able to support the application; it is therefore deemed that the proposals accords with Policy CS32.

### **Housing Tenure Mix and Lifetime Homes**

The housing tenure mix has been confirmed in this application as being 59 affordable units (66%) and 30 market units (34%). This is further broken down to 37 affordable rent units, 12 social rent units and 10 shared ownership lease units. The location of the tenures shall be secured under a clause of the existing S106 that was signed at outline stage. Under this clause the location of the units must be agreed with the Local Planning Authority before commencement of development.

The design of the supported housing units includes a number of well thought out design featured such as wider lifts for mobility scooters and stretchers, a number of flexible rooms for scooter storage /communal space/ office for visiting support people, a recycling area on each floor, agreement for a mix of wet rooms/ shower rooms and bathrooms. While the Housing Team are supportive of these features they still raise some concerns about the finer details of some of the units proposed, such as the location of different bathroom types in the sheltered units and the letting plan etc; these are not however material planning considerations and therefore the application could not be refused for these reasons.

The agent has demonstrated that he can meet the requirements of Policy CS15 and provide at least 20% lifetime homes. The aim was for 100% of homes to be lifetime homes compliant; this has unfortunately however proved impossible for some of the units due to the level changes on site not allowing level access. The agent will still, however, exceed the 20% policy as 56% will be fully compliant. These units will be responsive to the changing needs of residents through meeting the sixteen Lifetime Homes criteria that aspire to provide accessible and adaptable accommodation for everyone. Provisions include design for future provision of stair lifts or through-floor lifts, an entrance level WC and provision or potential for conversion for a ground floor bed space. These are annotated and illustrated in detail on the individual unit drawings.

The proposal is deemed to accord with policies CS15 and CS34.

### **Renewable Energy**

The applicant is proposing a combination of solar panels and Combined Heat and Power to meet the requirements of policy CS20. The applicant is unable to agree the finite details of the proposals due to the complexities that might occur in constructing the hub building to meet the needs of different end users; however they have demonstrated that they can meet the requirements of Policy CS20 and therefore a condition shall be attached to agree the details and get these measures secured before the building is occupied.

### **Other Matters Raised in Letters of Representation**

In response to the points raised in the letter of representation, the principle of retail in the hub has already been agreed at outline stage. The access for deliveries and parking spaces available to the retailers for passing trade is deemed acceptable by the Transport Service, as is access to the refuse storage areas. Appropriate fire exits will be secured through building regulations.

### **Section 106 Obligations**

Not applicable agreed at outline stage.

### **Equalities & Diversities issues**

The development has been designed to meet the requirements of the DDA and Part M of the Building Regulations. Appropriate wheelchair accesses, and facilities for people with visual impairments will be provided. Given the difficult levels on site it is considered that the best solution is being proposed to offer access for all and therefore the proposals are deemed to accord with Policy CS34.

### **Conclusions**

The details submitted are deemed acceptable and demonstrate that the new community hub will create a new heart for the regeneration area. The community hub will add both community and commercial facilities to the area and will also create a new civic square and much needed open space to local residents. The proposal includes new homes in a wider variety of size and tenure to create greater diversity of accommodation which will both better meet the needs of the existing community and encourage investment in the area. For these reasons it is recommended that the reserved matters of layout, scale, appearance, access and landscaping be formally discharged.

### **Recommendation**

In respect of the application dated **05/09/2011** and the submitted drawings NPP AL02 502 - community hub tenure, NPP AL02 503 - street elevations, NPP DAS - Design and access statement, NPP AR002 - Accommodation schedule, NPP AR ASIB non residential - accommodation schedule, NPP AR ASIB residential - accommodation schedule, NPP - plot and parking schedule, NPP AL02 002 - Location Plan NPP AL02 010 - existing site plan NPP AL02 012 – masterplan, and accompanying Design and Access Statement, Statement of community involvement, Transport assessment, Transport assessment addendum, Travel plan, Utilities statement, it is recommended to: **Grant Conditionally**

## Conditions

### PLANS

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: A-579/OS, A-579 22B, A-579 23B, A-579 24A, A-579 27B, A-579 28B, A-579 29A, A-579 32A, A-579 35A, ID468.01D, ID468.02A, ID468.03A, Planting Schedule sheets 2A & 3A, Landscape Management Plan and Landscape Specification.

#### 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.

### EXTERNAL MATERIALS

(2) 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.

### LANDSCAPE DESIGN PROPOSALS

(3) No development shall take place until full details of both hard and soft landscape works and a programme for their implementation have been approved in writing by the Local Planning Authority and these works shall be carried out as approved.

#### Reason:

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

### LANDSCAPE WORKS IMPLEMENTATION

(4) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority and thereafter maintained in accordance with the Landscape Management Plan submitted to and agreed by the Local Planning Authority.

#### Reason:

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

### LANDSCAPE MANAGEMENT PLAN

(5) A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small,

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

Reason:

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

#### TREE PROTECTION DURING CONSTRUCTION

(6) No development (including initial site clearance) shall commence until a programme of supervision/monitoring for all arboricultural protection measures, has been submitted to and approved in writing by the Local Planning Authority. Details shall include: -

- a) Induction and personnel awareness of arboricultural matters.
- b) Identification of individual responsibilities and key personnel.
- c) Statement of delegated powers.
- d) Timing and methods of site visiting and record keeping.
- e) Procedures for dealing with variations and incidents.

The programme of arboricultural monitoring shall be undertaken in full compliance with the approved details. No variation of the approved monitoring programme shall take place without the prior written agreement of the Local Planning Authority.

Reason:

In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area.

#### INFORMATIVE: OUTLINE CONDITIONS

(1) The applicant's attention is drawn to the conditions attached to the substantive outline planning permission (ref.10/02065/OUT) and the need to adhere to these conditions in the implementation of this reserved matters approval.

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

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

PPG13 - Transport  
PPS3 - Housing  
PPS1 - Delivering Sustainable Development  
PPS22 - Renewable Energy  
PPS23 - Planning & Pollution Control  
CS28 - Local Transport Consideration  
CS32 - Designing out Crime  
CS33 - Community Benefits/Planning Obligation  
CS34 - Planning Application Consideration  
CS22 - Pollution  
CS08 - Retail Development Considerations  
CS18 - Plymouth's Green Space  
CS19 - Wildlife  
CS20 - Resource Use  
CS21 - Flood Risk  
CS03 - Historic Environment  
CS01 - Sustainable Linked Communities  
CS02 - Design  
CS04 - Future Employment Provision  
CS15 - Housing Provision  
CS16 - Housing Sites  
CS12 - Cultural / Leisure Development Considerations  
CS30 - Sport, Recreation and Children's Play Facilities  
CS31 - Healthcare Provision  
SPD1 - Development Guidelines  
NPPF - Draft National Planning Policy Framework 2011

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# PLANNING APPLICATION REPORT



**ITEM: 01**

<b>Application Number:</b>	11/01598/FUL
<b>Applicant:</b>	Mr Mohamed El Mohamdi
<b>Description of Application:</b>	Change of use from shop (A1) to indian take-away (A5), (ground and first floors) and installation of flue at rear
<b>Type of Application:</b>	Full Application
<b>Site Address:</b>	67 EBRINGTON STREET PLYMOUTH
<b>Ward:</b>	St Peter & The Waterfront
<b>Valid Date of Application:</b>	30/09/2011
<b>8/13 Week Date:</b>	<b>25/11/2011</b>
<b>Decision Category:</b>	Member/PCC Employee
<b>Case Officer :</b>	Olivia Wilson
<b>Recommendation:</b>	Refuse
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



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## OFFICER'S REPORT

**This application is being reported to the Planning Committee because the agent is an employee of Plymouth City Council.**

### **Site Description**

67a Ebrington Street is a vacant shop unit in the Ebrington Street Conservation Area and the Ebrington Street local shopping centre.

### **Proposal Description**

Change of use from shop (A1) to Indian take-away (A5) (ground and first floors) and installation of flue at rear.

### **Relevant Planning History**

None

### **Consultation Responses**

Public protection objects to the application on the grounds that insufficient details of ventilation equipment have been submitted in order to assess the impact on amenity of noise and odours, and the flue is an insufficient height to effectively disperse odours.

Transport has no objection but recommends an informative to state that the unit is within a Controlled Parking Zone and therefore not eligible for a parking permit.

### **Representations**

None

### **Analysis**

Ebrington Street is a busy commuter route and rat-run for commuters from the east of the city.

The current shop unit is located near the corner of Ebrington Street and North Street on the south frontage and is identified in the draft Shopping Centres SPD as part of the primary frontage. On one side is a Subway sandwich shop and on the other a barbers shop and a pizza take-away that was approved in 2007 (07/01041/ful). On the opposite corner of the street is a Chinese take-away. The shop unit is currently vacant. It has a traditional shop front and therefore contributes to the character of the Conservation Area.

The key considerations with this application are: the impact of the proposed change of use on the local centre, the impact on the character of the Conservation Area, the impact of the proposed use on the amenity of neighbouring properties and highway considerations.

### **Impact of the proposed change of use on the local centre**

Policy CS11 states that change of use will be permitted where the primary function of the centre is maintained, the proposed use is complementary to the retailing function, it would not result in a harmful over-concentration of non A1 retail uses within a frontage and the development helps people meet their day to day needs.



Paragraph 7.45 of the Core Strategy states that over-concentration of non-A1 units within individual frontages can harm vitality and viability and that a balanced spread of uses is more appropriate.

In the shopping centre as a whole the 2011 shopping centre survey found that out of 45 units, 25 are currently in A1 use, 2 are A2, 3 are A3, 3 are A4 and 7 are A5. There are 5 vacant A1 units.

It is considered that while the loss of another A1 unit to A5 is regrettable in that it would mean a total of 14 units in some sort of food and drink use which is almost a third of total units in the centre, there is still a predominance of A1 uses and therefore the proposed use could not be refused on the basis of detriment to the retail character of the centre. There is also concern that a cluster of A5 uses is developing at this end of the street, but again it is not considered detrimental enough to refuse in this instance.

### **Impact on the character of the Conservation Area**

The Ebrington Street Conservation Area Management Plan 2008 states that the street maintains a robust sense of lively commercial activity. The conversion of a vacant unit into a take-away could be argued to contribute to this commercial activity. There are no proposed changes to the shop front, although an informative can be added to note that advertisement consent may be required for the fascia sign. It is proposed to install a flue on the rear elevation from the first floor up to about ½ m from roof ridge height. This would not be visible from the street and therefore could not be said to impact on the character of the Conservation Area.

### **Impact on the amenity of neighbours**

Policy CS22 of the Core Strategy states that development proposals will be refused which cause unacceptable noise, nuisance or light pollution. The Development Guidelines SPD adds further (para. 3.2.2) that the Council will take a cautious approach to food and drink applications, particularly in residential areas and when opening times extend beyond normal shop hours. It goes on to state that the following information should be supplied with planning applications: details of noise levels, location of noise-generating equipment, intended hours of operation and, if applicable, sound insulation measures.

Several properties along Ebrington Street are in residential use, creating a successful mixed use neighbourhood. No 65 Ebrington Street which adjoins the proposal site has 2 flats, there are flats to the rear of the site at 19 North Street and there are flats opposite at 68, 70 and 74 Ebrington Street. The presence of residential uses so close to the application site makes the issues of noise, odours and disturbance of particular importance.

The application states that the use will be an Indian Take-away which is a type of cooking that creates strong odours. Details are provided which state that a Britannia kitchen extract system will be installed that will remove grease. The extracted air will then pass through a UV reaction chamber where intense UVC light breaks down remaining organic matter so that the air that is discharged is clean. It states that if the discharge point is at a low level then excess ozone that it emitted with the air

may cause a nuisance and an ozone destruction unit may be required. No information is provided about noise levels.

The plans show that the equipment will be installed in the kitchen at first floor level, with the cooker, fryer and extract equipment at the rear. The flue will be installed on the rear elevation, terminating just below ridge height. The food will be served on the ground floor. The layout suggests that the majority of the odour and noise arising will affect No. 19 North Street. The hours of operation are stated to be 5 to 11pm weekdays and 5 to 12 on Saturdays and 5 to 12 on Sundays, 5 – 10 on Bank Holidays. It will therefore be operating outside normal shopping hours in the evenings and late into the night.

Public protection has raised concerns that the level of information provided is insufficient to judge whether odour and noise would give rise to complaints from residents or not. It also is of the opinion that the proposed flue would be of insufficient height to disperse any odour adequately without causing nuisance.

It is considered that, given the proximity to residential properties, the lack of detail in the information provided, and the type of take-away proposed, there is a strong likelihood of nuisance arising and that the information provided is insufficient in order to assess whether there will be a detrimental impact on neighbours.

### **Highway considerations**

There is no off-street parking associated with this application. However, Transport has no objection to the application as it is in a sustainable location and easily accessible from the city centre on foot and public transport.

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**

On the grounds of insufficient information provided to assess the impact of the proposal on residential amenity it is recommended to refuse this application.

## **Recommendation**

In respect of the application dated **30/09/2011** and the submitted drawings Site location plan, 02 Block plan, 3/2011/07 03 Existing plans and elevations, 3/2011/07 04 proposed plans and elevations, Design and Access Statement, ventilation details, it is recommended to: **Refuse**

## **Reasons for Refusal**

### **INSUFFICIENT INFORMATION**

(1) The local planning authority considers that insufficient information on noise and ventilation details has been provided to be able to assess the impact of the proposed use on residential amenity in terms of noise and odour nuisance. The application is therefore considered to be contrary to Policy CS22 of Plymouth's Local Development Framework Core Strategy (2006 - 2021) adopted 2007 .

### **INFORMATIVE - CORRECTIONS TO APPLICATION**

(1) The applicant is advised that the application address is 67a Ebrington Street. Any resubmission of this application should show the side door to the property on the floor plans.

## **Relevant Policies**

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

CS28 - Local Transport Consideration

CS22 - Pollution

CS11 - Change of Use in District/Local Centres

SPDI - Development Guidelines

NPPF – Draft National Planning Policy Framework 2011

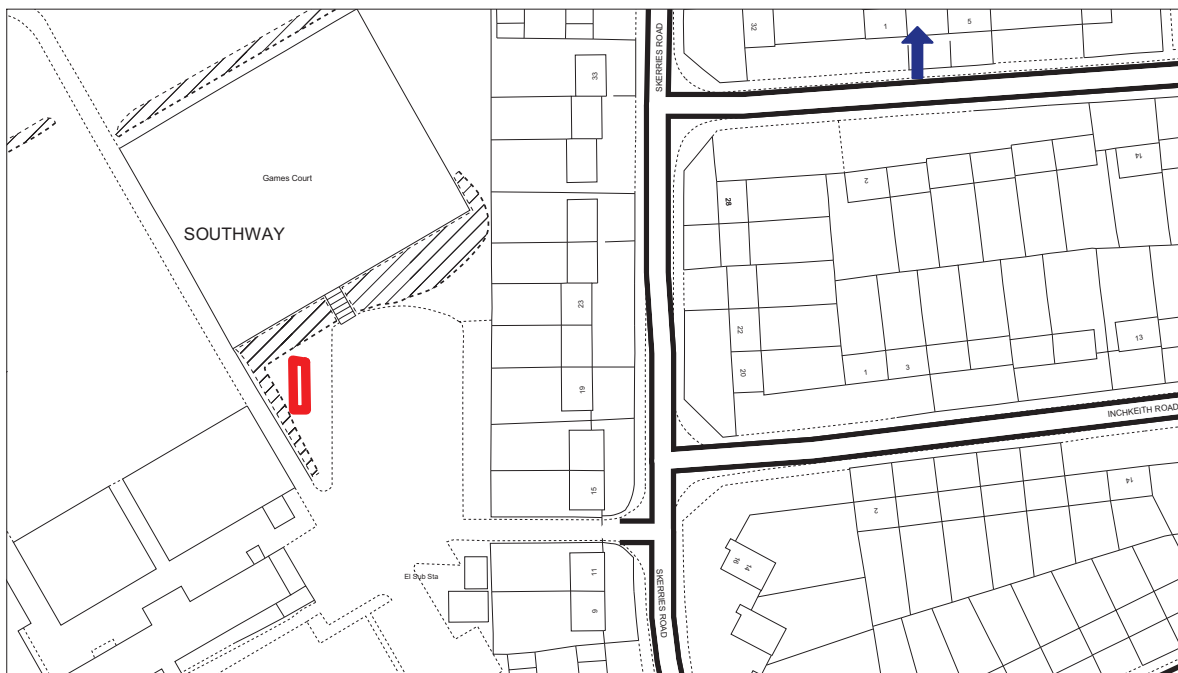
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# PLANNING APPLICATION REPORT



**ITEM: 02**

<b>Application Number:</b>	11/01586/FUL
<b>Applicant:</b>	Everything Everywhere Ltd
<b>Description of Application:</b>	Installation of 20m mast with 3 antennas and 4 transmission dishes, 6 equipment cabinets and fencing
<b>Type of Application:</b>	Full Application
<b>Site Address:</b>	SOUTHWAY COMMUNITY COLLEGE, ROCKFIELD AVENUE PLYMOUTH
<b>Ward:</b>	Southway
<b>Valid Date of Application:</b>	30/09/2011
<b>8/13 Week Date:</b>	<b>25/11/2011</b>
<b>Decision Category:</b>	Member Referral
<b>Case Officer :</b>	Olivia Wilson
<b>Recommendation:</b>	Grant Conditionally
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



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## OFFICER'S REPORT

**This application has been called to Planning Committee by Councillor Tom Browne on the grounds that he considers that the proposed development is likely to be detrimental to the amenity of nearby residents.**

### Site Description

The site is within the grounds of the former Southway Community College, within the Southway area of the city. It is a small area of grass adjacent to the former school car park that backs onto Skerries Road.

### Proposal Description

Installation of 20m mast with 3 antennas and 4 transmission dishes, 6 equipment cabinets and fencing.

### Relevant Planning History

96/01266/PT24 Mast and antennae with associated equipment cabinets – permitted

01/00414/PT24 Installation of additional telecommunications equipment cabinets on rooftop – prior approval not required.

08/00781/ful – Two form entry primary school with nursery and children's centre, a new GP surgery with associated landscaping works including enlargement of parking area and adjustments to vehicle and pedestrian access from highway – permitted.

### Consultation Responses

Public Protection has no objection to the application

Plymouth City Airport has no objections.

### Representations

A letter has been received from 17 Skerries Road stating that the mast is being located far too near to the rear gardens of the properties in Skerries Road.

A letter has been received from 15 Skerries Road to state that the mast will be located too close to properties on Skerries Road, that it will create noise disturbance. It questions why the mast has to go here and not further from the houses. It also raises concerns that residents have not been properly notified.

### Analysis

This application turns on Core Strategy policies CS34 (Planning Application Considerations), CS29 (Telecommunications), CS02 (Design), guidance set out in Chapter 7 of the Development Guidelines SPD and the draft National Planning Policy Framework. The key planning issues to consider are: the impact on the city's telecommunications network, the design of the mast, the impact of the mast on the residential amenity of neighbouring properties, and whether the location is acceptable. Health is not a consideration as it is the Government's view that adequate safeguards are in place to ensure the public's safety in relation to emissions, as long as a certificate is submitted confirming that the development complies with

the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines. In this case a certificate of compliance has been submitted.

The application has been submitted by Everything Everywhere which is the parent company for Orange UK and T-mobile UK. The proposal has arisen because the existing mast, which is located on the roof of the former Southway Community College, must be replaced due to the proposed demolition and redevelopment of the college building. The proposed site has been identified as suitable by Plymouth City Council's Corporate Property team as it will not impact upon any future development of the site.

The proposal is to erect a 20m lattice mast to accommodate 3 antennas and 4 transmission dishes. There will also be 6 equipment cabinets and ancillary equipment within a 7m by 4.4m fenced compound. The mast will be constructed of galvanised steel and will be coloured aircraft grey. Access for maintenance will be from Rockfield Avenue.

### **Impact on the city's telecommunications network**

In this case the proposal is to replace an existing nearby mast and so will retain existing coverage within this area of the city.

Policy CS29 of the Core Strategy states that the Council will support development that improves the city's telecommunications infrastructure where:

1. All opportunities for mast sharing have been explored. The application states that there are no other masts in the vicinity that would be appropriate for mast-sharing.
2. The application is submitted with an ICNIRP certificate. The application includes a certificate stating that it meets ICNIRP guidelines on health.
3. The proposal has an acceptable visual impact. The visual impact of the proposal will be considered below.
4. Provision is made for the removal of the equipment. A condition can be included to require the applicant to remove the mast once the equipment is no longer needed.

The draft NPPF also further states that the applicant should demonstrate:

a) That they have explored the possibility of erecting antennas on an existing building, mast or other structure. The applicant explored the option of siting a mast on the Falstaff Inn but states that this was discounted because it would require a high mast that would be too visually intrusive (and it would be even closer to residential properties).

b) That they have consulted with relevant organisations. The proposed site is within 100m of the new Beechwood primary School and Southway Surgery. The Design and Access Statement states that the following pre-application consultation was carried out: letters were sent to the local ward councillors, the Head Teacher of Beechwood Primary School, the Operations Manager at Plymouth City Airport and

the Practice Manager at Southway Surgery. Two consultation notices were displayed near the site for members of the public. No responses were received.

### **Design of the mast**

The proposal is for a 20m lattice mast. The Design and Access Statement states that the height is dictated by the requirement for the antennas to be positioned at the same height as the existing equipment on the roof so as to be clear of the surrounding buildings and trees.

As the site is on the top of a hill and on an open site the mast will be visually prominent within the area. The application states that the lattice design has been chosen as it has a less solid silhouette which helps the mast appear less visually intrusive than a solid design. The grey colour will also help to camouflage the mast.

The Development Guidelines SPD states that the Council encourages innovative designs in order to reduce the visual impact of the equipment on the character of the area.

In this case the mast is sited on an open area of land and has a functional design. However, it is considered that the open location and height of the mast would not be appropriate for a 'tree' mast or a monopole mast. Landscaping can help to make a mast less intrusive and to screen equipment. While no landscaping plan has been submitted with the application, it is considered that a condition could be included to require landscaping around the compound. Although this would not screen the whole mast, it could screen the fencing and lower half of the mast.

### **Impact on the residential amenity of neighbouring properties**

The proposed site is about 30m from the rear fence of gardens of Nos 15, 17, 19, 21, 23, 25 and 27 Skerries Road. It is on the other side of an existing car park, and on the same level as the houses. The mast will therefore tower above these properties and affect the outlook from the rear windows and gardens.

Policy CS34 states that developments should be compatible with their surroundings and should protect the amenity of the area in terms of outlook.

In this case, the proposed mast replaces an existing mast which is located in a less visually prominent location (on the roof of the old school). The new mast will be more prominent than the existing. However, the wider site currently has a tired, run-down appearance as the old school is awaiting demolition and redevelopment and the open areas are becoming overgrown. As such, the current outlook is deteriorating. A number of houses also have large fir trees at the rear of their properties that obscure their views of the site.

The appearance of the wider site is likely to improve over the next couple of years as it is redeveloped. It is understood that it will be developed for recreation and sport use. It is considered that while the mast will be a prominent feature in the outlook of these properties, within the wider context of the school demolition and redevelopment of the site the impact of the mast will be offset by landscape improvements. It is also considered that if the immediate area around the mast is landscaped then this will soften the appearance of the mast



### **Location**

The application states that the following alternative sites were investigated:

1. Street furniture on Rockfield Avenue
2. Rooftop site at the Falstaff Inn
3. Greenfield sites with the old school site

The Rockfield Avenue site was discounted due to the constrained size of the site. The Falstaff Inn roof would require a high mast that would be too visually intrusive (and it would be even closer to residential properties). Other options were looked at within the old school site but were rejected due to proposed redevelopment plans.

The principle of a mast in the wider site has been established through the presence of the existing mast for the last 15 years. While the mast will be relocated about 70m from its current site, it is not considered that this relatively small change in location could be a reason for refusal.

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**

On the basis that the mast is replacing an existing mast and is needed to maintain the city's telecommunications network, it is an acceptable design, it will not have a detrimental impact on the amenity of neighbours and it is in an acceptable location, it is recommended to grant conditional approval.

### **Recommendation**

In respect of the application dated **30/09/2011** and the submitted drawings DVN0231 - 01 - Rev B; DVN0231 - 02 - Rev B; DVN0231 - 03 - Rev B; DVN0231 - 04 - Rev B.,it is recommended to: **Grant Conditionally**

## Conditions

### APPROVED PLANS

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: DVN0231 - 01 - Rev B; DVN0231 - 02 - Rev B; DVN0231 - 03 - Rev B; DVN0231 - 04 - Rev B.

#### Reason:

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

### DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

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

#### Reason:

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

### RESTORATION OF THE SITE AFTER USE

(3) The mast and equipment hereby permitted shall be removed from the site and the land returned to its former condition once the need for for the equipment becomes redundant.

Reason: to protect the amenity of the area in accordance with Policy CS34 of Plymouth's Local Development Framework adopted Core Strategy 2007 (2006 - 2021).

### SOFT LANDSCAPE WORKS

(4) No development shall take place until full details of soft landscaping works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. These details shall include planting plans; schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate); the implementation programme and arrangement for landscape maintenance.

#### Reason:

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

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

Having regard to the main planning considerations, which in this case are considered to be: impact on the city's telecommunications network, design of the mast, impact on the amenity of neighbouring properties and location, 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
- CS29 - Telecommunications
- SPDI - Development Guidelines
- NPPF - Draft National Planning Policy Framework 2011

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# PLANNING APPLICATION REPORT



**ITEM: 03**

**Application Number:** 11/01260/FUL

**Applicant:** Mr A Reilly

**Description of Application:** Variation of condition 2 of appeal decision APP/N1160/A/09/2118855 (Appendix A Schedule A) to allow a single commercial vehicle of up to 10 tonnes in weight (up to 15 tonnes gross weight) to be parked at the site

**Type of Application:** Full Application

**Site Address:** 28 RIDGE ROAD PLYMOUTH

**Ward:** Plympton Erle

**Valid Date of Application:** 28/07/2011

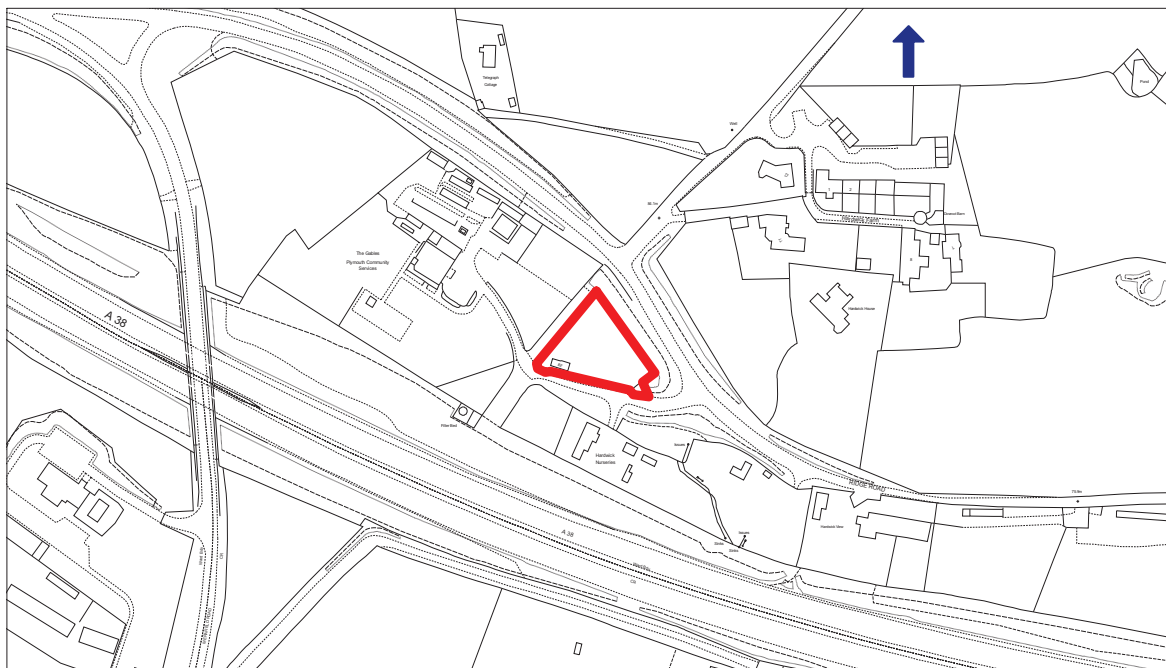
**8/13 Week Date:** **22/09/2011**

**Decision Category:** Member Referral

**Case Officer :** Jon Fox

**Recommendation:** Grant Conditionally

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



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## OFFICER REPORT

**This application is being reported to the Planning Committee following a referral by Councillor John Lock on the grounds that it is one of the conditions of the Planning Inspector's decision notice that there would be no parking overnight of heavy goods vehicles and the proposals would be a contravention of the Inspectors decision and would lead to more applications of this kind.**

### **Site Description**

The site consists of land forming part of a gypsy site occupied by two families, each with their own mobile home. There is a separate building providing day room accommodation for each family. The site is set below Ridge Road and access from the main road is via a road shared with Hardwick Nurseries and The Gables Hospital. The access road and Ridge Road do not have footways. The site, which is surrounded to all sides by a tree/hedge screen, is designated as Greenscape land and is of city-wide importance for its visual amenity quality, as a separation/buffer zone and as an area for countryside/food growing. The site is also within the countryside park as outlined in the adopted North Plymstock and Minerals Area Action Plan (NPAAP).

The site is surrounded to the west by the hospital; to the south by another gypsy site; to the south and east by Hardwick Nurseries, which is a single residence with attached land; and to the north by Hardwick House and Hardwick Farm (on the opposite side of Ridge Road), which some time ago was converted to a number of residential properties.

### **Proposal Description**

Variation of condition 2 of appeal decision APP/N1160/A/09/2118855 (Appendix A Schedule A) to allow a commercial vehicle of up to 10 tonnes in weight (up to 15 tonnes gross weight) to be parked at the site.

Condition 2 states:

2) No more than one commercial vehicle, which shall be for use by the occupiers of the caravans and shall not exceed 3.5 tonnes in weight, shall be kept or parked on each of the two pitches hereby permitted. This condition does not prevent the necessary presence on the land of vehicles making deliveries or collections to and from the site in connection with the residential use allowed by this permission.

### **Relevant Planning History**

09/00983 – Permission granted on appeal for use of land for a two-pitch gypsy site, consisting of two mobile homes and two touring caravans and parking. The proposals included a double stable block now used as day rooms.

The Planning Inspector imposed other conditions including the following:

3) No commercial or business activities shall take place on the land, including the storage of materials, other than is provided for in condition 2.

4) No vehicle exceeding 3.5 tonnes in weight under the control of the occupiers shall be parked in Ridge Road.

In considering the appeal the Inspector said in part that:

'A photograph taken from within Hardwick Nurseries shows that the vehicles and structures on the site at No 28 are visible in winter, whereas in summer there is a good level of screening....

'I also need to have regard to the possible impact of commercial use. It was argued by local residents that there has been an element of business/commercial use demonstrated by the visits of heavy goods vehicles to the sites. This seemed to relate particularly to No 28 and the occupiers confirmed that they own and operate two HGVs for which they claim to have overnight parking elsewhere. The appellants were willing to accept conditions prohibiting commercial use, including the keeping of any vehicle exceeding 3.5 tonnes....

'I also intend to impose conditions preventing commercial/business use. The effect would be to allow the parking of one vehicle up to 3.5 tonnes per plot. This would enable reasonable parking to support employment but would not permit larger vehicles. Local residents are concerned that larger vehicles have visited the sites and argue businesses are conducted from the land. I have given careful consideration to all the evidence at the hearing on this subject. Conditions 2-4 represent reasonable and enforceable restrictions. Visits to the site by vehicles in excess of 3.5 tonnes and their presence on the land (or in Ridge Road) would be detrimental to the character of the area and to the amenities of nearby residents.'

Since planning permission was granted complaints were received relating to the keeping on site of a lorry in breach of the conditions imposed by the Planning Inspector. Consequently a planning enforcement case file was opened and the owners were requested to comply with the condition. Further complaints resulted in the issuing of a breach of condition notice earlier in 2011. That notice is being complied with.

## **Consultation Responses**

### **Transport**

No objections.

### **Public Protection Service**

No objections.

### **Representations**

Five letters were received. The letter from Hardwick Nurseries, which is the nearest residential property, raises objections on the grounds of:

1. The turning of an HGV on the site, between the two dwellings and ancillary accommodation, is dangerous and an accident waiting to happen.
2. Limited visibility on exit from the site will significantly increase the possibility of an accident given the number of vehicular and pedestrian movements associated

3. Noise from vehicle movements and use of audible reverse warning horns.
4. The applicant does not, as stated in the application, have to walk miles to his HGV; rather he leaves and returns in a small van.

Hardwick Farm Management Company objects on the grounds of risk to adjacent families; inappropriate transport business; close to homes and in an area delineated a countryside park.

The letter from Hardwick House states that a 10 tonne lorry requires a wide arc to gain access to the site from Ridge Road and would present a danger to other users of this highway, which is without the safety of footways. The letter also objects on the grounds that a commercial business with a 10 tonne lorry would be harmful to the aspirations for Saltram Countryside Park.

A fourth letter, also from Hardwick states that:

1. The original conditions specifically ban such lorries.
2. The area includes two nursing homes and many retired people, and the applicant's children and domestic animals.
3. Approval was given by the authorities despite previous planning applications being refused and the protected classification of the site.
4. The area is part of the original protected locality around Saltram House and Hardwick Woods and most importantly lies at the heart of the master Plan for the Saltram Countryside Park.

The latest letter, from Hardwick, is critical of the officer's report to the previous Planning Committee meeting and is being treated as a letter of representation. The issues raised in the letter, and the officer's comments, are set out below:

The letter refers to the Council's planning enforcement action and related matters on the site. However, while the planning enforcement issue is a serious one, and is material to the consideration of this application, the Council is not prevented from varying the condition in question as a result of this action and must determine this proposal on its merits. There is reference also to claims relating to whether or not the applicant has to walk from his HGV at Cattedown, although very little weight would be attached to this matter. There is also a query as to what right the Local Planning Authority has to 'contravene the formal decision of the Inspector appointed by the Secretary of State...', (who imposed the condition that is now proposed to be varied). In answer to this query, the Planning Inspectorate has confirmed that once the Inspector issued the decision it was the end of the matter for them; it is the Local Planning Authority that has to enforce the conditions; this type of application, to vary a condition, applies to any planning permission whether issued by the Planning Inspectorate or the Local Planning Authority. This letter also says that there is an implication that the Local Planning Authority would not oppose commercial activities taking place on the site with heavy goods vehicles. This is not correct; condition 3 states 'No commercial or business activities shall take place on the land, including the storage of materials, other than is provided for in condition 2'. This condition is in force and is enforceable.



## 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 well as taking account (with appropriate weight attached) of the Draft National Planning Policy Framework.

The main issues in this case are the impact of parking and manoeuvring a 10 tonne lorry on the amenities of the occupiers of Hardwick Nurseries and 30 Ridge Road, which are the nearest residential properties to the site, and the character of the area. The impact on Gables Hospital and residences at Hardwick Farm is not considered by officers to be significant because those properties are sufficiently distant from the site. It is understandable that a connection is made between the parking of the lorry and some associated business use at the site. However, condition 3 deals with preventing any business use and as such this matter is not a consideration now. With regard to the Inspector's comments in the appeal decision letter, it is clear that a restriction on lorry size had to be imposed because without such a restriction much larger vehicles could presumably be parked at the site, notwithstanding any VOSA (Vehicle and Operator Services Agency) restrictions.

The issue now is whether a larger vehicle would be harmful to amenity. In this respect 28 Ridge Road is screened from Hardwick Nurseries by hedge/trees and while this would be thinner in winter months, it was noted on site that new laurel plants had been planted in the hedge and that further planting is possible in order to screen the area where the lorry would be parked. In addition the degree of separation between the two properties and the fact that the lorry need not pass all the way across the frontage of the neighbour's property, means that the impact would be less than it would otherwise and would not be so out of character in this semi-rural environment.

There could be noise from washing and/or maintenance of the lorry. However, it is understood that the existing VOSA licence in force at the Ride does not allow the maintenance or washing of the vehicle on site. The applicant has confirmed that the lorry is currently maintained at a site in Cattedown Wharf. VOSA has confirmed that there is no operator's licence in force at 28 Ridge Road and that it is likely that any such licence granted at Ridge Road would have the same restriction imposed on it. VOSA can also restrict times of vehicle movements in their licence if need be.

It is also necessary to consider any HGV movements to and from the Gables Hospital, the noise from the A38 and whether there have been complaints about other HGV reversing horns. In this respect the applicant would be happy to fit isolators and or warning reversing lights and speakers that comply with the guidelines of low decibel omissions. However, the HGV would be able to enter and exit the site in forward gear and in these circumstances the reversing horn would not need to be sounded in the morning when the applicant leaves for work.

Nevertheless, despite the ability to screen the site, and to manoeuvre the vehicle to minimise reversing movements, the site is considered to be in a relatively quiet, semi-rural area and that, despite the proximity of the A38 dual carriageway and occasional larger vehicles attending the hospital site, the occupiers of nearby residential properties should not be subjected to the sudden noise impact of early morning engine noises and associated activity. Therefore a restriction on early morning lorry movements is considered vital in order to preserve residential amenity, notwithstanding the need for a VOSA licence and the ability for that authority to impose and administer any such restrictions, if necessary. In this respect the appropriate times are considered to be those set out in the Council's Code of Practice for construction and demolition sites, because such restrictions are designed to prevent, among other things, the impact of lorry engine noises at unsociable hours, which are considered necessary in the context of this site.

Further planting to the site boundary, adjacent to where the lorry would be parked, has already been implemented as part of the original consent. However, it is considered necessary to condition further landscaping works in order to effectively screen the site of the parked lorry from neighbouring occupiers.

Some of the representations refer to the risk to highway safety and the safety of persons on the site. However, Transport Officers consider the parking and manoeuvring of the vehicle to be safe in highway terms.

In sustainability terms, running the lorry from the site may reduce overall fuel usage but this is unlikely to be significant and would not be a significant factor supporting the granting of permission.

### **Section 106 Obligations**

There is no Section 106 obligation in respect of the proposal.

### **Equalities & Diversities issues**

While the application is made by a member of the gypsy community, the planning issue relates solely to the impact of the proposed lorry parking on amenity and the same considerations and weight would apply if the applicant was not a member of the gypsy community.

### **Conclusions**

There is clearly a need to have regard to the Inspector's decision to restrict the size of the vehicle kept at the site. However, the Local Planning Authority must also ensure that due consideration is given to proposals to vary a planning decision notice. It does not follow that allowing a larger vehicle to be kept or parked at the site would imply a positive view of business or commercial activities taking place at the site, and would not weaken the Local Planning Authority's opposition to such activities were they to arise.

Having considered the matter carefully the proposals are not considered to be demonstrably harmful to residential amenity or the character of the area and it is recommended that permission be granted to vary condition 2, to read as follows:

2) Condition 2 of appeal decision APP/N1160/A/09/2118855 (Appendix A Schedule A) is hereby varied to read: No more than one commercial vehicle, which shall be for use by the occupiers of the caravans shall be kept or parked on each of the two pitches hereby permitted. The weight of the said commercial vehicles shall not exceed 10 tonnes (15 tonnes gross weight) in respect of the applicant's pitch and 3.5 tonnes in respect of the other pitch. This condition does not prevent the necessary presence on the land of vehicles making deliveries or collections to and from the site in connection with the residential use allowed by this permission.

As considered in the above analysis two further conditions should be added in order to preserve residential amenity. These conditions would become conditions 10 and 11 of the decision notice, which are recommended as follows:

10) The 10 tonne lorry shall not be parked or kept at the site until full details of soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and a schedule of landscape maintenance for a minimum of five years.

Reason:

To ensure that satisfactory landscaping works are carried out in order to screen the site from surrounding properties, in accordance with Policies CS18 and CS34 of the Core Strategy of Plymouth's Local Development Framework April 2007.

11) The 10 tonne lorry shall not be driven on the site or the access road serving the site before 8am or after 6pm on Mondays to Fridays; before 8.30 am or after 1pm on Saturdays and not at any time on Sundays or public/bank holidays.

Reason:

To ensure that the amenities enjoyed by neighbouring occupiers are not unreasonably prejudiced by lorry movements in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Approval of this type of application, to vary a condition, is the subject of recent Government changes to the procedures for dealing with minor material amendments to planning decisions. These new procedures require the production of a new decision notice listing all conditions imposed originally as well the amended condition and any additional conditions. To this end the officer recommendation lists all such conditions that would appear on a new decision notice.

### **Recommendation**

In respect of the application dated **28/07/2011** and the submitted drawings Amended description, it is recommended to: **Grant Conditionally**

## Conditions

### OCCUPATION RESTRICTED TO GYPSIES AND TRAVELLERS

(1) The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 15 of ODPM Circular 01/2006.

### WEIGHT OF VEHICLES PARKED AT THE SITE

(2) Condition 2 of appeal decision APP/N1160/A/09/2118855 (Appendix A Schedule A) is hereby varied to read: No more than one commercial vehicle, which shall be for use by the occupiers of the caravans shall be kept or parked on each of the two pitches hereby permitted. The weight of the said commercial vehicles shall not exceed 10 tonnes (15 tonnes gross weight) in respect of the applicant's pitch and 3.5 tonnes in respect of the other pitch. This condition does not prevent the necessary presence on the land of vehicles making deliveries or collections to and from the site in connection with the residential use allowed by this permission.

### NO COMMERCIAL OR BUSINESS ACTIVITY

(3) No commercial or business activities shall take place on the land, including the storage of materials, other than is provided for in condition 2.

### WEIGHT OF VEHICLE PARKED IN RIDGE ROAD

(4) No vehicle exceeding 3.5 tonnes in weight under the control of the occupiers shall be parked in Ridge Road.

### NUMBER OF CARAVANS

(5) The use hereby permitted shall be restricted to the stationing of no more than 4 caravans at any time, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, of which no more than 2 shall be static caravans or mobile homes.

### SUBMISSION OF DETAILS

(6) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

- i. within 3 months of the date of this decision a scheme for: proposed and existing external lighting on the boundary of and within the site; the internal layout of the site, including the size and siting of caravans; and tree, hedge and shrub planting and earth mounding, including details of species, plant sizes and proposed numbers and densities; any works necessary to deal with land contamination together with a report explaining and justifying the works proposed (hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation. The scheme shall include the enclosure of the western boundary of the site.
- ii. if within 9 months of the date of this decision the site development scheme has not been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.

iv. the approved scheme shall have been carried out and completed in accordance with the approved timetable.

#### MAINTENANCE OF PLANTING

(7) At the same time as the site development scheme required by condition 6 above is submitted to the local planning authority there shall be submitted a schedule of maintenance for a period of five years of the proposed planting beginning at the completion of the final phase of implementation as required by that condition; the schedule to make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies or, in the opinion of the local planning authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule.

#### NO ACCESS TO ADJOINING LAND

(8) No access shall be formed from the appeal site into the land adjoining the western boundary and the mounding/embankment along that boundary, including the enclosure required by condition 6, shall be retained throughout the life of the development.

#### STABLES/TACK ROOM ANCILLARY USE ONLY

(9) The stables/tack room on the land shall be used only for purposes ancillary to the use hereby permitted.

#### LANDSCAPING WORKS

(10) The 10 tonne lorry shall not be parked or kept at the site until full details of soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and a schedule of landscape maintenance for a minimum of five years.

#### HOURS OF OPERATION

(11) The 10 tonne lorry shall not be started up or driven on the site or the access road serving the site before 8am or after 6pm on Mondays to Fridays; before 8.30 am or after 1pm on Saturdays and not at any time on Sundays or public/bank holidays.

#### Reason:

To ensure that the amenities enjoyed by neighbouring occupiers are not unreasonably prejudiced by lorry movements in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

**INFORMATIVE - CONDITIONS OF NEW DECISION NOTICE**

(1) The applicant is advised that conditions 1, 3, 4, 5, 6, 7, 8 and 9 are conditions imposed by the Planning Inspector, condition 2 is the varied condition and conditions 10 and 11 are additional conditions.

**INFORMATIVE - CONDITIONS PREVIOUSLY DISCHARGED**

(2) The Council recognises that conditions imposed by the Inspector have previously been discharged.

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

Having regard to the main planning considerations, which in this case are considered to be: the impact of the parking of a 10 tonne lorry on the amenities of neighbours and the character of the area, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

CS34 - Planning Application Consideration

CS22 - Pollution

SPD1 - Development Guidelines

NPPF - Draft National Planning Policy Framework 2011

# PLANNING APPLICATION REPORT



**ITEM: 04**

**Application Number:** 11/01410/FUL

**Applicant:** Town House (Plymouth) Ltd

**Description of Application:** Demolition of existing public house and redevelopment of site to provide student accommodation comprising of 33 bed spaces in 5 cluster flats together with associated loading/unloading area, disabled car parking, refuse and cycle storage

**Type of Application:** Full Application

**Site Address:** THE TOWN HOUSE, 32 HARWELL STREET. PLYMOUTH

**Ward:** St Peter & The Waterfront

**Valid Date of Application:** 31/08/2011

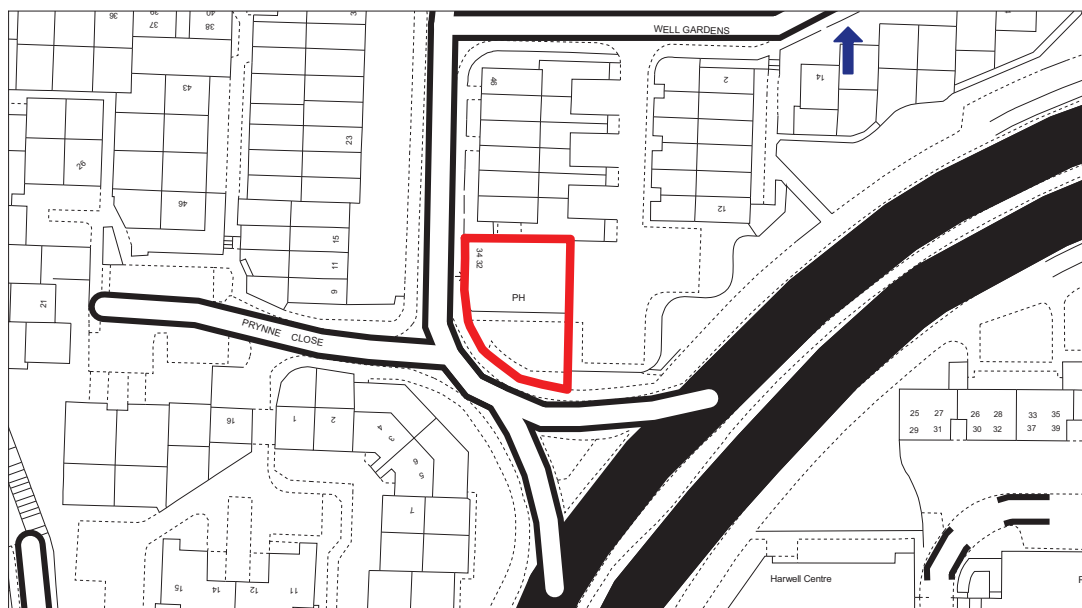
**8/13 Week Date:** **26/10/2011**

**Decision Category:** Assistant Director of Development Referral

**Case Officer :** Mark Evans

**Recommendation:** Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 21 November 2011

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## OFFICER REPORT

**This application is referred to Planning Committee by the Assistant Director of Planning and Regeneration. The criterion on which it is referred is - "The history of the site is complex, and as a result has a bearing on the case".**

### Site Description

The application site is currently occupied by the Town House public house, an adjoining footway, a small customer car park (approximately four car park spaces) and a narrow banked transition area between the car park and the public footway.

A residential car parking area adjoins the site to the east, beyond which lies the Western Approach dual carriageway. Harwell Street adjoins the site to the west and south.

### Proposal Description

Demolition of existing public house and redevelopment of the site to provide student accommodation comprising of 33 bed spaces in 5 cluster flats within a four storey (approximately 11m high) / five storey building (approximately 14.5m high), together with associated loading/unloading area for three cars, two disabled car parking spaces, refuse areas and cycle storage for twenty two bikes.

The proposed materials include stone cladding, pre-treated timber cladding system, render and a glazed curtain walling system. Windows and doors are to be constructed from powder coated aluminium.

### Relevant Planning History

This application has been the subject of detailed pre-application discussions which has resulted in a complete redesign of the previous development proposal refused by Planning Committee.

10/01452/FUL - Demolition of existing public house and construction of six storey building (with seventh storey lift (stair core) Accommodating 51 units of student accommodation divided into 10 cluster flats, together with associated refuse and cycle storage and two vehicle drop off point. WITHDRAWN

10/02006/FUL - Demolition of existing public house and redevelopment of the site to provide student accommodation comprising of 44 bed spaces in 9 cluster flats together with associated refuse and cycle storage. REFUSED.

### Consultation Responses

Highway Authority

No objections subject to conditions.

Public Protection

No objections subject to further information on Land Quality, Management Plan to address potential noise problems and regarding a Management Plan for the cleaning regime for the bin stores.



Police Architectural Liaison Officer  
No Objections.

## **Representations**

Nine letters of objection and one letter of support had been received.

Objections can be summarised as:

1. Proposed building is too high, higher than the existing building on the site and will cut out light to neighbouring property and result in a loss of privacy.
2. Concern that development is dominant and out of character with other buildings in the area.
3. It is alleged that the area was designated as a village when built and has won awards, the development is contrary to the "Village" type ethos and would be the first purpose built student accommodation in a residential area.
4. It is reported that there are already parking problems in the area and the proposal will exacerbate this. The increase in traffic will also compromise highway safety around the Harwell Street area.
5. The proposed vehicular through access to the development off Wells Gardens could cause access problems to residents who have existing parking bays off this rear street. It is noted that this area is also in need of street repairs due to road surface damage by the tree roots.
6. Concern about noise disturbance and rubbish from the student use, particularly as many of the existing local residents are reported as being elderly and with health issues.
7. It is queried why so many student properties have to be built?
8. Extra Care Housing would be a preferred option.
9. The development is considered to be contrary to adopted Core Strategy Policies CS01, CS02, CS06, CS34 and the City Centre Area Action Plan.
10. Although it is agreed that the applicant has sought to address resident's concerns, it is not considered true that he has listened to the concerns of residents as stated within the application.
11. Demolition of the pub will cause vermin to scatter to nearby properties.
12. The development would de-value neighbouring properties.

Letter of support can be summarised as:

1. This area of the city is in drastic need of improvement and investment and the site is perfect for the proposed development being within walking distance of the University and city centre shops and services.
2. The development accords with the City Centre Area Action Plan as it will increase the number of people living in the city and may prove a catalyst for additional investment as well as much needed vigour and energy.
3. Dedicated student accommodation will enable existing family sized housing currently converted into student use to be brought back to the family housing market of which the city is desperately short.

## Analysis

The key issues are:

1. The impact of the development on the appearance and character of the area;
2. The impact of the development upon neighbouring properties;
3. The impact of the development upon the highway network;

The application should be assessed primarily against adopted Local Development Framework Core Strategy. This report therefore has due regard to the following policies: CS01 (Sustainable Linked Communities); CS02 (Design); CS06 (City Centre), CS18 (Plymouth's Green Space), CS20 (Sustainable Resource Use); CS22 (Pollution); CS28 (Local Transport Considerations); CS32 (Designing Out Crime); CS33 (Community Benefits/Planning Obligations) and CS34 (Planning Application Considerations).

Consideration should also be given to PPS1 - Delivering Sustainable Development, PPS3 – Housing, PPS6 Planning for Town Centres, PPG13 – Transport, PPG16 – Archaeology, PPS22 – Renewable Energy, PPS23 – Pollution Control, PPG24 – Noise, adopted Design Supplementary Planning Document (2009), adopted Development Guidelines Supplementary Planning Document (2009), adopted Planning Obligations Supplementary Planning Document (2010), adopted City Centre Area Action Plan and National Planning Policy Framework Consultation Draft (Revised August 2011).

### The impact of the development on the appearance and character of the area:

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

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

In terms of the principle of permitting student accommodation in this location, the site is considered appropriate for student accommodation given its proximity to the University, City Centre, public transport and all amenities.

There is no evidence that student accommodation in this locality will cause significant noise disturbance or exacerbate existing anti-social behaviour problems. Whilst the issue of litter is not a material planning consideration, there is no evidence that this use will add to any litter problem that may already exist in the area.

A condition is recommended to require the submission of an adequate management regime which will be expected to control general noise levels, car parking, pick-up and drop-off, tidiness, social behaviour, maintenance and bin storage provision and management.

The design, scale and massing of the building has been carefully considered so as to respond to the local and wider City Centre context and is in keeping with the appearance and character of the area. The proposed materials palette, including a local stone plinth, natural slate hanging, timber cladding and render, is considered positive and locally distinctive.

The development therefore accords with adopted policies CS01, CS02, CS32 and CS34, the Council's adopted Design Supplementary Planning Document (2009), adopted Development Guidelines Supplementary Planning Document (2009), adopted City Centre Area Action Plan, Government guidance contained in draft National Planning Policy Framework and Government guidance contained in PPS1, PPS3 and PPS6.

The impact of the development upon neighbouring properties:

It is acknowledged that due to its siting, height and design, the development will have a degree of overlooking upon neighbouring and adjoining properties. However, taking into account the extent of overlooking that already exists from both existing properties and from the street itself, the 20 metre minimum distance of the development from any adjoining properties potentially affected to the south west of the site, the limited number of predominantly bathroom and end-of-corridor windows on the north elevation of the building and the context of the site within the city centre, on balance, the impact of the development upon neighbouring residents is considered to be entirely satisfactory and certainly not so significant as to warrant a refusal of the application.

A condition is recommended to ensure that any window on the north elevation of the building that could potentially overlook the rear gardens of neighbouring properties on Harwell Street is designed so as to either be permanently obscure glazed or designed so as not to enable an unacceptable increased level of overlooking to the north east of the site.

Taking into account the City Centre location, the relationship and orientation of the development to adjoining properties is considered to be acceptable and is not considered to have a significant adverse impact upon the levels of sunlight enjoyed by existing residents.

The proposed student accommodation is not considered to have a significant adverse impact upon the residential amenity of neighbouring properties and taking into account the close proximity of the site to the City Centre and University, is considered to be an entirely appropriate use for the development. The development is therefore acceptable and accords with adopted Core Strategy policies CS02 and CS34, adopted Development Guidelines Supplementary Planning Document (2009), City Centre Area Action Plan and Government guidance contained in PPS1, PPS3, PPS6 and PPG24.

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

The Highway Authority does not object to the proposed development.

Taking into account the close proximity to the city centre and public transport network, the proposed development is in a sustainable location and will provide good connectivity for non-car based travel to and from the site. On this basis, there are no objections to the proposal for a predominantly car free development at the site.

It is noted that students are actively discouraged from bringing their cars with them when enrolling on courses at Plymouth University and there are Controlled Parking Zones in operation on the streets surrounding the site which regulate the amount of on-street kerbside car parking that takes place. It is also noted that there is a large, under utilised car park within a short walking distance of the site (Western Approach) which provides ample opportunity for parking, should it be required.

The site lies within a resident parking permit scheme which is currently over-subscribed. As such the new development will be excluded from obtaining permits or visitor tickets. An informative is recommended accordingly. The proposed secure cycle storage is considered to be sufficient and the ongoing use of this space will be secured by condition.

Contrary to concerns raised regarding the potential for the development to create an accident blackspot at the road junction due to its siting, the Highway Authority does not consider that the siting of the development will adversely affect visibility at the junction nor have any adverse impact on highway safety at this point.

A condition is recommended to ensure that occupiers of the development adhere to a Green Travel Plan 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 adopted Core Strategy Policy CS01, CS28.

The development will include 3 parking bays for drop off/loading/unloading purposes only together with 2 permanent disabled parking spaces. A condition is attached relating to the need for a Car Parking Management Strategy for these spaces.

The Highway Authority does not raise any objections to the proposed vehicular access off Wells Gardens to the rear of the development.

Concerns have been expressed by third parties regarding the condition of the road surface at the end of the adjoining cul-de-sac, over which vehicular access will be achieved. This area has been inspected by a Highway Authority representative and it is not considered that such concerns are warranted. It is not considered reasonable or justified to require a planning condition to address any minor areas of road surface. The Highway Authority does however consider it to be appropriate to recommend that a condition be imposed to ensure that the developer secures the repainting of the existing yellow lining parking restriction marking within this street prior to any use of the development commencing.

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

### Sustainable Resource Use

National Planning Policy Framework Consultation Draft (Revised August 2011) states a presumption in favour of sustainable development. Adopted policy CS20 requires that the development incorporates on-site renewable energy production equipment to off-set at least 15% of predicted carbon emissions for the period 2010-2016.

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

### Other Matters

Devaluation of neighbouring property is not a material planning consideration.

Concern expressed that the demolition of the pub will cause vermin to scatter to nearby properties is not an overriding planning consideration. Pest Control and vermin is a matter that is covered specifically under the Environmental Protection Act. The Developer's Code of Construction condition will also require pest control measures including pre-baiting to be undertaken prior to any demolition taking place.

Contrary to concern expressed that the applicant has not sought to address resident's concerns, the applicant has in fact held a number of meetings with representatives of the local community and taken on board comments and suggestions made. These are reflected both in the submitted development proposal and also in the emerging proposed Management regime for the student use of the building. It is recommended that the details of the proposed management regime are subject to a specific condition.

### Human Rights Act

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

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

### **Section 106 Obligations**

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

The proposed development would have direct impacts on local infrastructure and the environment requiring mitigation. This mitigation will be achieved through a combination of planning conditions and planning obligations identified in a S106 agreement. Each planning obligation has been tested to ensure that it complies with the three tests set out in Reg.122 of the Community Infrastructure Levy Regulations April 2010.

The impacts relate to the following areas:-

1. Libraries

Library Services advise that development in this area will generate a pressure on the existing Central and Devonport library facilities which The Planning Obligations Evidence Base advises is 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 £1,330.

2. Local green space.

By reason of increased population facilitated by the development it will contribute to the cumulative impact on existing green space, most specifically an additional pressure on its management. The estimated cost of mitigating this impact is £3,876.

3. Playing Pitches.

The Plymouth Playing Pitch Strategy 2007-2016 identifies that this area of the city 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 in the South Sub Area. The estimated cost of mitigating this impact is £7,032.

The total estimated cost of mitigating these impacts would be £12,238 if this is to be delivered through financial contributions.

The current scheme is brought forward under the structured approach of the Market Recovery Plan. If approved and implemented, it would ensure that there would be a substantial start on this development within two years of the grant of planning permission.

### Section 106 Obligation Heads of Terms:

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

#### Local Infrastructure:

- (i) £1,330 to be allocated to the provision and upgrade of Central and Devonport library facilities;
- (ii) £7,032 to be allocated to the provision and upgrade of playing pitch facilities within the South Sub Area;
- (iii) £3,876 to be allocated to the provision, upgrade and management of the greenspace facility within Patna Place/North Road West.
- (iv) A clause to ensure no demolition of the existing Town House Public House takes place until a contract for carrying out the works of redevelopment on the site has been submitted to and agreed in writing with the Local Planning Authority.

### **Equalities & Diversities issues**

The likely users of the development are students mainly aged 18 – 25 years. It will be available to men and women, people of all faith and race groups. The building will be designed to be fully accessible in accordance with Part L of the Building Regulations. There is no requirement for Lifetime Homes given its specialised target group. As the site is close to family houses it is essential that the facility is properly run and there is a robust management agreement to ensure that existing residents do not suffer from any undue nuisance and disturbance. It will not have a negative impact on any group.

### **Conclusions**

The impact of the development on the appearance and character of the area, the impact of the development upon neighbouring properties and the impact of the development upon the highway network are all considered to be acceptable. It is recommended that the development proposal be granted conditional consent subject to the satisfactory completion of the Section 106 Obligation. Delegated Authority is sought to refuse the application if the S106 Obligation is not signed by the 21<sup>st</sup> November 2011.

### **Recommendation**

In respect of the application dated **31/08/2011** and the submitted drawings 739 - 300 Rev P, 739 - 301 Rev P, 739 - 303 Rev P, 739 - 304 Rev P, 739 - 305 Rev P, 739 - 307 Rev P, 739 - 308 Rev P, Design and Access Statement, it is recommended to:

**Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 21 November 2011**

## Conditions

### DEVELOPMENT TO COMMENCE WITHIN 2 YEARS

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

#### Reason:

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

### DEVELOPMENT IN ACCORDANCE WITH APPROVED PLAN NUMBERS

(2) With the exception of the details of the design of the north elevation windows to bedroom 2 and 7, the development hereby permitted shall be carried out in accordance with the following approved plans 739 - 300 Rev P, 739 - 301 Rev P, 739 - 303 Rev P, 739 - 304 Rev P, 739 - 305 Rev P, 739 - 307 Rev P, 739 - 308 Rev P, Design and Access Statement.

Reason: To ensure that the development accords strictly with the submitted plans hereby approved in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy

### CODE OF PRACTICE DURING CONSTRUCTION

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

#### Reason:

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

### ACCESS

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

#### Reason:

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

### LAND QUALITY

(5) Development other than that required to be carried out as part of an approved scheme of remediation must not commence until points 1 to 3 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected



contamination to the extent specified by the Local Planning Authority in writing until point 4 has been complied with in relation to that contamination.

## 1. Site Characterisation

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

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

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

## 2. Submission of Remediation Scheme

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

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

## 3. Implementation of Approved Remediation Scheme

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

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

#### 4. Reporting of Unexpected Contamination

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

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

#### Reason:

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

#### EXISTING TREES TO BE RETAINED/PROTECTION DURING CONSTRUCTION

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

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with BS 3998: 2010 Tree Work Recommendations.

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

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

Reason:

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

EXTERNAL MATERIALS

(7) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the 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. The timber cladding shall be pre-treated in a finish to be submitted to and agreed in writing by the LPA and thereafter be so retained and maintained.

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.

SURFACE MATERIALS

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

Reason:

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

DESIGN DETAILS

(9) Notwithstanding the details submitted, no work shall commence until the following details have been submitted to and agreed in writing by the LPA:

- (i) Details of the design, method of construction and finish of the glazing system/curtain walling system and spandrel panel to be used;
- (ii) Details of the depth of reveals to all window openings.
- (iii) Details of the design, materials and finish of the proposed Aluminium roof capping/soffit;
- (iv) Details of the design of any external building lighting proposed;
- (v) Details of the proposed siting, design and external materials of the solar thermal equipment and any roof plant, services or lift rooms and any wall or roof vents, ducts, pipes, extracts, window cleaning apparatus or other accretions to the roof or elevations;
- (vi) Details of the design of the treatment of the junctions between the different cladding systems.

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

Reason:

To enable the LPA to consider the above details in the interests of the appearance and character of the development and locality, in accordance with Policy CS01, CS02, CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SUSTAINABILITY MEASURES

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

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

Reason:

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

NOISE

(11) The development shall be constructed in accordance with BS8233:1999 so as to provide sound insulation against externally generated noise. The good room criteria shall be applied, meaning there must be no more than 30 dB LAeq for communal/living rooms (0700 to 2300 daytime) and 30 dB LAeq for bedrooms (2300 to 0700 night-time), with windows shut and other means of ventilation provided. Levels of 45 dB LAf.max shall not be exceeded in bedrooms (2300 to 0700 night-time).

Prior to any occupation of the buildings, the applicant/developer should submit, for written approval by the Local Planning Authority, a verification report proving that the buildings meet the criteria.

Reason:

To ensure that the proposed dwellings hereby permitted achieve a satisfactory living standard and do not experience unacceptable levels of noise disturbance generated by traffic noise to comply with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document 2007.

TRAVEL PLAN

(12) The development hereby permitted shall not be occupied until a Travel Plan (TP) has been submitted to and approved in writing by the Local Planning Authority. The said TP shall seek to encourage students to use modes of transport other than the private car to get to and from the premises. It shall also include measures to

control the use of the permitted disabled parking and drop-off areas; arrangements for monitoring the use of provisions available through the operation of the TP; details of the traffic management measures that will be employed during periods of arrivals/departures and the name, position and contact telephone number of the person responsible for its implementation. From the date of the first occupation of the building the occupier shall operate the approved TP.

Reason:

In the opinion of the Local Planning Authority, such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with adopted Core Strategy Policy CS01, CS28, CS34 and relevant Central Government advice.

**STREET DETAILS**

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

Reason:

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

**CAR PARKING / DROP-OFF PROVISION**

(14) The building shall not be occupied until the disabled car parking spaces and drop off area shown on the approved plans has been drained, surfaced and signed/lined in accordance with the details submitted to and approved by the Local Planning Authority, and that area shall not thereafter be used for any purpose other than the parking of vehicles belonging to disabled persons or for temporary dropping-off/collection.

Reason:

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

**CYCLE PROVISION**

(15) No unit shall be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for 22 bicycles to be parked.

Reason:

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

**CYCLE STORAGE**

(16) 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.

**STUDENT USE RESTRICTION**

(17) The units of residential accommodation within the building shall only be occupied by students in full-time education, by a warden (if required) (who may not be in full-time education), by delegates attending conferences or courses during vacation periods (No such delegate shall occupy the premises for more than four weeks in any calendar year), or any registered student of any college or university within the Plymouth City boundary, provided that the student is studying a for a qualification at Higher Education level on a course that satisfies the criteria on eligibility for council tax exemption for student occupation of premises that is in force at the date of this planning permission, or any future such criteria as apply from time to time.and for no other purpose.

Reason:

The proposed development has been designed for the specific use as student accommodation. It is not suited to other residential uses without substantial alterations given the limited internal space per unit, lack of amenity space and lack of on-site car parking to comply with policy CS34 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

**MANAGEMENT ARRANGEMENTS**

(18) The development shall not be occupied until details of the arrangements by which the approved student accommodation is to be managed, are submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall continue to be managed permanently in accordance with the agreed management arrangements.

Reason:

To protect the residential amenities of the area to comply with policy CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

**REFURBISHMENT OF CARRIAGEWAY PARKING RESTRICTION LINES**

(19) Prior to any occupation of the development, the carriageway parking restriction lines to Well Gardens shall have been re-painted in accordance with details which shall have been previously submitted to and agreed in writing by the Local Planning Authority.

**Reason**

To ensure that a safe and convenient highway environment is secured to a satisfactory standard in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

**PREVENTION OF OVERLOOKING OF NEIGHBOURING REAR GARDENS**

(20) Notwithstanding the submitted drawings and the provisions of the Town and Country Planning (1) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order or the 1995 Order with or without modification), the window(s) in the north elevation of the development shall at all times be obscure glazed and non-openable, or otherwise permanently designed so as not to permit any overlooking of the rear gardens of neighbouring properties on Harwell Street.

**Reason:**

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

**INFORMATIVE - CODE OF CONSTRUCTION**

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

- a. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information.
- b. Construction traffic routes, timing of lorry movements, weight limitations on routes, initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, wheel wash facilities, access points, hours of deliveries, numbers and types of vehicles, and construction traffic parking.
- c. Hours of site operation, dust suppression measures, and noise limitation measures.
- d. Details of an area to be created within the site for the parking of contractor's equipment and materials.
- e. All sensitive properties surrounding the site boundary should be notified in writing of the nature and duration of works to be undertaken and the name and address of a responsible person, to whom an enquiry/complaint should be directed.

**INFORMATIVE: DETAILS OF THE MANAGEMENT ARRANGEMENTS**

(2) The applicant is hereby advised that the management details to be submitted and agreed under the above management condition should comprise the following elements:-

1 - At all times to restrict the occupation of the property to bona-fide students who are currently undertaking full time education, a warden who may not be in full-time education (if required) and delegates attending conferences or courses during the vacations.

2 - To include in any tenancy agreement between the owners and student tenant terms which clearly state the expected standard of conduct including the need to have due consideration to the amenities of the nearby properties and that failure to comply with those requirements may result in the termination of the tenancy and the form of such a tenancy agreement shall be supplied to the Council on request. Each tenancy agreement must contain advice that the on site car parking spaces must only be used for drop off purposes and not be used by tenants or visitors for car parking.

3 - To circulate to all premises adjoining the property annually with details of the name, address and telephone number of the person responsible for the management of the property.

4 - The owners shall impose on the person responsible for the management of the property; a strict timescale to include an investigation of any complaint within twenty four hours and a written response within five working days and shall take such steps as are necessary to ensure that the timescale is adhered to.

5 - Details of the proposed arrivals/departures procedures.

6 - Details of the proposed Management of the bin stores.

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

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

#### INFORMATIVE - KERB LOWERING

(4) The applicant is advised that before the widened access hereby approved is first brought into use it will be necessary to secure dropped kerbs (and footway crossings) with the consent of the local Highway Authority. 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.

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

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



PPG13 - Transport  
PPG16 - Archaeology and Planning  
PPG24 - Planning and Noise  
PPS3 - Housing  
PPS1 - Delivering Sustainable Development  
PPS6 - Planning for Town Centres  
PPS22 - Renewable Energy  
PPS23 - Planning & Pollution Control  
CS28 - Local Transport Consideration  
CS32 - Designing out Crime  
CS33 - Community Benefits/Planning Obligation  
CS34 - Planning Application Consideration  
CS22 - Pollution  
CS06 - City Centre  
CS18 - Plymouth's Green Space  
CS20 - Resource Use  
CS01 - Sustainable Linked Communities  
CS02 - Design  
SPD2 - Planning Obligations and Affordable Housing  
SPD1 - Development Guidelines  
SPD3 - Design Supplementary Planning Document  
NPPF - Draft National Planning Policy Framework 2011

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# PLANNING APPLICATION REPORT



**ITEM: 06**

**Application Number:** I1/01492/FUL

**Applicant:** Morston Assets Ltd

**Description of Application:** Change of use from leisure use to retail (class use A1) bulky goods/trade counter; and self storage (use class Sui Generis) (Renewal of planning permission 08/01178/FUL)

**Type of Application:** Full Application

**Site Address:** FORMER PLYMOUTH SUPERBOWL, COT HILL  
PLYMOUTH

**Ward:** Plympton Erle

**Valid Date of Application:** 09/09/2011

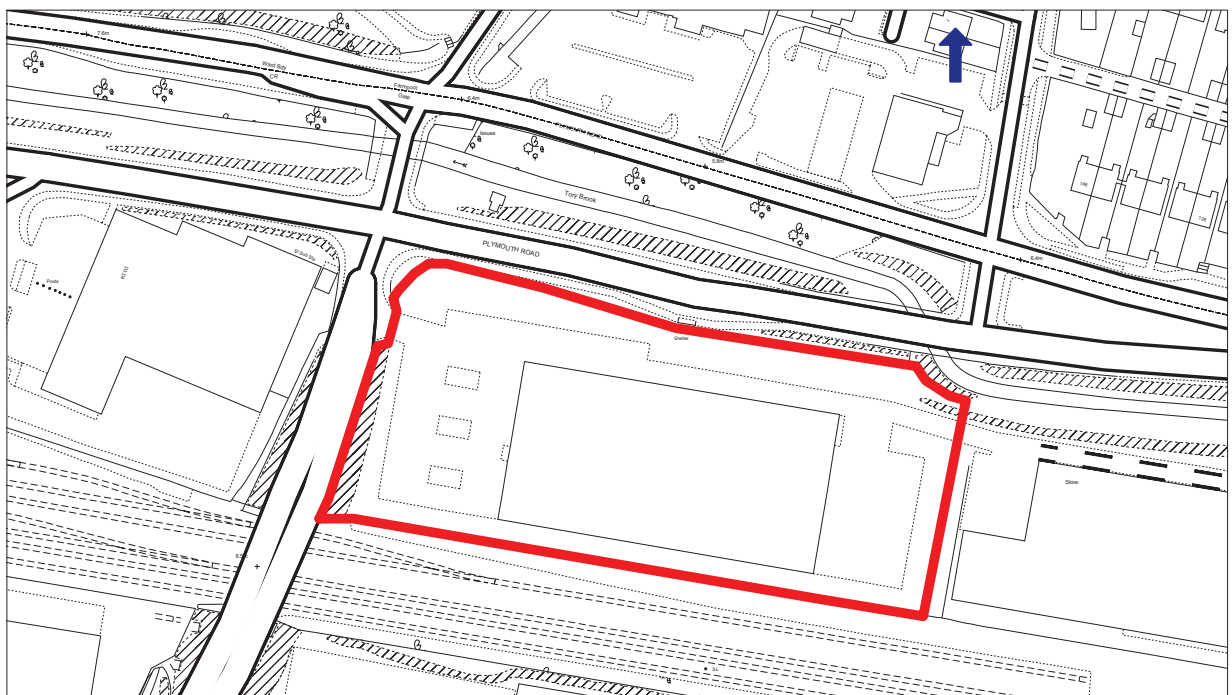
**8/13 Week Date:** **09/12/2011**

**Decision Category:** Major Application

**Case Officer :** Robert Heard

**Recommendation:** Grant Conditionally

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



## OFFICER REPORT

### Site Description

The site is located adjacent to Errill Retail Park in Plympton immediately bordering 3 existing units of which only 1 is currently occupied (Buyology). It is currently vacant, being last occupied by Megabowl for a restricted leisure use that included ten pin bowling and billiards. The former Megabowl building is in a poor condition and comprises of a large single storey warehouse style building clad in corrugated metal.

The site is surrounded in the immediate vicinity by surface car parking and the vehicular entrance/exit is located in the north-west corner of the site, very close to the busy junction of Cot Hill and Plymouth Road. The site is bounded by Plymouth Road to the north and a railway track to the south, with a belt of mature trees acting as a separation buffer from both the road and railway.

### Proposal Description

This application seeks to renew planning application 08/01178/FUL which was for change of use from leisure use to retail (Use Class A1) bulky goods/trade counter; and self storage (Use Class Sui Generis).

It is proposed to sub divide the building into 7 smaller, different sized units and make external improvements to the façade of the building with improvements to the parking forecourt and landscaping at the site.

### Relevant Planning History

97/0687 – Alterations to premises including formation of new bar entrance. PERMITTED.

91/0886 – Change of use of retail warehouse to ten pin bowling centre with ancillary facilities. REFUSED. APPEAL ALLOWED.

### Consultation Responses

#### Environment Agency

No objections

#### Highways Agency

No objection subject to conditions

#### Highways Authority

No objection subject to conditions

#### Public Protection Service

No objections

## **Representations**

None received.

## **Analysis**

As stated above, this application seeks to renew planning application 08/01178/FUL which was granted subject to conditions by the planning committee in December 2008. It proposes to change the use of the existing Megabowl building in Plympton to bulky goods/trade counter retail (Use Class A1) with an element of self storage (sui generis). It is also proposed to sub divide the building into 7 different sized units and make external improvements to the façade of the building and external areas.

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.

There has been no change in local planning policy since the previous application was granted and no change in circumstances at the site. The Draft National Planning Policy Framework 2011 states that there will be a presumption in favour of sustainable development and does not introduce any legislation that conflicts with the previous recommendation of approval. Therefore the issues that were relevant to the consideration of the previous application are the main issues relevant in the consideration of this application. The following report is therefore taken from the previous report to committee in relation to planning application 08/01178/FUL and addresses the main planning issues, being the impact of the proposed change of use, highways and design issues.

## **Use**

The application proposes to change the use of the building from a restricted D2 use (for a ten pin bowling centre and ancillary facilities only) to a dual use of bulky goods retail (A1) and self storage (sui generis). The building has been empty now for a number of years but the current (last) use as a ten pin bowling centre was granted on appeal by the Planning Inspectorate, following refusal by the Local Planning Authority of a planning application to change the use from retail to leisure.

The retail part of the application is proposed (by the applicants) to be restricted to trade counter and bulky goods operators. Bulky goods predominantly involves the sale of large electrical goods, DIY and garden goods. Examples of businesses considered to be bulky goods operators are Comet, B&Q and Homebase. Trade Counter sales mainly sell to the trade but also to members of the public. Operators include Screwfix, Plumcenter and Tiles R Us. Of the 7 units proposed, 6 are proposed for retail and 1 for self storage. Self storage is a relatively new use that has

been popular in other countries for a number of years. It is for use by members of the public who do not have the space available at home to store all of their belongings.

With regards to policy, CS08 (Retail Development Considerations) of the City of Plymouth Local Development Framework Core Strategy (2007) is relevant. This sets out the requirements for new retail development, which should:

- Meet a proven need;
- Be appropriate in scale and function to its location;
- Be fully integrated into the existing shopping centre;
- Comply with the sequential approach to site selection;
- Not have an unacceptable adverse impact on the vitality and viability of the City Centre or surrounding district and local centres;
- Help maintain and develop the range of shops to meet the needs of the local community.

Concerning need, the Plymouth Shopping Study confirms that there is significant floor space requirement for additional comparison provision within the city. The summary even states that 'by 2016 there should be capacity for further significant development in the city or four new 'Marsh Mills size' developments.' It should also be noted that the site is located within an existing retail park that has previously been allocated for retail use. However, notwithstanding this, there is considered to be a proven need for the proposed development.

In terms of scale and function, the application includes the reuse of an existing building that is of an appropriate scale for the area and has previously been used for retail purposes. The function is considered acceptable in this location, the site adjoins Errill Retail Park which is designated for the type of uses proposed at the site. With regards to being fully integrated into the existing centre, whilst the site does not fall within a defined shopping centre (ie. district or local) it is located on an existing retail park that forms part of the larger 'Marsh Mills Retail Parks' cluster. Policy CS09 (Marsh Mills Retail Parks) seeks to enhance the retail offer at the existing retail parks in the Marsh Mills area and the application is in accordance with this vision by widening the retail offer at these sites.

Concerning the sequential approach, text within the Core Strategy states that 'Marsh Mills is the primary area of retail warehousing type provision within the city's retail hierarchy.' As already stated, the site has previously been used for retail purposes and there is a predominance of retail uses surrounding the site. Moreover, it is located within an established out-of-centre retail area and is thus considered acceptable under the sequential approach to site selection.

It is considered that the proposal will not have an adverse impact upon the vitality and viability of the City Centre or surrounding district and local centres. It is recognised within the Core Strategy that Marsh Mills is the primary area for retail warehousing in the city and therefore the ideal location for bulky goods and trade counter sales uses. The proposal will also add to the retail offer in the area (and to

the city) and will therefore help to maintain and develop the range of shops to meet the needs of the community.

In summary, the proposed development is of a scale and format that is in keeping with the rest of the retail parks at Marsh Mills and the combination of bulky goods and trade counter sales will widen the range and quality of stores in the locality. As has been demonstrated, there will be no adverse impact upon the City Centre or to the local shopping hierarchy. The application is therefore considered compliant with policies CS08 (Retail Development Considerations) and CS09 (Marsh Mills Retail Parks) of the City of Plymouth Local Development Framework Core Strategy (2007).

### **Design**

As has been stated, the application proposes to retain and reuse the existing building on the site. However, significant alterations are required for its conversion to retail use. A contemporary approach to the external appearance has been taken, incorporating features and materials that also reflect a commitment to sustainability.

The proposals include the re-cladding of the entire building with modern materials by replacing the current corrugated tin with smoother, clearer external panels made from colour coated steel faced composite that will significantly improve the external appearance. New glazed entrances are introduced along the length of the west entrance, as well as on the east and south elevation to add interest to the external appearance and provide a crisp, modern appearance that helps to enhance local visual amenity.

The design utilises extensive areas of glazing in order to improve transparency, to increase visibility of the interior from outside and create natural surveillance of the surrounding areas from within the building. The large glazing panels will also allow natural light to penetrate the interior which could reduce the need for artificial lighting. In terms of design, glazing is a contemporary material that improves the external appearance and blends well with the steel composite panels proposed for other external areas. The facades of the building have been designed to create a clean and contemporary appearance with the main elevations being balanced and well proportioned.

With regards to sustainable design, it is proposed that the existing steel frame and rails will be retained to the extent that they can be incorporated into the new cladding system. The steel cladding proposed is completely recyclable and can be dismantled for re use in future construction. The composite panels to the buildings envelope are formed entirely of rock wool insulation with a skin of steel each side, making them thermally highly efficient in comparison with more traditional heavy construction materials and methods. The applicant has also stated a commitment to incorporate sustainable design into some of the smaller elements of the development, including rainwater harvesting for flushing toilets, inclusion of rooflights to increase provision of natural light and photocell controls to turn off lighting in areas of the sales floor where daylight levels are sufficient. A condition requesting further details of sustainable construction methods is considered appropriate to ensure that the building and construction take into account issues of sustainable resource use.

The application is considered compliant with policies CS02 (Design) and CS20 (Sustainable Resource Use).

### **Highways**

The existing access and egress is from Cot Hill and close to the signalized junction with Plymouth Road. This current arrangement is not satisfactory and can be extremely hazardous, particularly when vehicles are turning right either into or out of the application site. The application proposes that the existing access/egress on Cot Hill be changed to allow for left in vehicle manoeuvres only with a new vehicle exit formed onto Plymouth Road, being exit only and designed so as to prevent vehicles from entering the site at this point. A one way system is proposed to be introduced providing access and egress for all vehicles via a one way gyratory route through the site.

Pedestrian access and permeability to the site has been improved by the up grading of pedestrian footpaths into the site that would provide a 3 metre wide footpath link. There is an existing pedestrian crossing point over Plymouth Road just outside the application site but no such facility at the Cot Hill junction. However, a new uncontrolled pedestrian crossing point is proposed that utilises a central pedestrian refuge across the junction of Cot Hill as part of the application and this would allow pedestrians to cross the road between the phases of traffic signals, without detriment to the signalized junctions.

The application proposes 125 car parking spaces and cycle parking for visitors in the form of cycle hoops. An articulated lorry could enter and drive through the site and a service bay is proposed to accommodate unloading during day time hours.

Following negotiations at pre-application stage, the application is made in accordance with the advice of the Councils Highways Officer, who is supportive of the application subject to grampian conditions to ensure that the proposed highway improvements are provided prior to occupation of the development. An informative alerting the applicants of the need to enter into a Section 278 Agreement with the Highway Authority as landowners to secure the highway alterations proposed is also attached. The application is considered compliant with Policy CS28 (Local Transport Considerations) of the City of Plymouth Local Development Framework Core Strategy (2007).

### **Other Issues**

The proposal incorporates improvements to landscaping at the site. Tree belts are proposed to be augmented by additional species where gaps have appeared and existing landscaped areas are retained and improved by way of new shrub and small tree planting.

There are no significant issues of residential amenity to consider, the nearest residential properties are on the northern side of Plymouth Road about 200 metres away. This separation distance, and the fact that a busy road acts as a buffer, ensures that the application will not impact upon the nearest residential properties amenities.

No letters of representation have been received



### **Section 106 Obligations**

None required.

### **Equalities & Diversities issues**

None raised.

### **Conclusions**

This proposal to renew an existing planning permission to change the use of the former Megabowl building on land adjacent to Errill Retail Park to bulky goods/trade centre retail units plus self storage is considered to have a number of physical, social and economic benefits.

The design and external appearance will be vastly improved by the introduction of sleek steel composite panels blended with large areas of glazing in order to create a contemporary design approach using modern materials. Seven new units will be created that will bring a vibrant mix and wider range of uses to the Marsh Mills shopping area and proposed works to the highway will improve access/egress at the site and also pedestrian links and permeability.

For the reasons outlined above in this report, it is recommended that the application be approved, subject to conditions.

### **Recommendation**

In respect of the application dated **09/09/2011** and the submitted drawings 1571-04A, 1571-07F, 1571-08A, 1571-09B, 1571-11, 1571-12A, 1571-13A, 1571-16A, SPPI405.1F, 2166.10C and accompanying Design and Access Statement, Transport Statement, Planning Statement and Retail Assessment.,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: 1571-04A, 1571-07F, 1571-08A, 1571-09B, 1571-11, 1571-12A, 1571-13A, 1571-16A, SPPI405.1F, 2166.10C.

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.

#### DETAILS OF NEW JUNCTION

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

#### Reason:

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

#### PROVISION OF SIGHT LINES

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

#### Reason:

To provide adequate visibility for drivers of vehicles at the road junction in the interests of public safety in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### PRESERVATION OF SIGHT LINES

(5) No structure, erection or other obstruction exceeding one metre in height shall be placed, and no vegetation shall be allowed to grow above that height, within the approved sight lines to the site access at any time.

#### Reason:

To preserve adequate visibility for drivers of vehicles at the road junction in the interests of public safety in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### CAR PARKING PROVISION

(6) The development shall not be occupied until space has been laid out within the site in accordance with the Approved plan for a maximum of 125 cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear.

#### Reason:

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

#### CAR PARKING RESTRICTION

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

Reason:

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

CYCLE PROVISION

(8) The development shall not be occupied until space has been laid out within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority for a minimum of 10 bicycles to be parked.

Reason:

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

CYCLE STORAGE

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

Reason:

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

LOADING AND UNLOADING PROVISION

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

Reason:

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

USE OF LOADING AREAS

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

Reason:

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

STAFF TRAVEL PLAN

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

Reason:

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

EXTERNAL MATERIALS

(13) 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.

CODE OF PRACTICE DURING CONSTRUCTION

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

Reason:

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

#### BULKY GOODS RETAIL/NO FOOD SALES

(15) Notwithstanding the permitted use falling within Class A1 of the Town and Country Planning (Use Classes) Order 2006 (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), Units 1A, 1B, 2, 3, 4, and 5 hereby approved shall not be used for the retail sale of goods other than DIY, electrical goods, carpets, furniture, auto accessories, as a garden centre or for trade counter bulky goods sales.

#### Reason:

The use of the site for the sale of goods other than those specified would be contrary to Policy CS08 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### USE RESTRICTION

(16) Unit 6 hereby approved shall be used for self storage only.

#### Reason:

The use of the site for the purpose specified is considered acceptable, but a proposal to use the site for any other purposes could be contrary to Policy CS08 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### FURTHER DETAILS

(17) No development shall take place until details (including size, materials and finish) of the proposed bin stores shown on the plans hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and the bin stores shall be permanently retained.

#### Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that the proposed bin stores are retained in the future, in accordance with Policy CS02 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### LANDSCAPE MANAGEMENT PLAN

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

#### Reason:

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

#### SUSTAINABLE RESOURCE USE

(19) Prior to the commencement of any development, a report identifying how a minimum of 15% of the development's predicted carbon emissions will be off-set by on-site renewable energy production methods that shall be implemented on site, shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt, the predicted carbon savings which result from this shall be above and beyond what is required to comply with Part L of the Building Regulations.

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

Reason: To comply with Policy CS20 of Plymouth's LDF Core Strategy and in accordance with Government advice contained within PPS22

#### PEDESTRIAN/CYCLE ACCESS

(20) The building shall not be occupied until a means of access for pedestrians and cyclists has been constructed in accordance with the approved plans.

Reason:

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

#### CODE OF PRACTICE DURING CONSTRUCTION

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

Reason:

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

#### DESK STUDY

(22) A Desk Study and Site Reconnaissance, in addition to any assessment provided with the planning application, which includes a preliminary conceptual site model identifying plausible pollutant linkages as a basis for assessing risks. The Desk Study and Site Reconnaissance must determine the need and scope for further investigation and site characterisation. The written report is subject to the approval in writing of the Local Planning Authority.

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

Reason:

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

SITE CHARACTERISATION

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

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

(ii) an assessment of the potential risks to:

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

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

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

Reason:

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

#### SUBMISSION OF REMEDIATION SCHEME

(24) 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

(25) 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 22, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 23, 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 24.

#### 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.

#### INFORMATIVE: HIGHWAY WORKS

(1) The highway works associated with the development will require the developer to enter into a Section 278 Agreement with the Highway Authority before any works are permitted on the Highway. The highway alterations will need to satisfy the requirements of an independent Safety Audit before they can be implemented and also on completion of the alterations.



## Statement of Reasons for Approval and Relevant Policies

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

- CS28 - Local Transport Consideration
- CS34 - Planning Application Consideration
- CS08 - Retail Development Considerations
- CS09 - Marsh Mills Retail Parks
- CS20 - Resource Use
- CS02 - Design
- NPPF - Draft National Planning Policy Framework 2011

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**PLANNING COMMITTEE**

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Decisions issued for the following period: 8 October 2011 to 6 November 2011

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**Note - This list includes:**

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

**Item No 1**

**Application Number:** 08/01441/HAZ **Applicant:** Greenergy International Ltd  
**Application Type:** Hazardous Substances  
**Description of Development:** Multi product storage at existing and proposed tanks  
(Hazardous Substance Consent application)  
**Site Address** MAYFLOWER TERMINAL, BREAKWATER HILL COXSIDE  
PLYMOUTH  
**Case Officer:** Jeremy Guise  
**Decision Date:** 25/10/2011  
**Decision:** Grant Conditionally

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**Item No 2**

**Application Number:** 08/01538/HAZ **Applicant:** Greenergy International Limited  
**Application Type:** Hazardous Substances  
**Description of Development:** Multi product storage at existing and proposed tanks  
(Hazardous Substance Consent application)  
**Site Address** CATTEDOWN TERMINAL, CATTEDOWN ROAD  
PLYMOUTH  
**Case Officer:** Jeremy Guise  
**Decision Date:** 25/10/2011  
**Decision:** Grant Conditionally

---

**Item No 3**

**Application Number:** 10/00659/FUL **Applicant:** DRE Property Services Ltd  
**Application Type:** Full Application  
**Description of Development:** Change of use of first and second floors from offices to student accommodation to create total of 30 student bedrooms with provision of bin stores and cycle storage  
**Site Address** BELGRAVE HOUSE, 73 MUTLEY PLAIN PLYMOUTH  
**Case Officer:** Robert Heard  
**Decision Date:** 27/10/2011  
**Decision:** Grant Subject to S106 Obligation - Full

---

**Item No 4**

**Application Number:** 11/00149/FUL **Applicant:** Persimmon Homes South West  
**Application Type:** Full Application  
**Description of Development:** Erection of 12 detached dwellings with garages and ancillary access road, landscaping and public open space  
**Site Address** LAND OFF CUNDY CLOSE PLYMPTON PLYMOUTH  
**Case Officer:** Robert Heard  
**Decision Date:** 02/11/2011  
**Decision:** Grant Subject to S106 Obligation - Full

---

**Item No 5**

**Application Number:** 11/00550/OU **Applicant:** Mr P Currie  
**Application Type:** Outline Application  
**Description of Development:** Outline planning application for the erection of two detached dwellinghouses  
**Site Address** LAND TO REAR OF 55 RIDGEWAY PLYMOUTH  
**Case Officer:** Robert Heard  
**Decision Date:** 19/10/2011  
**Decision:** Grant Conditionally

---

**Item No**        **6**

**Application Number:**        11/00575/FUL    **Applicant:** Mr Sam Balsdon

**Application Type:**            Full Application

**Description of Development:** Erection of dwellinghouse with parking spaces

**Site Address**                    LAND ADJACENT TO 161B ELFORD CRESCENT  
PLYMPTON PLYMOUTH

**Case Officer:**                 Janine Warne

**Decision Date:**                13/10/2011

**Decision:**                        Grant Conditionally

---

**Item No**        **7**

**Application Number:**        11/00718/FUL    **Applicant:** Mr Steven Langman

**Application Type:**            Full Application

**Description of Development:** Outbuilding (workshop/garage) at front of dwelling

**Site Address**                    75 UNDERLANE PLYMSTOCK PLYMOUTH

**Case Officer:**                 Simon Osborne

**Decision Date:**                21/10/2011

**Decision:**                        Grant Conditionally

---

**Item No**        **8**

**Application Number:**        11/00768/CA    **Applicant:** Mr Alec MacLeod

**Application Type:**            Conservation Area

**Description of Development:** Works a change of use for use as student (HMO) houses in multiple occupation

**Site Address**                    12 - 13 SUSSEX STREET PLYMOUTH

**Case Officer:**                 Karen Gallacher

**Decision Date:**                02/11/2011

**Decision:**                        Grant Conditionally

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**Item No 9**

**Application Number:** 11/00922/FUL **Applicant:** Mr E Kamaie  
**Application Type:** Full Application  
**Description of Development:** Construction of new rear boundary wall (demolition of existing stone wall)  
**Site Address** CAR PARK, WOODSIDE PLYMOUTH  
**Case Officer:** Robert Heard  
**Decision Date:** 17/10/2011  
**Decision:** Grant Conditionally

---

**Item No 10**

**Application Number:** 11/00941/FUL **Applicant:** 1st Crownhill Scout Group  
**Application Type:** Full Application  
**Description of Development:** Retention of store building  
**Site Address** 1ST CROWNHILL SCOUT GROUP PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 20/10/2011  
**Decision:** Grant Conditionally

---

**Item No 11**

**Application Number:** 11/01047/FUL **Applicant:** Colourcolt Student Living Ltd  
**Application Type:** Full Application  
**Description of Development:** Erection of 7 storey building containing 193 student bedrooms within 36 cluster flats and 2 studio flats with ancillary cycle storage, refuse storage and amenity area (demolition of existing buildings)  
**Site Address** HAMPTON COTTAGES, REGENT STREET PLYMOUTH  
**Case Officer:** Robert Heard  
**Decision Date:** 17/10/2011  
**Decision:** Grant Subject to S106 Obligation - Full

---

**Item No 12**

**Application Number:** 11/01053/PR **Applicant:** Plymstock School  
**Application Type:** LDC Proposed Develop  
**Description of Development:** Installation of solar panel array  
**Site Address** PLYMSTOCK SCHOOL, CHURCH ROAD PLYMSTOCK  
PLYMOUTH  
**Case Officer:** Simon Osborne  
**Decision Date:** 01/11/2011  
**Decision:** Issue Certificate - Lawful Use

---

**Item No 13**

**Application Number:** 11/01074/FUL **Applicant:** The National Trust  
**Application Type:** Full Application  
**Description of Development:** Single storey cycle hub and café facility  
**Site Address** LAND ADJACENT TO PLYMBRIDGE CARPARK  
PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 02/11/2011  
**Decision:** Application Withdrawn

---

**Item No 14**

**Application Number:** 11/01082/ADV **Applicant:** Peugeot Motor Company Plc  
**Application Type:** Advertisement  
**Description of Development:** 6 fascia signs, 1 portique (door surround) - APPROVED 3 flag  
masts and 1 free standing totem - REFUSED  
**Site Address** MARSH MILLS PARK, LONGBRIDGE ROAD PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 28/10/2011  
**Decision:** Advertisement Split Decision

---

**Item No 15**

**Application Number:** 11/01122/FUL **Applicant:** Mr Tony Hoare  
**Application Type:** Full Application  
**Description of Development:** Two-storey side extension (revised scheme)  
**Site Address** 20 SARUM CLOSE PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 28/10/2011  
**Decision:** Grant Conditionally

---

**Item No 16**

**Application Number:** 11/01128/FUL **Applicant:** Mrs K Chan  
**Application Type:** Full Application  
**Description of Development:** Change of use of ground floor from food takeaway to residential  
**Site Address** 49 CECIL STREET PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 27/10/2011  
**Decision:** Grant Conditionally

---

**Item No 17**

**Application Number:** 11/01145/FUL **Applicant:** Pier St Limited  
**Application Type:** Full Application  
**Description of Development:** Redevelopment of site for mixed use development comprising 14 residential apartments, ground floor café/restaurant (class A3 use), public toilet facilities and associated basement car parking  
**Site Address** FORMER TENNIS COURTS, HOE ROAD-PIER STREET PLYMOUTH  
**Case Officer:** Mark Evans  
**Decision Date:** 11/10/2011  
**Decision:** Refuse

---



**Item No 18**

**Application Number:** 11/01146/CA **Applicant:** Pier St Limited

**Application Type:** Conservation Area

**Description of Development:** Demolition of boundary wall and steps

**Site Address** FORMER TENNIS COURTS, HOE ROAD-PIER STREET  
PLYMOUTH

**Case Officer:** Mark Evans

**Decision Date:** 11/10/2011

**Decision:** Grant Conditionally

---

**Item No 19**

**Application Number:** 11/01155/FUL **Applicant:** Mrs J Crookston

**Application Type:** Full Application

**Description of Development:** Alterations to relocate existing reception facilities to the front of the school including improving access for disabled people

**Site Address** PLYMSTOCK SCHOOL,29 CHURCH ROAD PLYMSTOCK  
PLYMOUTH

**Case Officer:** Ben Scheuregger

**Decision Date:** 19/10/2011

**Decision:** Grant Conditionally

---

**Item No 20**

**Application Number:** 11/01158/FUL **Applicant:** Mrs Margaret Gavin

**Application Type:** Full Application

**Description of Development:** Formation of access ramp to front

**Site Address** 304 BEAUMONT ROAD PLYMOUTH

**Case Officer:** Ben Scheuregger

**Decision Date:** 13/10/2011

**Decision:** Grant Conditionally

---

**Item No 21**

**Application Number:** 11/01191/FUL **Applicant:** Mr Alex Alinia  
**Application Type:** Full Application  
**Description of Development:** Develop side garden by erection of detached dwelling with associated works  
**Site Address** 106 DUNRAVEN DRIVE PLYMOUTH  
**Case Officer:** Janine Warne  
**Decision Date:** 27/10/2011  
**Decision:** Grant Conditionally

---

**Item No 22**

**Application Number:** 11/01218/FUL **Applicant:** Mr Nicholas Wellington  
**Application Type:** Full Application  
**Description of Development:** Extend width of existing front dormer  
**Site Address** 45 TITHE ROAD PLYMOUTH  
**Case Officer:** Sarah Curtis  
**Decision Date:** 02/11/2011  
**Decision:** Grant Conditionally

---

**Item No 23**

**Application Number:** 11/01224/FUL **Applicant:** Mrs R Kennedy  
**Application Type:** Full Application  
**Description of Development:** Loft conversion with rear dormer  
**Site Address** 15 WESTBOURNE ROAD PEVERELL PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 12/10/2011  
**Decision:** Grant Conditionally

---

**Item No 24**

**Application Number:** 11/01254/FUL **Applicant:** National Trust  
**Application Type:** Full Application  
**Description of Development:** Development of an off road cycling facility  
**Site Address** PLYM VALLEY PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 02/11/2011  
**Decision:** Application Withdrawn

---

**Item No 25**

**Application Number:** 11/01256/LBC **Applicant:** Yoga Corner Ltd  
**Application Type:** Listed Building  
**Description of Development:** Internal changes to the third floor, including new partitions, removal of existing partitions, insulation and electrical installations  
**Site Address** 11 WHIMPLE STREET PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 03/11/2011  
**Decision:** Grant Conditionally

---

**Item No 26**

**Application Number:** 11/01267/FUL **Applicant:** Mr Alexander McGinnes  
**Application Type:** Full Application  
**Description of Development:** Retention of timber panel fence around front garden  
**Site Address** 132 MOUNT GOULD ROAD PLYMOUTH  
**Case Officer:** Richard Webb  
**Decision Date:** 26/10/2011  
**Decision:** Refuse

---

**Item No 27**

**Application Number:** 11/01287/FUL **Applicant:** Ice Angels  
**Application Type:** Full Application  
**Description of Development:** Erection of temporary ice rink, ancillary equipment and associated benches, skate hire facilities, santa's grotto and refreshment stalls for a 5 month period  
**Site Address** PIAZZA EVENTS SPACE, ARMADA WAY PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 24/10/2011  
**Decision:** Grant Conditionally

---

**Item No 28**

**Application Number:** 11/01295/ADV **Applicant:** Old Pasty House  
**Application Type:** Advertisement  
**Description of Development:** Externally illuminated fascia sign  
**Site Address** 126 ARMADA WAY PLYMOUTH  
**Case Officer:** Katie Beesley  
**Decision Date:** 27/10/2011  
**Decision:** Grant Conditionally

---

**Item No 29**

**Application Number:** 11/01300/FUL **Applicant:** MVV Environmental Devonport  
**Application Type:** Full Application  
**Description of Development:** Temporary engineering operations for the drilling of three trial piles into land formerly tipped with crushed demolition material, and installation of ancillary portacabins (information required to inform development potential)  
**Site Address** LAND AT NORTH YARD, HER MAJESTY'S NAVAL BASE DEVONPORT PLYMOUTH  
**Case Officer:** Alan Hartridge  
**Decision Date:** 12/10/2011  
**Decision:** Grant Conditionally

---

**Item No 30**

**Application Number:** 11/01303/FUL **Applicant:** Janet King  
**Application Type:** Full Application  
**Description of Development:** Erection of dwelling  
**Site Address** 10 ELLIOT STREET PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 20/10/2011  
**Decision:** Refuse

---

**Item No 31**

**Application Number:** 11/01304/CA **Applicant:** Janet King  
**Application Type:** Conservation Area  
**Description of Development:** Demolition associated with erection of dwelling  
**Site Address** 10 ELLIOT STREET PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 20/10/2011  
**Decision:** Refuse

---

**Item No 32**

**Application Number:** 11/01305/FUL **Applicant:** Janet King  
**Application Type:** Full Application  
**Description of Development:** Erection of dwelling  
**Site Address** 10 ELLIOT STREET PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 20/10/2011  
**Decision:** Refuse

---

**Item No 33**

**Application Number:** 11/01306/CA **Applicant:** Janet King  
**Application Type:** Conservation Area  
**Description of Development:** Erection of dwelling  
**Site Address** 10 ELLIOT STREET PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 20/10/2011  
**Decision:** Refuse

---

**Item No 34**

**Application Number:** 11/01309/FUL **Applicant:** Underhill Engineering Ltd  
**Application Type:** Full Application  
**Description of Development:** Installation of two roller shutter doors and one vertical folding shutter door in rear elevation, formation of concrete apron and hardstanding to rear and alterations to HGV access and parking arrangement to front  
**Site Address** UNDERHILL ENGINEERING LTD, PLYMBRIDGE ROAD PLYMOUTH  
**Case Officer:** Janine Warne  
**Decision Date:** 19/10/2011  
**Decision:** Grant Conditionally

---

**Item No 35**

**Application Number:** 11/01320/FUL **Applicant:** Beechy Developments Ltd  
**Application Type:** Full Application  
**Description of Development:** Erection of building (one/two storey) containing up to four commercial units including use class A1 (shops) (maximum net retail floorspace of 190 square meters) and/or A3 (restaurants and cafés) with ancillary first-floor office space and associated vehicular parking for 10 vehicles  
**Site Address** LAND ADJACENT TO 598 WOLSELEY ROAD PLYMOUTH  
**Case Officer:** Mark Evans  
**Decision Date:** 04/11/2011  
**Decision:** Grant Conditionally

---

**Item No 36**

**Application Number:** 11/01326/FUL **Applicant:** Penton Homes  
**Application Type:** Full Application  
**Description of Development:** Formation of rooms in roof space including rear dormer to provide 3 ensuite bedrooms, lounge and toilet, single storey rear extension to provide ensuite bedroom, and conversion of garage to laundry room  
**Site Address** HAMILTON HOUSE 21 to 23 HOUNDISCOMBE ROAD PLYMOUTH  
**Case Officer:** Simon Osborne  
**Decision Date:** 20/10/2011  
**Decision:** Grant Conditionally

---

**Item No 37**

**Application Number:** 11/01328/FUL **Applicant:** Hose & Hydraulics Group Ltd  
**Application Type:** Full Application  
**Description of Development:** Change of use and conversion from public house (Use Class A4) to offices, research and development or light industry (Use Class B1), general industry (Use Class B2) and/or storage (Use Class B8)  
**Site Address** THE PASSAGE HOUSE INN, CATTEDOWN ROAD  
PLYMOUTH  
**Case Officer:** Simon Osborne  
**Decision Date:** 25/10/2011  
**Decision:** Grant Conditionally

---

**Item No 38**

**Application Number:** 11/01343/FUL **Applicant:** Mr & Mrs Macintyre  
**Application Type:** Full Application  
**Description of Development:** Demolish two bungalows and redevelop site by erection of two detached dwellinghouses with associated parking areas in front  
**Site Address** MOUNT PLEASANT BUNGALOW, CHURCH HILL  
PLYMOUTH  
**Case Officer:** Janine Warne  
**Decision Date:** 25/10/2011  
**Decision:** Grant Conditionally

---

**Item No 39**

**Application Number:** 11/01360/FUL **Applicant:** Messers Beetison & Marler  
**Application Type:** Full Application  
**Description of Development:** Installation of windows in south elevation  
**Site Address** 4 ELLIOT STREET PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 13/10/2011  
**Decision:** Grant Conditionally

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**Item No 40**

**Application Number:** 11/01365/FUL **Applicant:** Marina Developments Ltd  
**Application Type:** Full Application  
**Description of Development:** Internal alterations, involving the extension of washroom facilities into vacant office unit, and single-storey extension to contain cleaners store and plant room (revision to scheme approved under application 11/00016/FUL)  
**Site Address** MARINA DEVELOPMENTS LTD QUEEN ANNES BATTERY, QUEEN ANNE PLACE PLYMOUTH  
**Case Officer:** Simon Osborne  
**Decision Date:** 14/10/2011  
**Decision:** Grant Conditionally

---

**Item No 41**

**Application Number:** 11/01382/TPO **Applicant:** Mrs Alison Bennet  
**Application Type:** Tree Preservation  
**Description of Development:** Lime - reduce height by 10m, radius by 4m  
**Site Address** 29 ALBION DRIVE PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 10/10/2011  
**Decision:** Grant Conditionally

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**Item No 42**

**Application Number:** 11/01391/FUL **Applicant:** Mr Christopher Hocking  
**Application Type:** Full Application  
**Description of Development:** Two-storey rear extension and associated work  
**Site Address** 9 BARNINGHAM GARDENS PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 12/10/2011  
**Decision:** Grant Conditionally

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**Item No 43**

**Application Number:** 11/01392/FUL **Applicant:** Mr P Roberts  
**Application Type:** Full Application  
**Description of Development:** Change of use, conversion and alterations to existing coach house to form dwelling (renewal of application 07/01824/FUL)  
**Site Address** 1 CLARENDON LANE PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 17/10/2011  
**Decision:** Grant Conditionally

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**Item No 44**

**Application Number:** 11/01395/FUL **Applicant:** Mr Steven Wood  
**Application Type:** Full Application  
**Description of Development:** Garage conversion, front extension and side extension  
**Site Address** 62 COMPTON AVENUE PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 14/10/2011  
**Decision:** Grant Conditionally

---

**Item No 45**

**Application Number:** 11/01396/FUL **Applicant:** William Hill  
**Application Type:** Full Application  
**Description of Development:** Installation of new shopfront  
**Site Address** 84 ROYAL PARADE PLYMOUTH  
**Case Officer:** Ben Scheuregger  
**Decision Date:** 19/10/2011  
**Decision:** Grant Conditionally

---

**Item No 46**

**Application Number:** 11/01397/ADV **Applicant:** William Hill  
**Application Type:** Advertisement  
**Description of Development:** Externally illuminated fascia sign (approved) and projecting sign (refused)  
**Site Address** 84 ROYAL PARADE PLYMOUTH  
**Case Officer:** Ben Scheuregger  
**Decision Date:** 19/10/2011  
**Decision:** Advertisement Split Decision

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**Item No 47**

**Application Number:** 11/01398/FUL **Applicant:** Mrs Anne Chapman  
**Application Type:** Full Application  
**Description of Development:** Full first-floor extension to bungalow to create two-storey house, and erection of log cabin to rear  
**Site Address** 23 UNDERLANE PLYMSTOCK PLYMOUTH  
**Case Officer:** Sarah Curtis  
**Decision Date:** 03/11/2011  
**Decision:** Grant Conditionally

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**Item No 48**

**Application Number:** 11/01404/FUL **Applicant:** Mr Steve Mitchell  
**Application Type:** Full Application  
**Description of Development:** Continue use of dwellinghouse as house in multiple occupation  
**Site Address** 21 BEECHWOOD AVENUE PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 20/10/2011  
**Decision:** Grant Conditionally

---

**Item No 49**

**Application Number:** 11/01405/TPO **Applicant:** Mrs Susan Edwards  
**Application Type:** Tree Preservation  
**Description of Development:** Prune 2 sycamore trees  
**Site Address** 36 ST MICHAELS TERRACE PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 12/10/2011  
**Decision:** Grant Conditionally

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**Item No 50**

**Application Number:** 11/01407/LBC **Applicant:** Matrix Plymouth SA/Portobello  
**Application Type:** Listed Building  
**Description of Development:** Installation of additional vertical balusters to communal staircase within the Glastonbury, Gambrell Science and Hornby Court buildings at The Millfields  
**Site Address** CRAIGIE DRIVE PLYMOUTH  
**Case Officer:** Katie Beesley  
**Decision Date:** 19/10/2011  
**Decision:** Grant Conditionally

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**Item No 51**

**Application Number:** 11/01411/LBC **Applicant:** Mrs Patricia Harkness  
**Application Type:** Listed Building  
**Description of Development:** Repairs to rear door frame on ground floor, re-render rear and side elevations, repair and replace slates on front elevation, install secondary glazing to ground floor front windows, replace two casement windows at rear (first and second floor)  
**Site Address** 7 GASCOYNE PLACE PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 28/10/2011  
**Decision:** Grant Conditionally

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**Item No 52**

**Application Number:** 11/01413/FUL **Applicant:** Mr B Brockmann  
**Application Type:** Full Application  
**Description of Development:** Single-storey extension  
**Site Address** 21 WHITEFORD ROAD PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 18/10/2011  
**Decision:** Refuse

---

**Item No 53**

**Application Number:** 11/01414/CA **Applicant:** Mr B Brockmann  
**Application Type:** Conservation Area  
**Description of Development:** Removal of existing ground floor extension  
**Site Address** 21 WHITEFORD ROAD PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 18/10/2011  
**Decision:** Grant Conditionally

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**Item No 54**

**Application Number:** 11/01420/FUL **Applicant:** Mr & Mrs P Stanbury  
**Application Type:** Full Application  
**Description of Development:** First floor rear extension over existing ground floor extension  
**Site Address** 15 MALLARD CLOSE PLYMPTON PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 17/10/2011  
**Decision:** Grant Conditionally

---

**Item No 55**

**Application Number:** 11/01422/FUL **Applicant:** Mr N Inparaj  
**Application Type:** Full Application  
**Description of Development:** Replacement of 7 windows at first floor level with uPVC windows  
**Site Address** 101 VICTORIA ROAD PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 13/10/2011  
**Decision:** Grant Conditionally

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**Item No 56**

**Application Number:** 11/01425/OU **Applicant:** Mrs Barbara Jones  
**Application Type:** Outline Application  
**Description of Development:** Outline application to demolish dwelling and garage and develop site by erection of three houses with garages, with detail of access and layout  
**Site Address** 34 CHURCH ROAD PLYMSTOCK PLYMOUTH  
**Case Officer:** Simon Osborne  
**Decision Date:** 25/10/2011  
**Decision:** Grant Conditionally

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**Item No 57**

**Application Number:** 11/01426/FUL **Applicant:** Mr Hodgess  
**Application Type:** Full Application  
**Description of Development:** Step lift installation  
**Site Address** 29 DARWIN CRESCENT PLYMOUTH  
**Case Officer:** Ben Scheuregger  
**Decision Date:** 19/10/2011  
**Decision:** Grant Conditionally

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**Item No 58**

**Application Number:** 11/01431/FUL **Applicant:** The Co-operative Bank  
**Application Type:** Full Application  
**Description of Development:** Installation of 24 hour ATM cash machine  
**Site Address** 56 MUTLEY PLAIN  
**Case Officer:** Ben Scheuregger  
**Decision Date:** 19/10/2011  
**Decision:** Grant Conditionally

---

**Item No 59**

**Application Number:** 11/01433/FUL **Applicant:** Plymouth City Council  
**Application Type:** Full Application  
**Description of Development:** Re-location of parking attendants hut  
**Site Address** THE LIFE CENTRE, CENTRAL PARK PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 28/10/2011  
**Decision:** Grant Conditionally

---

**Item No 60**

**Application Number:** 11/01440/FUL **Applicant:** Mr Brian Lamb  
**Application Type:** Full Application  
**Description of Development:** Change of use of 'granny annex' to self contained flat  
**Site Address** 29 SEFTON AVENUE PLYMOUTH  
**Case Officer:** Simon Osborne  
**Decision Date:** 11/10/2011  
**Decision:** Grant Conditionally

---

**Item No 61**

**Application Number:** 11/01443/FUL **Applicant:** Mr & Mrs D Brown  
**Application Type:** Full Application  
**Description of Development:** Two storey rear extension  
**Site Address** 156 MERAFIELD ROAD PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 17/10/2011  
**Decision:** Grant Conditionally

---

**Item No 62**

**Application Number:** 11/01444/FUL **Applicant:** Mr Henry Mears  
**Application Type:** Full Application  
**Description of Development:** Renew main roof and provide pitched roof to replace rear flat roof  
**Site Address** BAPLES, PLYMOUTH ROAD PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 17/10/2011  
**Decision:** Grant Conditionally

---

**Item No 63**

**Application Number:** 11/01445/FUL **Applicant:** GMH UK Ltd  
**Application Type:** Full Application  
**Description of Development:** New external cladding  
**Site Address** HOLIDAY INN, ARMADA WAY PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 20/10/2011  
**Decision:** Grant Conditionally

---

**Item No 64**

**Application Number:** 11/01446/FUL **Applicant:** Mr S Blackburn  
**Application Type:** Full Application  
**Description of Development:** Change of use, conversion, and alterations to dwelling to form two dwellings  
**Site Address** 1 WESTCOMBE CRESCENT PLYMOUTH  
**Case Officer:** Simon Osborne  
**Decision Date:** 28/10/2011  
**Decision:** Refuse

---

**Item No 65**

**Application Number:** 11/01447/FUL **Applicant:** Mr & Mrs Hayes  
**Application Type:** Full Application  
**Description of Development:** Two-storey extension to side and rear to form 'granny annexe' and additional bedroom, and erection of front porch (existing porch and single-storey structures to be removed)  
**Site Address** 16 WESTFIELD AVENUE PLYMOUTH  
**Case Officer:** Sarah Curtis  
**Decision Date:** 27/10/2011  
**Decision:** Grant Conditionally

---

**Item No 66**

**Application Number:** 11/01449/FUL **Applicant:** Mr & Mrs A Vanstone  
**Application Type:** Full Application  
**Description of Development:** Replacement of existing porch, with two-storey side extension with lower ground level  
**Site Address** 61 DAYTON CLOSE CROWNHILL PLYMOUTH  
**Case Officer:** Katie Beesley  
**Decision Date:** 28/10/2011  
**Decision:** Refuse

---

**Item No 67**

**Application Number:** 11/01458/ADV **Applicant:** Brasher Leisure Ltd t/a sweatsho  
**Application Type:** Advertisement  
**Description of Development:** Internally illuminated fascia sign  
**Site Address** 20 CORNWALL STREET CITY CENTRE PLYMOUTH  
**Case Officer:** Katie Beesley  
**Decision Date:** 13/10/2011  
**Decision:** Grant Conditionally

---

**Item No 68**

**Application Number:** 11/01464/FUL **Applicant:** Mr Shaun Evans  
**Application Type:** Full Application  
**Description of Development:** Construction of double garage at front of house and front extension  
**Site Address** 28 CHATSWORTH GARDENS PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 28/10/2011  
**Decision:** Refuse

---



**Item No 69**

**Application Number:** 11/01467/FUL **Applicant:** Mr David Eastlake  
**Application Type:** Full Application  
**Description of Development:** Single-storey extension to rear and side, and erection of private motor garage (existing garage to be removed)  
**Site Address** 8 DUNSTONE AVENUE PLYMOUTH  
**Case Officer:** Sarah Curtis  
**Decision Date:** 27/10/2011  
**Decision:** Grant Conditionally

---

**Item No 70**

**Application Number:** 11/01470/FUL **Applicant:** Saunton Estates Ltd  
**Application Type:** Full Application  
**Description of Development:** Change of use of part of retail bakery unit at 67/69 Ridgeway to provide new pedestrian access and connecting hall to serve upstairs residential accommodation together with associated alterations to shop front  
**Site Address** 67 RIDGEWAY PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 02/11/2011  
**Decision:** Grant Conditionally

---

**Item No 71**

**Application Number:** 11/01472/FUL **Applicant:** The Original Pasty House  
**Application Type:** Full Application  
**Description of Development:** Installation of planters within Armada Way public realm  
**Site Address** 126 ARMADA WAY PLYMOUTH  
**Case Officer:** Katie Beesley  
**Decision Date:** 01/11/2011  
**Decision:** Grant Conditionally

---

**Item No 72**

**Application Number:** 11/01473/TC **Applicant:** Mr Steven Stretton-Dowes  
**Application Type:** Trees in Cons Area  
**Description of Development:** Sycamore - remove  
**Site Address** VALLETORT HOUSE, WILTON ROAD PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 11/10/2011  
**Decision:** Grant Conditionally

---

**Item No 73**

**Application Number:** 11/01476/ADV **Applicant:** Saunton Estates Ltd  
**Application Type:** Advertisement  
**Description of Development:** Internally illuminated fascia sign  
**Site Address** 65/67/69 RIDGEWAY PLYMPTON PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 02/11/2011  
**Decision:** Grant Conditionally

---

**Item No 74**

**Application Number:** 11/01482/ADV **Applicant:** Lidl UK  
**Application Type:** Advertisement  
**Description of Development:** Non-illuminated free-standing advertisement sign  
**Site Address** LIDL UK, WOLSELEY ROAD PLYMOUTH  
**Case Officer:** Katie Beesley  
**Decision Date:** 04/11/2011  
**Decision:** Refuse

---

**Item No 75**

**Application Number:** 11/01483/FUL **Applicant:** Plymouth Hospitals NHS Trust  
**Application Type:** Full Application  
**Description of Development:** The erection of a new external lobby entrance (in connection with the relocation of the Royal Eye Infirmary) and associated works  
**Site Address** DERRIFORD HOSPITAL, DERRIFORD ROAD PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 13/10/2011  
**Decision:** Grant Conditionally

---

**Item No 76**

**Application Number:** 11/01484/FUL **Applicant:** Bargain Booze  
**Application Type:** Full Application  
**Description of Development:** Open link style roller shutter to replace existing solid roller shutter  
**Site Address** 90 EMBANKMENT ROAD PLYMOUTH  
**Case Officer:** Chris Watson  
**Decision Date:** 28/10/2011  
**Decision:** Grant Conditionally

---

**Item No 77**

**Application Number:** 11/01487/FUL **Applicant:** Mr S March  
**Application Type:** Full Application  
**Description of Development:** Part two-storey, part single-storey rear extension and private motor garage (existing garage to be removed)  
**Site Address** 76 PLYMOUTH ROAD PLYMOUTH  
**Case Officer:** Sarah Curtis  
**Decision Date:** 28/10/2011  
**Decision:** Application Withdrawn

---

**Item No 78**

**Application Number:** 11/01488/FUL **Applicant:** Ms Kirsten Kruse  
**Application Type:** Full Application  
**Description of Development:** Removal of corrugated monopitch roof and existing garage door and window. Install new pitched roof with photovoltaic panels on south roof slope. Install new door and window in existing openings. Install new side door to garage from existing path. Render new blockwork gables and existing walls to match  
**Site Address** 28 MUTLEY ROAD PLYMOUTH  
**Case Officer:** Ben Scheuregger  
**Decision Date:** 27/10/2011  
**Decision:** Grant Conditionally

---

**Item No 79**

**Application Number:** 11/01489/FUL **Applicant:** Mr Paul Greene  
**Application Type:** Full Application  
**Description of Development:** Erection of a detached garage  
**Site Address** 14 LANSDOWNE ROAD PLYMOUTH  
**Case Officer:** Ben Scheuregger  
**Decision Date:** 28/10/2011  
**Decision:** Grant Conditionally

---

**Item No 80**

**Application Number:** 11/01498/FUL **Applicant:** Mr Morgan Johnson  
**Application Type:** Full Application  
**Description of Development:** Retention of use as fetish club  
**Site Address** UNIT 18 LISTER MILL BUSINESS PARK, LISTER CLOSE  
PLYMPTON PLYMOUTH  
**Case Officer:** Robert Heard  
**Decision Date:** 04/11/2011  
**Decision:** Grant Conditionally

---

**Item No 81**

**Application Number:** 11/01500/FUL **Applicant:** Mr and Mrs R Felwick  
**Application Type:** Full Application  
**Description of Development:** Single-storey rear extension  
**Site Address** 30 TORRIDGE ROAD PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 03/11/2011  
**Decision:** Grant Conditionally

---

**Item No 82**

**Application Number:** 11/01501/FUL **Applicant:** Ms Marta Radkowska  
**Application Type:** Full Application  
**Description of Development:** Replace existing windows and rear door in timber  
**Site Address** FLAT 3 18 NORTH ROAD EAST PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 04/11/2011  
**Decision:** Grant Conditionally

---

**Item No 83**

**Application Number:** 11/01502/LBC **Applicant:** Ms Marta Radkowska  
**Application Type:** Listed Building  
**Description of Development:** Replace existing windows and rear door in timber  
**Site Address** FLAT 3 18 NORTH ROAD EAST PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 04/11/2011  
**Decision:** Grant Conditionally

---

**Item No 84**

**Application Number:** 11/01503/PR **Applicant:** Mr/Mrs H Hamley  
**Application Type:** LDC Proposed Develop  
**Description of Development:** Certificate of lawful development for a side dormer  
**Site Address** 19 VAPRON ROAD PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 13/10/2011  
**Decision:** Issue Certificate - Lawful Use

---

**Item No 85**

**Application Number:** 11/01511/FUL **Applicant:** Mrs Bryl bailey  
**Application Type:** Full Application  
**Description of Development:** REPLACEMENT WINDOWS  
**Site Address** SEAL HOUSE 66 FORE STREET PLYMPTON PLYMOUTH  
**Case Officer:**  
**Decision Date:** 31/10/2011  
**Decision:** Application Withdrawn

---

**Item No 86**

**Application Number:** 11/01512/LBC **Applicant:** Mrs Beryl Bailey  
**Application Type:** Listed Building  
**Description of Development:** REPLACEMENT WINDOWS  
**Site Address** SEAL HOUSE, 66 FORE STREET PLYMPTON PLYMOUTH  
**Case Officer:**  
**Decision Date:** 31/10/2011  
**Decision:** Application Withdrawn

---

**Item No 87**

**Application Number:** 11/01513/31 **Applicant:** Martin Stent  
**Application Type:** GPDO PT31  
**Description of Development:** Demolition of Devonport Tower  
**Site Address** DEVONPORT TOWER, WASHBOURNE CLOSE  
PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 24/10/2011  
**Decision:** Prior approval not required PT31

---

**Item No 88**

**Application Number:** 11/01515/TPO **Applicant:** Mr Adrian Waldron  
**Application Type:** Tree Preservation  
**Description of Development:** 5 Birch - various pruning works  
**Site Address** ENDSLEIGH, 4A COACH HOUSE MEWS ELBURTON  
PLYMOUTH  
**Case Officer:** Chris Knapman  
**Decision Date:** 03/11/2011  
**Decision:** Grant Conditionally

---

**Item No 89**

**Application Number:** 11/01517/FUL **Applicant:** Mrs E Barwick  
**Application Type:** Full Application  
**Description of Development:** Retention of single storey side extension  
**Site Address** 5 KINGSWAY GARDENS PLYMOUTH  
**Case Officer:** Robert McMillan  
**Decision Date:** 04/11/2011  
**Decision:** Grant Conditionally

---

**Item No 90**

**Application Number:** 11/01518/FUL **Applicant:** Mr A McCloud  
**Application Type:** Full Application  
**Description of Development:** Formation of new vehicular access  
**Site Address** HOLTWOOD, PLYMBRIDGE ROAD PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 19/10/2011  
**Decision:** Application Withdrawn

---

**Item No 91**

**Application Number:** 11/01519/FUL **Applicant:** Interserve Energy Solutions Ltd  
**Application Type:** Full Application  
**Description of Development:** 48hw photovoltaic roof mounted system  
**Site Address** WOODVIEW LEARNING CAMPUS TAMERTON FOLIOT ROAD PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 04/11/2011  
**Decision:** Grant Conditionally

---

**Item No 92**

**Application Number:** 11/01520/FUL **Applicant:** Mr Darren Ingram  
**Application Type:** Full Application  
**Description of Development:** Extension of existing parking area  
**Site Address** 2 COLLEGE DEAN CLOSE PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 04/11/2011  
**Decision:** Refuse

---

**Item No 93**

**Application Number:** 11/01522/TPO **Applicant:** Mr Spencer  
**Application Type:** Tree Preservation  
**Description of Development:** Ash - Reduce branch over chimney/roof and crown raise over garden  
Oak - Crown raise to clear greenhouse  
**Site Address** 10 BEECHWOOD RISE MANOR PARK PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 31/10/2011  
**Decision:** Grant Conditionally

---



**Item No 94**

**Application Number:** 11/01523/ADV **Applicant:** Asda Store Ltd  
**Application Type:** Advertisement  
**Description of Development:** Installation of 6 steel frame ASDA banner signs advertising offers and promotions  
**Site Address** ASDA STORES LTD, LEYPARK DRIVE PLYMOUTH  
**Case Officer:** Ben Scheuregger  
**Decision Date:** 28/10/2011  
**Decision:** Grant Conditionally

---

**Item No 95**

**Application Number:** 11/01525/FUL **Applicant:** Mrs S Wren-Firth  
**Application Type:** Full Application  
**Description of Development:** First floor rear extension with side dormer  
**Site Address** 51 HOTHAM PLACE MILLBRIDGE PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 04/11/2011  
**Decision:** Grant Conditionally

---

**Item No 96**

**Application Number:** 11/01526/FUL **Applicant:** Mr & Mrs P Apps  
**Application Type:** Full Application  
**Description of Development:** Roof conversion and rear extension  
**Site Address** 26 HOMER PARK PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 26/10/2011  
**Decision:** Grant Conditionally

---

**Item No 97**

**Application Number:** 11/01527/TPO **Applicant:** Mr Christopher Grindrod  
**Application Type:** Tree Preservation  
**Description of Development:** Oak - remove 1 limb over footpath  
Oak - pollard  
**Site Address** BROADREACH HOUSE, 465 TAVISTOCK ROAD  
PLYMOUTH  
**Case Officer:** Chris Knapman  
**Decision Date:** 21/10/2011  
**Decision:** Grant Conditionally

---

**Item No 98**

**Application Number:** 11/01529/TPO **Applicant:** Mr Nick Bishop  
**Application Type:** Tree Preservation  
**Description of Development:** Holm Oak - pollard to previous points  
Holm Oak - fell  
**Site Address** PLYMOUTH SENIOR COLLEGE PLYMOUTH  
**Case Officer:** Chris Knapman  
**Decision Date:** 19/10/2011  
**Decision:** Grant Conditionally

---

**Item No 99**

**Application Number:** 11/01530/FUL **Applicant:** Mr P Rush  
**Application Type:** Full Application  
**Description of Development:** Rear extension with loft conversion  
**Site Address** 18 DUNSTONE ROAD ST BUDEAUX PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 28/10/2011  
**Decision:** Grant Conditionally

---

**Item No 100**

**Application Number:** 11/01532/PR **Applicant:** Mr S Hill  
**Application Type:** LDC Proposed Develop  
**Description of Development:** Certificate of lawful development to change hipped roof to gable end and formation of rear dormer  
**Site Address** 257 HAM DRIVE PENNYCROSS PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 13/10/2011  
**Decision:** Issue Certificate - Lawful Use

---

**Item No 101**

**Application Number:** 11/01539/FUL **Applicant:** Ms Amanda Wickham  
**Application Type:** Full Application  
**Description of Development:** Private motor garage (revised scheme)  
**Site Address** 171 BILLACOMBE ROAD PLYMOUTH  
**Case Officer:** Sarah Curtis  
**Decision Date:** 28/10/2011  
**Decision:** Grant Conditionally

---

**Item No 102**

**Application Number:** 11/01547/PR **Applicant:** House to Home Improvements  
**Application Type:** LDC Proposed Develop  
**Description of Development:** Loft conversion  
**Site Address** 11 DOIDGES FARM CLOSE PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 04/11/2011  
**Decision:** Issue Certificate - Lawful Use

---

**Item No 103**

**Application Number:** 11/01560/FUL **Applicant:** Mr D Broome  
**Application Type:** Full Application  
**Description of Development:** Two storey side extension  
**Site Address** 14 ST THOMAS CLOSE PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 28/10/2011  
**Decision:** Grant Conditionally

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**Item No 104**

**Application Number:** 11/01564/FUL **Applicant:** Mr J Woodley and Ms L Elisseo  
**Application Type:** Full Application  
**Description of Development:** Single-storey side extension and basement  
**Site Address** 97 MANNAMEAD ROAD PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 04/11/2011  
**Decision:** Grant Conditionally

---

**Item No 105**

**Application Number:** 11/01565/FUL **Applicant:** Mr Kelvin May  
**Application Type:** Full Application  
**Description of Development:** Two-storey side extension, rear conservatory and creation of front parking bay  
**Site Address** 111 ROCHFORD CRESCENT PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 28/10/2011  
**Decision:** Grant Conditionally

---

**Item No 106**

**Application Number:** 11/01569/FUL **Applicant:** Mr Peter Johns  
**Application Type:** Full Application  
**Description of Development:** Part single storey/part two storey rear extension  
**Site Address** 167 CHURCH WAY PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 04/11/2011  
**Decision:** Grant Conditionally

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**Item No 107**

**Application Number:** 11/01581/TC **Applicant:** OCA UK Limited  
**Application Type:** Trees in Cons Area  
**Description of Development:** Deciduous Tree  
**Site Address** 71 SOMERSET PLACE PLYMOUTH  
**Case Officer:** Chris Knapman  
**Decision Date:** 21/10/2011  
**Decision:** Grant Conditionally

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**Item No 108**

**Application Number:** 11/01588/FUL **Applicant:** Mr Matthews  
**Application Type:** Full Application  
**Description of Development:** Side conservatory  
**Site Address** 177 DUNRAVEN DRIVE PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 03/11/2011  
**Decision:** Refuse

---

**Item No 109**

**Application Number:** 11/01589/FUL **Applicant:** Mr D Ho  
**Application Type:** Full Application  
**Description of Development:** Rear extension at first floor level  
**Site Address** 27 KENSINGTON ROAD PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 04/11/2011  
**Decision:** Grant Conditionally

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**Item No 110**

**Application Number:** 11/01591/PR **Applicant:** Mr Paul Ward  
**Application Type:** LDC Proposed Develop  
**Description of Development:** Certificate of lawful development for detached garage and single storey rear extension  
**Site Address** 113 FLETEMOOR ROAD PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 04/11/2011  
**Decision:** Issue Certificate - Lawful Use

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**Item No** 111

**Application Number:** 11/01667/CA **Applicant:** Mr Joseph Radmore

**Application Type:** Conservation Area

**Description of Development:** REPLACEMENT BALCONY

**Site Address** DRIFT COTTAGE, BORINGDON ROAD TURNCHAPEL  
PLYMOUTH

**Case Officer:**

**Decision Date:** 19/10/2011

**Decision:** CAC Not Required

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

Application Number **10/00556/FUL**  
Appeal Site **7 QUEENS ROAD LIPSON PLYMOUTH**  
Appeal Proposal Change of use from nursing home to house in multiple occupation (16 bedrooms)  
Case Officer Robert Heard

Appeal Category  
Appeal Type Written Representations  
Appeal Decision Allowed  
Appeal Decision Date 11/08/2011  
Conditions  
Award of Costs

Awarded To

Appeal Synopsis

The Inspector considered that the living conditions of future occupiers would be acceptable, as there is a good mix of different size bedrooms at the site, there are shower and toilet facilities on each floor and a large, kitchen, dining area and lounge. There is also access to a private garden area with clothes drying facilities, a garage for cycle storage and a separate refuse storage area. He also referred to the property being granted a HIMO license and being inspected by the University and being classed as A grade accommodation. He considered

that the character and appearance of the area would not be affected due to minimal external changes being proposed to the external elevations and the area still being mainly characterised by family occupied dwellings. He stated that he didn't consider the site to be over developed as the intensity of the use was similar to that of the previous use at the site for a nursing home. He noted that the property was semi detached but didn't consider the proposed use as a HIMO to be significantly different from a normal residential use and gave weight to the fact that the impacts of the proposal would be similar to the previous use as a nursing home for 18 residents.

Application Number **10/02138/FUL**  
Appeal Site **20 PEVERELL PARK ROAD PLYMOUTH**  
Appeal Proposal Change of use and conversion of dwellinghouse to a house in multiple occupation (nine bedrooms) for use as student accommodation  
Case Officer Chris Watson

Appeal Category  
Appeal Type Written Representations  
Appeal Decision Dismissed  
Appeal Decision Date 20/09/2011  
Conditions  
Award of Costs

Awarded To

Appeal Synopsis

The appeal has been dismissed with the Planning Inspector concluding that the use of this mid-terraced three-storey property as a nine-bedroom student accommodation house in multiple occupation (HMO) is unacceptable on residential amenity impact and parking grounds, and he concludes this use is contrary to the Council's Local Development Framework Policies CS34 and CS22, and the Council's Supplementary Planning Guidance advice in respect of HMOs.

The Inspector notes that the property is located in a mainly single family dwelling area, and so the impact of intensive student use is more noticeable and undesirable than it otherwise might be. In doing so, he has given significant weight to neighbour's reports of problems they have experienced since this use began without planning permission approximately 12 months ago.

The property has no off-street parking spaces, and the Inspector has also endorsed the Transport & Highways Officer's refusal recommendation, given the likely demand for more on-street parking, and the generally busy nature of Peverell Park Road.

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