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Date: 4 January 2012

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PLANNING COMMITTEE

Date: Thursday 12 January 2012
Time: 1.00 pm
Venue: Council House, Armada Way, Plymouth

Members:

Councillor Lock, Chair

Councillor Mrs Bowyer, Vice Chair

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

Members are invited to attend the above meeting to consider the items of business overleaf.

Members and officers are requested to sign the attendance list at the meeting.

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

Barry Keel
Chief Executive

PLANNING COMMITTEE

AGENDA

PART I – PUBLIC MEETING

1. APOLOGIES

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

2. DECLARATIONS OF INTEREST

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

3. MINUTES

(Pages 1 - 10)

The Committee will be asked to confirm the minutes of the meetings held on 15 and 22 December 2011.

4. CHAIR'S URGENT BUSINESS

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

5. QUESTIONS FROM MEMBERS OF THE PUBLIC

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

6. PLANNING APPLICATIONS FOR CONSIDERATION **(Pages 11 - 12)**

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

6.1. FORMER TENNIS COURTS, HOE ROAD-PIER STREET, **(Pages 13 - 46)** PLYMOUTH 11/01874/FUL

Applicant:	Pier Street Limited
Ward:	St Peter and 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 17 February 2012.

6.2. LAND AT BARTON ROAD, HOOE LAKE, PLYMSTOCK. 11/01250/FUL (Pages 47 - 84)

Applicant: Barratt Homes Exeter
Ward: Plymstock Radford
Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 12 May 2012.

6.3. LAND AT 1-56, RAGLAN ROAD, PLYMOUTH. 11/01603/FUL (Pages 85 - 104)

Applicant: Risesign Ltd
Ward: Devonport
Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 8 February 2012.

6.4. LAND TO REAR OF 7-11 UNDERWOOD ROAD, PLYMOUTH. 11/01651/OUT (Pages 105 - 118)

Applicant: South-West Property Developments Ltd
Ward: Plympton Erle
Recommendation: Grant Conditionally.

6.5. 39 MERAFIELD ROAD, PLYMOUTH. 11/01822/OUT (Pages 119 - 126)

Applicant: Dr Kathryn Woolaway
Ward: Plympton Erle
Recommendation: Refuse.

7. OBJECTION TO TREE PRESERVATION ORDER NO.481: LEGACY INTERNATIONAL HOTEL, MARSH MILLS, PLYMOUTH (Pages 127 - 132)

The Director of Development will present a report outlining the circumstances surrounding an objection to the making of Tree Preservation Order No. 481.

8. OBJECTION TO TREE PRESERVATION ORDER NO.482: CULVER CLOSE (2), PLYMOUTH. (Pages 133 - 138)

The Director of Development will present a report outlining the circumstances surrounding an objection to the making of Tree Preservation Order No. 482.

9. PLANNING APPLICATION DECISIONS ISSUED (Pages 139 - 164)

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 6 December 2011 to 2 January 2012, 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.

10. APPEAL DECISIONS (Pages 165 - 166)

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.

11. 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 15 December 2011

PRESENT:

Councillor Lock, in the Chair.
Councillor Mrs Bowyer, Vice Chair.
Councillors Browne, Churchill, Delbridge, Mrs Foster, Mrs Nicholson, Stevens, Tuohy, Vincent, Wheeler and Williams.

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

The meeting started at 1.00 pm and finished at 3.30 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.

67. **DECLARATIONS OF INTEREST**

There were no declarations of interest in accordance with the code of conduct.

68. **MINUTES**

Members requested that the minutes of the meeting held on the 17 November 2011 were amended to reflect that a precedent had been set at the meeting held on the 20 October 2011 where an additional speaker was permitted to speak on a Public Path Extinguishment order.

The Democratic Support Officer sought clarification from the Monitoring Officer and advised the committee the additional speaker was allowed to speak under 11.2 of Probity in Planning, the code of good practice for Members and Officers in connection with the determination of Planning and associated applications. The section of the code states that in the case of Public Rights of Way applications a further participant is allowed to speak after the officer presentation and other speakers.

The Democratic Support Officer advised that a precedent had not been set and this was confirmed by the Lawyer.

Agreed the minutes of the meeting held on 17 November 2011.

69. **CHAIR'S URGENT BUSINESS**

Members raised concerns that the boards displaying plans had been moved from the council house landings. The Democratic Support Officer advised the committee that

the boards had been moved as part of the new seating arrangements to facilitate members of the public being able to move the boards.

The Chair told the committee that the new seating arrangements for members of the public were experimental, subject to change and offered to meet with members outside of the meeting to discuss any concerns they had.

A short adjournment was held to allow members of the committee to view the plans.

At the request of the committee the lawyer advised that the seating arrangements were an administrative issue and not a legal issue. The Lawyer advised that in his opinion it was good practice to notify the committee of changes.

Members of the committee raised concerns that there was no visible signage at the public entrance on Princess Street, the entrance was not compliant with the Disability Discrimination Act and there was no security available at the entrance.

The Democratic Support Officer advised the committee the arrangements were in line with those employed at full council.

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

There were no questions from members of the public.

71. **PLANNING APPLICATIONS FOR CONSIDERATION**

The Committee considered the following applications, development proposals by local authorities, and statutory consultations submitted under the Town and Country Planning Act, 1990, and the Planning (Listed Buildings and Conservation Areas) Act, 1990. Addendum reports were submitted in respect of minute numbers 71.2, 71.3 and 71.4.

**71.1 7 WOODLAND TERRACE, GREENBANK ROAD,
PLYMOUTH. 11/01597/FUL**

(Mr and Mrs J Newall)

Decision:

Application **GRANTED** conditionally.

**71.2 LAND TO REAR OF 7-11, UNDERWOOD ROAD,
PLYMOUTH. 11/01651/OUT**

(South-West Property Developments Ltd)

Decision:

Application **DEFERRED** for site visit.

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

(Councillor Delbridge's proposal to defer for a site visit, seconded by

Councillor Mrs Nicholson was put to the vote and declared carried)

71.3 LAND AT TAVISTOCK ROAD, PLYMOUTH. 11/01559/FUL

(Taylor Wimpey (Exeter) UK Ltd)

Decision:

Application **GRANTED** conditionally subject to a S106 obligation, with delegated authority to refuse in the event that the S106 obligation is not completed by 20 December 2011, subject to additional and varied conditions 19, 33, 21, 24 and 25 as laid out in the addendum report.

(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).

71.4 INNER BASIN, MILLBAY DOCKS, MILLBAY ROAD, PLYMOUTH 11/01570/FUL

(Sutton Harbour Services Ltd)

Decision:

GRANTED conditionally subject to a S106 obligation, with delegated authority to refuse in the event that the S106 obligation is not completed by 27 January 2012 and an additional Grampian condition (25) and informative (7) as laid out in the addendum report.

72. **PLANNING APPLICATION DECISIONS ISSUED**

The Committee received a report of the Assistant Director of Development (Planning Services) on decisions issued for the period 7 November to 5 December 2011, including –

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

The lead planning officer advised the committee of the following amendments to the report –

1. The applicant for Item 10 was to be amended to Plymouth City Council;
2. Item 61 was to be removed from the report because a decision had not been made in the period covered by the report

73. **APPEAL DECISIONS**

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

Following questions from the committee it was reported that the guidance on the 45 degree rule remained as guidance. Applications which marginally infringed on the rule could still be approved as the rule was not mandatory but a guide for applicants.

The committee requested that in future when the rule is marginally infringed upon officer's reports include a diagram to give further context to members on which to base decisions.

74. **EXEMPT BUSINESS**

There were no items of exempt business.

SCHEDULE OF VOTING (Pages 1 - 2)

PLEASE NOTE

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

PLANNING COMMITTEE – 15 December 2011

SCHEDULE OF VOTING

Minute number and Application	Voting for	Voting against	Abstained	Absent due to interest declared	Absent
71.1 7 Woodland Terrace, Greenbank Road, Plymouth. 11/01597/FUL	Unanimous				
71.2 Land To Rear Of 7-11, Underwood Road, Plymouth. 11/01651/OUT Amended motion to defer for site visit.	Councillors Vincent, Williams, Tuohy, Stevens, Foster, Nicholson and Delbridge.	Councillor Browne, Mrs Bowyer and Lock.	Councillor Wheeler and Churchill.		
71.3 Land At Tavistock Road, Plymouth. 11/01559/FUL	Councillors Vincent, Williams, Tuohy, Stevens, Foster, Nicholson, Delbridge, Wheeler, Churchill, Mrs Bowyer and Lock		Councillor Browne.		
71.4 Inner Basin, Millbay Docks, Millbay Road, Plymouth 11/01570/FUL	Unanimous				
Planning Application Decisions Issued					
Appeal Decisions					

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Planning Committee

Thursday 22 December 2011

PRESENT:

Councillor Lock, in the Chair.

Councillor Mrs Bowyer, Vice Chair.

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

Apology for absence: Councillor Mrs Nicholson

Also in attendance: Paul Barnard – Assistant Director for Development, Julie Rundle – Lawyer, Ross Jago – Democratic Support Officer, Tim Howes – Assistant Director for Democracy and Governance.

The meeting started at 10.00 am and finished at 4.10 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.

75. DECLARATIONS OF INTEREST

The following declaration of interest was 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 Tuohy	78.1 Land at North Yard, HM Naval Base, Devonport, Close to Weston Mill Creek and Viaduct, Plymouth 11/00750/FUL	Governor of Weston Mill Community School	Personal

76. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

77. QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no questions from members of the public.

78. **PLANNING APPLICATIONS FOR CONSIDERATION**

The Committee considered the following applications, development proposals by local authorities, and statutory consultations submitted under the Town and Country Planning Act, 1990, and the Planning (Listed Buildings and Conservation Areas) Act, 1990. Addendum reports were submitted in respect of minute numbers 78.1.

78.1 LAND AT NORTH YARD, H. M. NAVAL BASE, DEVONPORT, CLOSE TO WESTON MILL CREEK AND VIADUCT PLYMOUTH. 11/00750/FUL

(MVV Environment Devonport Limited)

Decision:

Application **GRANTED** conditionally subject to a S106 obligation, with delegated authority to refuse in the event that the S106 obligation is not completed by 31 March 2012, changes as set out in the addendum report, an amendment to condition 30 to include a review of import/export hours after a period of two years and an additional condition that the plant is constructed and operated to the Good Quality CHP standard.

(At the invitation of the Chair, the Committee heard representations against the application from Councillors Mrs Bragg, Bowie and Coker, ward members).

(At the invitation of the Chair, the Committee heard representations against the application from a third party objector).

(At the invitation of the Chair, the Committee heard representations in support of the application from the applicant's agent).

(Councillor Steven's proposal to refuse the application, having been seconded by Councillor Williams, was put to the vote and declared lost).

(Councillor Wheeler's proposal to defer the application, having been seconded by Councillor Vincent, was put to the vote and declared lost).

79. **EXEMPT BUSINESS**

There were no items of exempt business.

SCHEDULE OF VOTING (Pages 1 - 2)

PLEASE NOTE

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

PLANNING COMMITTEE – 22 December 2011**SCHEDULE OF VOTING**

Minute number and Application	Voting for	Voting against	Abstained	Absent due to interest declared	Absent
<p>78.1 Land at North Yard, H. M. Naval Base, Devonport, close to Weston Mill Creek And Viaduct Plymouth. 11/00750/FUL</p> <p>(Officers recommendation with additional conditions)</p>	<p>Councillors Churchill, Foster, Browne, Delbridge, Mrs Foster, Mrs Bowyer and Lock.</p>	<p>Councillors Wheeler, Vincent, Tuohy, Stevens and Williams.</p>			

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PLANNING APPLICATIONS FOR CONSIDERATION

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

Addendums

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

Public speaking at Committee

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

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

- Ward Member
- Objector
- Supporter

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

Committee Request for a Site Visit

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

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

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

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

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

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

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

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

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

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

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

Decisions contrary to Officer recommendation

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

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

PLANNING APPLICATION REPORT



ITEM: 01

Application Number: I1/01874/FUL

Applicant: Pier Street Limited

Description of Application: Redevelopment of site for mixed use development comprising 14 residential apartments, ground floor café/restaurant (class A3 use) and associated basement car parking

Type of Application: Full Application

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

Ward: St Peter & The Waterfront

Valid Date of Application: 25/11/2011

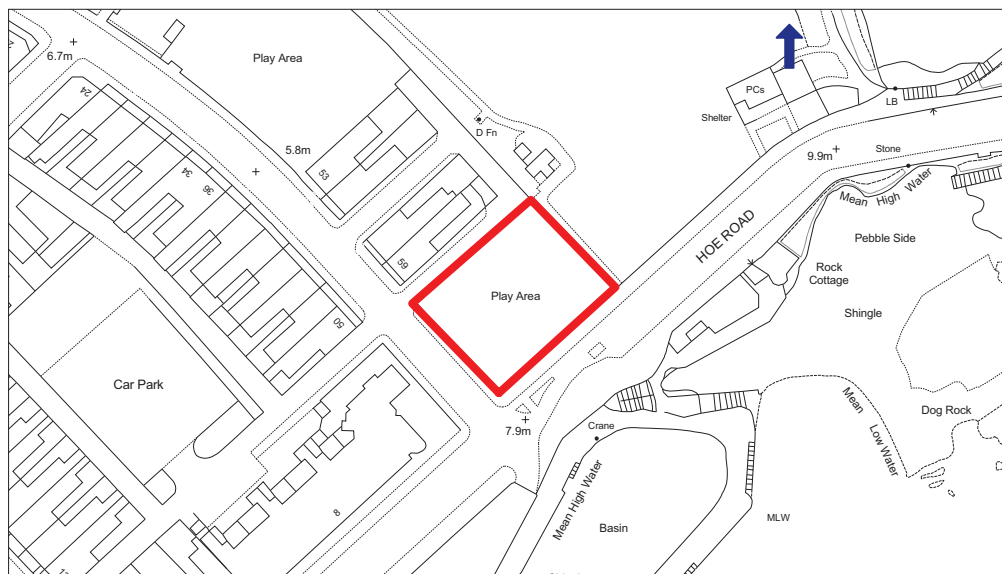
8/13 Week Date: **24/02/2012**

Decision Category: Major Application

Case Officer : Mark Evans

Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 17th February 2012

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



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Site Description

The site occupies a prominent location on Hoe Road and abuts the south west corner of West Hoe Park. The site is bounded by Pier Street and Hoe Road at its south and south west edges and by a small access/service road on its northern edge on which there are a number of on-street car parking bays. The site is situated within the Hoe Conservation Area.

In terms of the broader context of the site, the site lies in close proximity to The Hoe which is a Grade II Listed Designated Park and Garden. Whilst not within the designated Landscape itself, the setting of this landscape and its architectural backdrop of high quality buildings including the Grade II Listed buildings of the old Grand Hotel (Now converted into apartments), Elliot Terrace and the Grade I Listed Smeaton's Tower, is an important part of the site's setting.

In addition to local views of the site from Hoe Road, Pier Street and West Hoe Park, there are views down onto the site from the Hoe itself and Cliff Road, together with views from Plymouth Sound.

The adjacent West Hoe Park is a popular park for both locals and visitors for both its landscape qualities and the range of amusements it offers including a children's railway which bounds the site on its north eastern edge. It is important to note that the site is not within, or part of, West Hoe Park.

The site covers an area of approximately 0.09 hectares. It is rectangular in shape and is generally level. The site is currently vacant laid to tarmac and fenced off with a chain link / close boarded fence.

Proposal Description

Redevelopment of the site for mixed use development comprising 14 residential apartments, ground floor café/restaurant (class A3 use) and associated basement car parking.

Following the previous refusal of planning consent for a five story building on the site, the applicant has redesigned the building, deleting a whole floor off the building and increasing the inset of the top floor design. This results in the proposed development now being four storeys in height.

The set back of the top floor at the rear of the building has also been increased to pull the new, lowered upper floor further away from the properties on Pier Street to reduce the apparent massing of the development with respect to those properties.

The proposed basement car parking will be accessed from the rear service lane and will provide car parking spaces for a maximum of 21 vehicles, together with cycle storage, plant rooms, bin stores, Biomass Boiler and pellet store.

At ground floor level is a new commercial unit which will be accessed from the park.

The first and second floors have four, 2-bed apartments on each level. The third floor has been designed to step in at the front and rear in order to respond to the

reduced massing of the domestic terraces on Pier Street and includes one 4-bed apartment, one 3-bed apartment and one 2-bed apartment.

The ground floor of the park elevation has been designed so as to provide an open space for “al fresco” seating to the commercial unit in order to improve the active relationship of the ground floor use to the park and aid natural surveillance of this area.

Drawing on historic precedents from the Hoe and also the wider context of Plymouth, a strong projecting ground floor “loggia” is again proposed which links visually with the balcony line of the adjoining Hoe Road properties.

Similarly, the proposed projecting bays and winter gardens have been designed to respect the vertical and horizontal proportions of the adjoining terrace.

In order to improve the appearance of the roofscape of the building when viewed from the Hoe and Cliff Road, and also to create a net gain in biodiversity in accordance with adopted Core Strategy Policy CS19, the development incorporates a green roof. In consultation with PiCAS International, an independent bird control consultancy service which specialises in the provision of non-lethal, holistic and sustainable bird control systems, a humane permanent system to prevent the nesting of seagulls and other birds on the roof will also be implemented.

The proposed materials have been designed to reflect the context of the site at the ground floor being composed of fair faced and polished concrete for the ‘loggia’ element and fair faced ashlar Plymouth limestone for walls. The submitted Design and Access Statement states that the limestone will be sourced from Devon quarries and provides a link with both the history of the site and its material context. Bronze anodized aluminium windows and curtain walling system are also proposed.

From 1st to 2nd floors and at the rear of the building an off white lime coloured render is proposed. The recessed 3rd floor is designed as a highly glazed lightweight attic element and will be incorporate a framework in dark grey limestone or slate similar in quality to the slate roofs seen throughout the conservation area and a glazed curtain walling system.

Relevant Planning History

11/01875/CAC – Demolition of boundary walls – RECOMMENDED FOR APPROVAL / DECISION PENDING

11/01145/FUL - 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 – REFUSED – APPEAL LODGED

11/01146/CAC - Demolition of boundary wall and steps - APPROVED

08/00615/FUL – Redevelopment of site for mixed use development comprising of 14 residential apartments, office, café/restaurant and associated basement parking - WITHDRAWN

Consultation Responses

Highway Authority

No objections subject to conditions relating to parking and access.

Environment Agency

Flood Risk Standing Advice applies (Flood Zone 1) - Surface water management good practice principles and standards should be applied.

South West Water

No objections.

Public Protection Service

Approve subject to conditions relating to Developer's Code of Practice, Noise, hours of operation, use of the outdoor commercial area, toilet facilities access, land quality, extract ventilation and mechanical plant details, deliveries and refuse collection.

English Heritage

No Objections - comments are as follows:

“This submission follows the refusal of the previous planning application for the site (your ref 11/01145/FUL). Following a process of negotiation an amended scheme has now been prepared to which we have no objection.

In our letter to your authority dated 15th August 2011 (our ref P00108780) we indicated that we had no objection to the principle of developing the site, nor to the use composition or the essential architectural concept of the scheme then proposed. Our outstanding concern at that time related to the scale or height of the proposed building, and the harm which we considered this would cause to the character and appearance of the conservation area and views into and out of it.

We drew attention to the provisions of PPS 5 and the need this highlighted in such circumstances for there to be public benefits of a type and level capable of justifying any decision to approve the scheme. We were happy to leave such assessment to the discretion of your authority in the understanding that a decision to either approve or refuse might follow.

In the event, the Council's Planning Committee refused the application, and we have been willing since then to liaise with your authority and the applicant to explore how its concerns might be met, and in particular how those we expressed could be overcome. From our point of view the exercise was relatively straightforward, as we had previously indicated that the simple expedient of removing a full storey from the building would probably be sufficient to eliminate those concerns.

The application now proposes a building which is a storey lower than its predecessor and we can confirm that we have no objections. The building sits more comfortably alongside its neighbours in Grand Parade and against the backdrop of The Hoe. The transition in townscape hierarchy from the grandeur of the seafront to the secondary and more domestic character of Pier Street is more sensitive in its

relationship between proposed and existing buildings and more reflective of local historic character in its achievement. “

Recommendation

We appreciate that there may be residual or other issues associated with the proposals of concern to your authority and we acknowledge that the success of the scheme will depend in large part on the integrity of its design, the attention to detail in its execution, and the quality of its materials' schedule, but we can confirm that we have no objections to the application and are happy to leave a decision on its merits to the discretion of your authority.

Garden History Society

Views awaited.

Ministry of Defence

Views awaited.

Police Architectural Liaison Officer

No objection subject to condition regarding installation of lockable gates to basement.

Representations

At the time of writing the Officer's report, 16 individual (non standard) letters of representation have been received. 238 duplicated “standard letters” have also been received, containing identical points. (Copies of all representations received are available for Member's inspection prior to Committee.)

Comments can be summarised as:

Principle

1. It is considered that concerns of members of the community and Plymouth City Council's Planning Committee have only been partially addressed by the revised plans.
2. It is considered that the views of Planning Committee as to their previous reasons for refusal have been completely ignored.
3. All Councillors voting on the issue should take greed out of the equation which is considered to be fundamentally the reason why people want to bulldoze this application through.
4. It is suggested that the Council should never have sold the land without imposing a stipulation that the ground should only be used for recreation and the enjoyment of people of, and visitors to, Plymouth. It is considered that the site is and always should be part of West Hoe Park.
5. The development is considered to conflict with the 1913 Covenant that “prevents any building on the land....except dwelling houses or shops a character at least equal to the dwelling houses and shops on parts of West Hoe Building Estate in the adjoining land”.
6. The planning brief is out of date, was undertaken without public consultation and should be revisited.

7. Unnecessary development as there are a large number of empty flats in the locality.

Design

8. Inappropriate, unimaginative, contemporary design for the setting which is not in keeping with that of its neighbours and falls short of the Council's policy requirement for a development to contribute positively to the locality.
9. Building remains unsympathetic to the character of West Hoe. Despite the height and massing being reduced, the development is still considered to create an adverse and imposing impact on Pier Street, Grand Parade and West Hoe Park by virtue of its unsympathetic, imposing, ugly and daunting design.
10. The proposal is not considered to contribute to the character and local distinctiveness of the historic environment and will lead to substantial harm to the Hoe Conservation Area. Accordingly, the development is considered to fail to take account of PPS5 guidance in Policy HE7.5.
11. Even if it were to be judged that the harm was less than substantial, it is believed that this inappropriate scheme (as opposed to an alternative design which would enhance the area) has no public benefit and therefore it is impossible to outweigh the harm that it will do to The Hoe Conservation Area. The development therefore conflicts with PPS5 (HE9.4) which states "Where a proposal has a harmful impact on the significance of a designated heritage asset (which a Conservation Area now is), which is less than substantial harm, in all cases local planning authorities should: (i) Weigh the public benefit of the proposal against the harm:"
12. It is considered that the derelict site deserves to be filled with a complementary and iconic landmark.
13. The development will compromise views of this green oasis from the sea. The views across the sea from the park and the road above should be respected.
14. The eastern end of the building should be limited to be in line with the end of the terraced properties in Pier Street.
15. The proposed footprint is too large.
16. The proposed external materials are inappropriate for this exposed waterfront location.
17. The boundary fencing is out of keeping.

Green Roof

18. The green roof will not disguise the building and will encourage seagulls, other birds and rats. It will also require constant and expensive maintenance.
19. It is reported that Grand Parade previously had a problem with seagulls and nesting birds on its roof and has just had to spend several thousand pounds placing seagull proofing and bird proofing spikes and netting over the whole roof. It is reported that there are now no problems with respect this issue as these measures have satisfactorily addressed this problem.
20. A stepped down roofline, modern interpretation of a mansard or re-designed low angle gull roof would be more in keeping with the adjoining buildings.
21. The green roof is considered to detract from the views to be had from the elevated position of Cliff Road and Grand Hotel Road.

Impact on neighbouring properties

22. Development still results in overshadowing of Pier Street properties.

Impact upon West Hoe Park

23. The building is too long and will intrude too far into the visual splays both in and out of the park.
24. The development will restrict light to the park and will overshadow the children's train.
25. Consideration should be had to the effect on the train business during building works.
26. One letter of concern requests that the Council declares publically what its intentions are for the role and location of the existing commercial park train, bouncy castle and amusement ride, public toilets and public shelter that exist in West Hoe Park, as it is considered to be "naïve" to think that the existing commercial uses can carry on in the "back garden of a block of flats".
27. There are no readily apparent public benefits to the development.

Commercial Unit

28. It is considered that there are already many similar (café) amenities in the close vicinity. A further café may have a detrimental impact on existing businesses taking into account the current difficult economic climate.

Highways and Parking

29. Pier Street and other narrow roads are inadequate to cope with additional traffic generated and will lead to conflicts in vehicular movements and adverse impact on highway safety.
30. The proposed vehicular parking is considered to be inadequate to cope with likely demand.
31. The development will cause a severe blind spot at the road junction with Pier Street and Hoe Road creating an additional hazard to pedestrians and other road users.

Public Toilets

32. Objection to the proposed public toilets as there are already satisfactory toilets in the park.

Pre-application Advice

Prior to application submission, detailed pre-application discussions took place with Council officers and English Heritage, with a view to working to address the three reasons for refusal of the previously submitted planning application. In addition the applicant held a number of consultation meetings with local representatives of the Friends of West Hoe Residents Association.

The consultation response of English Heritage formally confirms that English Heritage does not object to the revised development proposal as now submitted.

Analysis

With respect to the previous application submission (Reference: 11/01145/FUL), it is a material planning consideration that the three Planning Committee reasons for refusal were focused on an objection to the originally proposed dominant and overbearing scale, height and massing of the development with respect to residential properties on Pier Street, the Hoe Conservation Area and on West Hoe Park.

For ease of reference, the three reasons for refusal of the previous planning application on this site, ref: 11/01145/FUL, are as follows:

“(1) ADVERSE IMPACT ON RESIDENTIAL PROPERTIES (PIER STREET)

The proposed development would have a significant adverse impact upon the residential amenity of neighbouring properties on Pier Street, by virtue of the close proximity, dominant scale, height and massing of the building to neighbouring properties to the rear of the site, with a resultant dominant, overbearing impact. Such development is contrary to adopted policies CS01, CS02 and CS34, adopted Development Guidelines Supplementary Planning Document (2009), together with Government guidance contained in PPS1.

(2) ADVERSE IMPACT ON HOE CONSERVATION AREA

The proposed development would have a negative impact upon the historic appearance and locally distinctive character of the Hoe Conservation Area by virtue of its dominant scale, height and massing with relation to the rear properties on Pier Street. Such development is contrary to adopted policies CS01, CS02, CS03 and CS34, adopted Development Guidelines Supplementary Planning Document (2009) together with Government guidance contained in PPS1 and PPS5.

(3) ADVERSE IMPACT ON WEST HOE PARK

The proposed development would have a significant adverse impact upon a local amenity feature within an area of public space within West Hoe Park by virtue of its dominant scale. Such development is contrary to adopted policies CS01, CS02 and CS34, adopted Development Guidelines Supplementary Planning Document (2009), together with Government guidance contained in PPS1, PPS5 and PPG17.”

It is also a material planning consideration that the consensus of the Planning Committee, on consideration of the previous planning application, was that the modern design of the development was considered to be acceptable and therefore the wording of the three reasons for refusal were generated by Planning Committee to exclude any objection based on the proposed modern/contemporary design.

The current planning application proposes a significant reduction to the scale, height and massing of the development, achieved by removing an entire floor off the development previously refused by Planning Committee, whilst retaining the same modern design detail.

The key issues are:

1. Impact upon the amenities of neighbouring properties and uses (Policy CS02 and CS34 of the Core strategy)

2. The impact of the development on the appearance and character of the Hoe Conservation Area and setting of listed buildings in the locality. (Policy CS01, CS02, CS20, CS32 and CS34 of the Adopted Core Strategy)

3. Impact on West Hoe Park (Policy CS01, CS02, CS03, CS34 of the Core Strategy)

4. The adequacy of access and parking arrangements and the impact of the development on the highway network (Policy CS01, CS02, CS28, CS32 and CS34 of the Core strategy)

The 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); CS03 (Historic Environment), CS13 (Evening/Night-time Economy Uses); CS18 (Plymouth's Green Space), CS20 (Sustainable Resource Use); CS21 (Flood Risk), CS22 (Pollution); CS28 (Local Transport Considerations); CS32 (Designing Out Crime); CS33 (Community Benefits/Planning Obligations) and CS34 (Planning Application Considerations).

Consideration should also be given to the National Planning Policy Framework Consultation Draft (Revised August 2011), PPS1 - Delivering Sustainable Development, PPS3 – Housing, PPS5 – Planning for the Historic Environment, PPS9 – Biodiversity, PPG13 – Transport, PPG17 – Planning for Open Space, Sport and Recreation, PPS22 – Renewable Energy, PPS23 – Pollution Control, PPG24 – Noise, PPS25 – Development and Flood Risk, adopted Design Supplementary Planning Document (2009), adopted Development Guidelines Supplementary Planning Document (2009), adopted Planning Obligations and Affordable Housing Supplementary Planning Document (2010), draft Hoe Area Action Plan.

The impact of the development on the appearance and character of the Hoe Conservation Area and setting of listed buildings in the locality.

The application site lies within The Hoe Conservation Area such that, for the purposes of S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, there is a duty to have regard to the desirability of preserving or enhancing the character or appearance of the area.

For completeness however, for the purposes of interpretation of S72, it should be noted that a material planning consideration with respect to case law *South Lakeland DC v Secretary of State for the Environment*, [1992] 2 WLR 204 in which it was held that, “*there is no requirement in the legislation that conservation areas should be protected from all development which does not enhance or positively preserve. Whilst the character and appearance of conservation areas should always be given full weight in planning decisions, the objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed.*”

In the context of the above, the designated conservation area clearly constitutes a heritage asset for the purposes of guidance contained in PPS5 and, therefore, policy HE7 is of relevance to this proposal. Policy HE7.5 provides that, *“local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.”* Insofar as the application site historically comprises an integral part of the built environment of The Hoe, and is considered by officers to presently detract from the character and appearance of the area in terms of its weak resolution to this important corner site in terms of its streetscape function, the construction of a substantial building would be fundamentally beneficial in townscape terms.

A well detailed, contemporary design proposal is considered entirely appropriate for a development site within a conservation area provided its scale, massing and detailed design is in keeping with the appearance and character of the area, and in accordance with the above mentioned case law, either makes a positive contribution to an area's character or appearance, or leaves character and appearance unharmed.

This point has been further recognised by English Heritage in its initial consultation response on planning application 11/01145/FUL, where, in acknowledging the complex context of the site, it stated that the complex brief which such a scheme will need to respond to may strongly suggest that a more contemporary approach is preferred on this site. English Heritage went on to advise (with respect to the proposed modern design) that *“The building possesses a vertical ordering and horizontal rhythm to provide contemporary but contextually informed architecture whose idiom sits comfortably next to its historic neighbours along the sea front. The solid to void ratio of the principal elevational handling, lightness of touch and essentially domestic flavour provide the transitional style which is necessary in this location. The success of such an architectural approach will be dependent on attention to detail and quality in execution but in principle has much promise”*. Such an approach is considered to be fully supported by adopted Core Strategy Policies CS02 and CS03 and Government advice contained within PPS1 and PPS5.

With respect to the current revised development proposals the subject of this planning application, English Heritage has confirmed that as the application now proposes a building which is a storey lower than its predecessor, it has no objections on the basis that *“the building sits more comfortably alongside its neighbours in Grand Parade and against the backdrop of The Hoe”*.

English Heritage also considers that the transition in townscape hierarchy from the grandeur of the seafront to the secondary and more domestic character of Pier Street is also *“more sensitive in its relationship between proposed and existing buildings and more reflective of local historic character in its achievement”*. It is noted by English Heritage that the success of the scheme will depend in a large part on the integrity of its design, the attention to detail in its execution, and the quality of its materials schedule. Accordingly, conditions are recommended to enable such close attention to the specific design detailing in order to achieve the deliverability of the required high quality end design.

The submitted photo-realistic computer generated images (CGI's) are considered to clearly demonstrate that in the opinion of officers, when viewed in context of the surrounding buildings, the design and reduced scale, height and massing will not have a significant adverse impact upon the appearance and character of the Conservation Area and will in fact be sympathetic to the scale of buildings both on Hoe Road, Pier Street and the wider locality. This most significantly, creates a far more positive resolution to this important corner site in addition to strengthening the streetscape and is therefore considered a positive impact on the Hoe Conservation Area.

Locally distinctive references such as the use of projecting bay winter gardens designed to respect the scale of projecting bay windows on Pier Street albeit in a contemporary manner and the strong vertical rhythm these create, respects that created on the adjoining Grand Parade building.

Further locally distinctive references are achieved on the Hoe Road, Pier Street and Park façades through the introduction of a horizontal loggia over-sailing the whole of the recessed ground floor, which reflects the rhythm of buildings further down Grand Parade, in addition to creating a quality frontage onto the park with active ground floor commercial unit to acknowledge the importance of the park. The ground floor commercial unit is strongly supported in terms of helping to achieve the Vision for Plymouth aspiration for the creation of a vibrant, active street scene.

The design and reduced scale, height and massing of the proposed development is therefore considered by officers to fully address previous concerns expressed by Planning Committee with regards the impact of the development upon the Hoe Conservation Area and particularly in relation to the rear properties on Pier Street. The resultant development will be in keeping with development in the locality and will make a positive contribution to the character and local distinctiveness of the historic environment and wider Hoe Conservation Area, in accordance with guidance contained in PPS5 (Para 7.5) and adopted Core Strategy policies CS02 and CS03.

The development is not considered to have an adverse impact on the setting of the Listed Buildings on the Hoe such as the Grand Hotel, Elliot Terrace or Smeaton's Tower, and does not have a significant adverse impact upon the Hoe vista when viewed from both local and distant vantage points.

It is the officer's view therefore that the development accords with the Hoe Conservation Area Appraisal and Management Plan 2008, adopted policies CS01, CS02, CS32 and CS34, the Council's adopted Design Supplementary Planning Document (2009), adopted Development Guidelines Supplementary Planning Document (2009), draft Hoe Area Action Plan and Government guidance contained in PPS1, PPS3 and PPS5.

The Impact upon the amenities of neighbouring properties and uses

It is acknowledged that due to its siting, height and massing, the development will have an impact upon the outlook currently enjoyed by neighbouring and adjoining properties.

The removal of a floor off the previously submitted five storey development proposal (11/01145/FUL) to create a four storey building, together with revisions to the rear elevation of the property to reduce its massing in relation to the neighbouring properties on Pier Street, are considered to address the previous concerns expressed by Planning Committee that the development would have an adverse impact on residential properties. On this basis the reduced scale, height and massing of the development is considered to create an acceptable impact on the adjoining properties on Pier Street.

Third party representations previously expressed by residents of the adjoining residential developments who currently enjoy unimpeded views over the site out to the Sound and Hoe, raise concerns about the resultant impact on their private views. Concern regarding the impact of a development on private views and/or property values is not a material planning consideration.

In terms of overlooking and sunlight issues, the distance of the rear of the proposed development to the end gable of the nearest neighbouring property on Pier Street ranges between approximately 8-10m. This increases further to a maximum of 12m with respect to the relationship with the rear tenements on Pier Street.

It is noted that the windows in the end gable of the property on Pier Street are secondary windows to sitting rooms which have primary bay windows facing Pier Street. The remaining windows in the tenement are bedroom windows, bathroom windows, kitchen windows and a dining room window. Taking into account the City Centre location, the relationship and orientation of the development to adjoining properties is not considered by officers to be entirely reasonable and is not considered to have a significant adverse impact in terms of overlooking, loss of privacy or upon the levels of sunlight enjoyed by existing residents.

This conclusion is also based on the submitted Daylight and Sunlight Study which has been carried out in accordance with Building Research Establishment (BRE) good practice guidance Digest 209 and requirements of the British Standard, BS 8206 Part 2.

It is demonstrated that although the development will result in a degree of overshadowing of the neighbouring properties, they will still continue to receive adequate levels of daylight and sunlight within the dwellings and the surrounding amenity areas in accordance with BRE guidelines.

The BRE guidelines advise that Sunlight is measured in terms of how many hours of sun a window will receive over the course of a year. The BRE sunlight tests are only applicable to main windows which face within 90 degrees of due south. The BRE guidance recommends that main windows should receive at least 25% of the total annual probable sunlight hours, including at least 5% of the annual probable sunlight hours in the winter months between 21st September and 21st March. Sunlight availability will be adversely affected if the total number of sunlight hours falls below these targets and is less than 0.8 times the amount prior to the development.

In the case of the proposed development the degree of sunlight availability is not considered to conflict with the BRE guidelines identified above. It follows that this will also increase in the summer months.

In conclusion the design and reduced scale, height and massing of the proposed development is considered by officers to be satisfactory and fully addresses previous concerns expressed by Planning Committee with regards the impact of the development upon the neighbouring properties on Pier Street . The development therefore complies with policy CS34 (Planning Application Considerations).

The impact of the development upon West Hoe Park

Whilst the development site does not physically encroach on West Hoe Park, it is acknowledged that despite its reduced scale, height and massing, the proposed development (and in fact any development on this site) will have an impact upon West Hoe Park, in terms of the outlook from the park and views into and across the park from close up and distant vantage points.

In the opinion of officers, the design and reduced scale, height and massing of the proposed development is considered by officers to be satisfactory and fully addresses concerns that the development would have a dominant impact on the park, as previously expressed by Planning Committee.

In addition the submitted Daylight and Sunlight Study which has been carried out in accordance with Building Research Establishment (BRE) good practice guidance 209 and requirements of the British Standard, BS 8206 Part 2, demonstrates that the development will result in a degree of overshadowing of the park in the afternoon.

The BRE guidelines advise that for gardens and open spaces to appear to be adequately sunlit throughout the year, no more than 40% (two fifths) and preferably no more than 25% (one quarter) of any such space should be prevented by buildings from receiving any sun at all on the 21st March. It follows that if some sun is received on the 21st March, there will be increased sunlight levels over the summer months.

In the case of the proposed development the degree of overshadowing on the 21st March is considerably less than 40%, covering an area of the park in the afternoon only, of less than 10%. It follows that this will reduce in the summer months. On this basis the degree of overshadowing on West Hoe Park is considered to be insignificant and a refusal of the planning application on this basis is not justifiable.

A material planning consideration is the fact that within the refusal reasons for the previous scheme, no reference is made to the originally proposed development (which was of greater scale, height and massing), having any significant overshadowing impact on West Hoe Park or the Children's Train.

In terms of the impact on views into and out of the park, as previously stated within this report, the building has been carefully designed to be sympathetic to the scale of buildings both on Hoe Road and Pier Street and is considered by officers to enhance the built environment by creating a more positive resolution to this important

corner site at the boundary of the park, strengthening the streetscape and creating an active frontage with improved natural surveillance onto the park itself.

In the context of the whole of the park area, views into and out of the park of the Sound and Drake's Island are already relatively restricted to varying degrees depending on where within the park you stand due to the topography of the park and the existence of the foreshore boundary wall. On this basis the impact of the development on the outlook of the park is considered to be insignificant.

The impact on the microclimate within the park is considered by officers to be a positive one. As previously reported, the degree of over shadowing is not considered to be significant both in terms of the small proportion of the area of the park affected and also due to the amount of time during the year the overshadowing occurs. The development would provide a degree of shelter to the park from the south westerly prevailing winds. On balance, the impact on the microclimate within the park is considered to be acceptable.

The impact of the development in terms of direct overlooking from the apartments onto the park is considered by officers to be a positive one as it increases natural surveillance of the park, an area within which it is noted has previously experienced relatively high levels of anti-social behaviour centred in and around the public conveniences. Increased natural surveillance of this space would be likely to help reduce this situation.

On balance therefore, the design and reduced scale, height and massing of the proposed development is considered by officers to be satisfactory and fully addresses previous concerns expressed by Planning Committee with regards the impact of the development on the park. The development does not set a precedent for development of West Hoe Park itself. On this basis the development complies with policy CS34 (Planning Application Considerations) and Planning Policy Guidance contained in PPG17.

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

The Highway Authority reports that the increase in traffic associated with a development of this size does not cause concerns on the local highway network in terms of capacity. The site is within close proximity to the City Centre, local shops and facilities and Public Transport links. The proposed parking provision of 1.5 spaces per unit is in accordance with current standards. A condition is recommended to ensure that a satisfactory internal car parking layout is achieved.

The proposed basement access is proposed via the service lane adjacent to the site which is designated as a Highway Maintainable at Public Expense and therefore in the full control of the Highway Authority. It is noted that the southern side of the road is controlled by on-street parking restrictions in the form of double yellow lines. The northern edge currently has 23metres in length of resident permit parking bays. These bays commence approximately 2metres from the junction to Pier Street. The applicant has provided tracking plots which demonstrate that adequate access provision can be made into and out of the basement access.

However, inter-visibility between the access and the junction to Pier Street is limited and should two cars meet it is likely to result in reversing manoeuvres. This can occur at present and a vehicle reversing onto Pier Street does cause concern. As such the developer will be required to reduce the length of the existing permit parking bay and relocate the lost spaces to Pier Street. There is adequate length available between the Hoe Road roundabout and the access lane to provide an increase in the total number of permit bays, in place of the existing double yellow lines. This will be of benefit to existing residents, due to an increase in parking provisions for permit holders but will ultimately ensure that a vehicle can enter the access lane and wait to let an exiting vehicle pass. This will be the subject of a Traffic Regulation Order.

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.

On this basis, the Highway Authority does not object to the proposed development.

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

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.

The development is therefore considered to have an acceptable impact upon the highway network and 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. The building is considered to be a sustainable development as it is designed to achieve the requirements of the Code for Sustainable Homes Level 3 or better, and proposes a green roof in addition to the installation of a Biomass Boiler for its heating and hot water requirements.

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.

An appropriate condition is recommended to ensure the development delivers the above policy requirement to offset at least 15% of predicted carbon emissions. On this basis the development will accord with the requirements of Policy CS20 and Government advice contained within PPS22 and the draft National Planning Policy Framework.

Lifetime Homes

Policy CS15 requires that 20% of all new dwellings for Plymouth shall be constructed to Lifetime Homes Standards. Lifetime homes allows for the 'future proofing' of all new dwellings and should be considered desirable in all cases.

A condition is recommended to ensure that a minimum of 20% of the apartments provide accessible and adaptable accommodation for everyone in accordance with the Lifetime Homes guidance. Provisions to meet these standards will 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.

On this basis the development will fully accord with policy CS15 of the Core Strategy.

Other Matters

Covenant – The reference to the 1913 Restrictive Covenant that applies to this land is noted. The existence of a Civil Covenant on this site is not a material planning consideration. Any grant of planning consent would not override the clauses of the Covenant.

The terms of the Covenant clearly enable any land sold as surplus by the Council to be used for dwellings and shops. The former tennis courts were sold by the Council as surplus.

The Council also complied with all statutory requirements under the Local Government Act 1972 in disposing of this site.

The planning application is, in any event, an entirely separate issue to the covenants and it is for the developer, not the Council, to satisfy itself that its proposed development will not breach these covenants.

Planning Brief - The Planning and Design Brief produced by the Council serves purely as a guideline to potential developers and as it has no formal status and carries considerably less weight than if it were a formally adopted document. The weight to be accorded to it will be balanced against several material planning considerations which need to be taken into account when considering any development proposal on this site.

Public Toilets – A third party objection has been raised on the basis that the scheme is proposing to include new public toilet facilities. The current application does not include any proposal for new or replacement public toilets and therefore this objection is not considered to be of relevance to this planning application.

Biodiversity / Green Roof - The proposed development proposes an extensive green roof system which will result in a net gain in Biodiversity in accordance with adopted Core Strategy Policy CS19 and Government advice contained in PPS9. Following Consultation with PiCAS International, an independent bird control consultancy

service which specialises in the provision of non-lethal, holistic and sustainable bird control systems, a humane permanent system to prevent the nesting of seagulls and other birds on the roof will be implemented. A condition is recommended to ensure that such a system is implemented on site prior to any occupation of the building and retained thereafter.

Impact during construction works – Concerns regarding the potential for the construction phase of the development to cause disruption to existing residential uses or the adjoining children's train are noted. Whilst it is acknowledged that this is a city centre site where a level of disruption can be reasonably expected during redevelopment or construction work occurring on development sites in the locality, it is considered to be appropriate to impose restrictions through planning conditions on the developer's construction practice (Code of Construction). This includes restricting hours of construction deliveries, construction vehicle routes through the city and requiring appropriate mitigating measures for noise, vibration, dust and smell nuisance. A condition to address this matter is recommended accordingly.

Non material planning considerations – The question of whether additional apartments in this locality are actually needed, is not a material planning consideration.

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

The proposed development would have cumulative impacts on local and strategic 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:-

Local Infrastructure:

I. Schools

The Lifelong Learning Department confirms that the development has the potential to place a demand for school places in the South West and South East Localities. The Council's Children's Services have provided evidence that there is likely to be a deficiency of school places in the locality from 2012 given projected population

growth. There is therefore an impact on schools that needs to be mitigated. The estimated cost of mitigating this impact is £30,152.

2. Libraries

By reason of the increased population facilitated by the development and the increased demand for use of library services in the locality, Library Services advise that development in this area will generate a pressure on the existing Central Library facility 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 £2,336.

3. Playing Pitches.

The Plymouth Playing Pitch Strategy 2007-2016 identifies that the South Sub 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. The estimated cost of mitigating this impact is £12,340.

4. Local Children's Play Space –

By reason of the increased population facilitated by the development, it will contribute to the cumulative impact on existing play facilities, most specifically an additional pressure on its management. There is therefore an impact on children's playspace that needs to be mitigated. The estimated cost of mitigating this impact is £4,870.

5. Local Greenspace

By reason of the increased population facilitated by the development and the potential increased demand for the use of West Hoe Park, it will contribute to the cumulative impact of development on local greenspace. The estimated cost of mitigating this impact is £6,802.

Strategic Infrastructure:

1. Strategic Greenspace

By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the quality of environmental sites protected by legislation, particularly through increased recreational demands. The Council's has an obligation through the Habitats Regulations Assessment of the Local Development Framework Core Strategy and relevant Development Plan Documents to seek mitigation for such cumulative impacts. The estimated cost of mitigating this impact is £15,174

2. European Marine Site

By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the environmental quality of European Marine Site particularly through increased recreational demands. The Council's has an obligation through the Habitats Regulations Assessment of the Local Development Framework Core Strategy and relevant Development Plan Documents

to seek mitigation for such cumulative impacts. The estimated cost of mitigating this impact is £360

3. Strategic Sports Facilities

By reason of the increased population facilitated by the development and the increased demand for use of sports facilities, it will contribute to the cumulative impact of development on the city's sports infrastructure. The estimated cost of mitigating this impact is £9,696

4. Strategic Transport

By reason of the increased population facilitated by the development and the increased demand for journeys, it will contribute to the cumulative impact of development on the city's strategic transport infrastructure. This will bring the likelihood of increased congestion and pollution unless there is adequate mitigation. The estimated cost of mitigating this impact is £55,006

5. Strategic Public Realm

By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the City Centre's public realm. This is because there will be a greater level use of the City Centre which itself generates extra pressure on the existing infrastructure. The estimated cost of mitigating this impact is £1,152

The total estimated cost of mitigating these impacts would be £137,888 if this is to be delivered through financial contributions.

A Planning Obligations Management Fee of £7,486 would also be required. This management fee will be used to meet the Council's costs in administering and monitoring implementation of the Section 106 Agreement.

The applicant has indicated that they wish to have the application considered under the Council's Market Recovery Scheme, which aims to support development delivery when viability is a major constraint. The applicant is prepared to accept the terms of the Scheme to make a substantive start on site within 2 years. The early delivery of this project is considered to be a weighty material consideration in its own right, sufficient to justify a limited relaxation of the Council's policy requirements for mitigation of development impacts, in accordance with the Market Recovery Scheme. This enables the proposal to benefit from up to a 50% discount on developer contributions.

Section 106 Obligation Heads of Terms:

The following Heads of terms are therefore proposed to offset the impact of the development on Local and Strategic Infrastructure, 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:

1. £68,944 financial contribution towards off-setting the impact of the development on Local and Strategic Infrastructure in accordance with the Plymouth

Obligations and Affordable Housing Supplementary Planning Document, payable upon commencement of development.

This amount can be broken down as:

Local Infrastructure

- i Local schools tariff: Fifteen thousand and seventy six pounds (£15,076) to be allocated to the provision of additional school places within the South West and South east locality.
- ii Libraries tariff: One thousand one hundred and sixty eight pounds (£1,168) to be allocated to the provision of improved library facilities in the area.
- iii Playing pitches tariff: Six thousand one hundred and seventy pounds (£6,170), to be allocated to the provision of improved playing pitch facilities in the South sub-area, as identified in the Playing Pitch Strategy.
- iv Local play space tariff: Two thousand four hundred and thirty five pounds (£2,435), EITHER to be allocated to the provision of local play facilities in an accessible location to the development OR to be allocated to the improvement of local play facilities.
- v Local greenspace tariff: Three thousand four hundred and one pounds (£3,401) to be allocated to the upgrade or management of local greenspace in West Hoe Park.

Strategic Infrastructure

- a) Strategic green space tariff: Seven thousand five hundred and eighty seven pounds (£7,587) to be allocated to the provision of strategic green spaces that help to take pressure off the designated environmental sites, as set out in the Plymouth Green Infrastructure Delivery Plan.
- b) European Marine site tariff: One hundred and eighty pounds (£180) to be allocated to appropriate management measures for the Tamar Estuaries as set out in the Tamar Estuaries Management Plan
- c) Strategic sports facilities tariff: four thousand eight hundred and forty eight pounds (£4,848) to be allocated to the delivery of priority strategic sports facilities as set out in the Sports Facilities Strategy.
- d) Strategic Transport tariff: Twenty seven thousand five hundred and three pounds (£27,503), to be allocated to the

delivery of priority strategic transport interventions as identified in the LTP3 Transport Implementation Plan

- e) Public realm tariff: Five hundred and seventy six pounds (£576) to be allocated to the delivery of priority City Centre public realm improvements as proposed in the City Centre and University Area Action Plan

The above Heads of Terms have been agreed with the applicant.

Equalities & Diversities issues

The building 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.

At least 20% of the units will be designed to Lifetime Homes criteria and therefore they will incorporate a design that maximises utility, independence and quality of life, while not compromising other design issues such as aesthetics or cost effectiveness. Housing that is designed to the Lifetime Homes Standard will be convenient for most occupants, including some (but not all) wheelchair users and disabled visitors, without the necessity for substantial alterations.

The benefits to all groups will therefore be positive as it will provide accessible residential accommodation close to the city centre.

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

Conclusions

The modern design and reduced scale, height and massing of the proposed development is considered by officers to fully address the three previous concerns expressed by Planning Committee with regards the impact of the development on the appearance and character of the Hoe Conservation Area, the impact of the development upon West Hoe Park and the impact of the development upon neighbouring properties on Pier Street.

The design, scale, height and massing is in keeping with development in the locality and will make a positive contribution to the character and local distinctiveness of the historic environment and wider Hoe Conservation Area, in addition to making a positive resolution to this important corner site, strengthening the streetscape at this point, in accordance with adopted Core Strategy Policies and Government guidance contained in PPS5.

English Heritage raises no objections to the proposed development on the basis that the design of the building, and revised height, scale and massing, results in a building that sits more comfortably alongside its neighbours in Grand Parade and against the backdrop of The Hoe. The transition in townscape hierarchy from the grandeur of the seafront to the secondary and more domestic character of Pier Street is

considered by officers and English Heritage to be appropriate and more sensitive in its relationship between the proposed and existing buildings, and more reflective of local historic character in its achievement.

The impact of the development upon the highway network is considered to be acceptable.

On this basis the proposed development is considered to fully accord with the adopted policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

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 17th February 2012.

Recommendation

In respect of the application dated **25/11/2011** and the submitted drawings 10123.L01.01 Rev P1, 10123.L02.10 Rev P3, 10123.L02.11 Rev P3, 10123.L04.01 Rev P3, 10123.L04.02 Rev P3, 10123.L04.03 Rev P3, 10123.L04.04 Rev P2, 10123.L04.07 Rev P3, 10123.L04.08 Rev P3, 10123.L04.11, 10123.L04.32 Rev P2, 10123.L09.05 Rev P1, 10123.L90.01 Rev P1, Vehicle Swept Path Analysis 9861.501 Rev P4, Statement of Community Involvement, Design and Access Statement, Phase 2 Preliminary Geotechnical Report, Renewable Energy Statement, Daylight, Sunlight and Overshadowing Study Rev P3, Photo Visualisations: 10123.L04.09 Rev P2, 10123.L04.06 Rev P3, 10123.L04.05.Rev P3 (for information only), 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 17th February 2012**

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.

ACCORD WITH PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans 10123.L01.01 Rev P1, 10123.L02.10 Rev P3, 10123.L02.11 Rev P3, 10123.L04.01 Rev P3, 10123.L04.02 Rev P3, 10123.L04.03 Rev P3, 10123.L04.04 Rev P2, 10123.L04.07 Rev P3, 10123.L04.08 Rev P3, 10123.L04.11, 10123.L04.32 Rev P2, 10123.L09.05 Rev P1, 10123.L90.01 Rev P1, Vehicle Swept Path Analysis 9861.501 Rev P4, Statement of Community Involvement, Design and Access Statement, Phase 2 Preliminary Geotechnical Report, Renewable Energy

Statement, Daylight, Sunlight and Overshadowing Study Rev P3, Photo Visualisations (for information only): I0123.L04.09 Rev P2, I0123.L04.06 Rev P3, I0123.L04.05 Rev P3.

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.

DESIGN DETAILS

(4)) Notwithstanding the submitted details, the development hereby permitted shall not commence until the following details (to include drawings including sections at a scale of not less than 1:20 with key details at a scale of 1:10) have been submitted to and agreed in writing with the Local Planning Authority:

1. Details of the design, method of construction and finish of the winter garden bays (including balconies, balustrades, frames, spandrel panels and junctions with ground floor loggia/colonnade, stone and render);
2. Details of the design, method of construction and finish of the windows including junctions with head, cill's and jambs;
3. Details of the design, method of construction and finish of the ground floor loggia/colonnade including soffit and lighting adjacent to commercial unit;
4. Details of the design, method of construction and finish of the principal entrance doors and ground floor commercial unit window system, including junctions with ground floor loggia/colonnade together with details of the basement garage door/gate;
5. Details of the design, method of construction and finish of the junctions between stone, render and concrete including parapet at 3rd floor;
6. Details of the design, method of construction and finish of the 3rd floor penthouse including details of the curtain walling system, soffits, stone clad columns, walls and eaves;
7. Details of the design, method of construction and finish of the access gates to lower ground level;

8. Details of the design, method of construction and finish of the boundary railings/stone plinths, replacement boundary wall adjacent to the highway and junctions with ground floor loggia/colonnade;

9. Details of the proposed siting, design and external materials of any roof plant, services or lift rooms and any wall or roof vents, ducts, pipes or other accretions to the roof or elevations. Unless otherwise agreed in writing with the Local Planning Authority, before any roof plant and/or machinery is used on the premises, it shall be enclosed with sound insulating material and mounted in such a way which will minimise the transmission of structure borne sound in accordance with a scheme to be approved in writing by the Local Planning Authority.

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

Reason

To enable the Local Planning Authority to consider the above details in the interests of the appearance and character of the building and locality, in accordance with Policies CS01, CS02, CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007

EXTERNAL MATERIALS

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

Reason:

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

SURFACING MATERIALS

(6) No development shall take place until 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.

GREEN ROOF LANDSCAPE DESIGN AND BIRD CONTROL PROPOSALS

(7) No development shall take place until full details of the green roof soil medium and water irrigation system and a programme for the implementation of the landscaping scheme shown on approved Roof Planting Scheme drawing number 10123 L04.32 Rev P2, have been submitted to and agreed in writing by the Local Planning Authority.

These works shall be carried out as approved prior to occupation of the building and thereafter so maintained and retained. These details shall also include cultivation and other operations associated with plant and grass establishment; the implementation, phasing and proposed ongoing maintenance programme together with details of the design of a seagull and bird control system for the roof of the building.

Reason:

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

LANDSCAPE MANAGEMENT PLAN

(8) A green roof landscape and bird control system management plan, including long term objectives, management responsibilities and maintenance schedules for the roof landscaping maintenance and bird control measures for a minimum of ten years, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development for its permitted use and shall thereafter be carried out in accordance with the approved schedule.

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.

GRAMPIAN (9)

(9) Notwithstanding the submitted details of the proposed access and highway improvements, no development shall commence on site until details of the proposed access and improvements to the existing highway have been submitted to and agreed in writing by the Local Planning Authority. Such agreed details shall be strictly adhered to during the course of development. The development shall not be occupied until the approved access and highway improvements have been completed on site.

Reason:

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

DETAILS OF NEW JUNCTION

(10) 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.

ACCESS

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

Reason:

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

CYCLE STORAGE

(12) 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.

PROVISION OF PARKING AREA

(13) Notwithstanding the details of the car parking shown on the submitted plans, no work shall commence until details of the design and layout of each car parking space has been submitted to and agreed in writing by the Local Planning Authority.

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

Reason:

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

OPENING HOURS

(14) The commercial use hereby permitted shall not be open to customers outside the following times: 08.00 - 23.00 hours Mondays to Sundays.

Reason: To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LIFETIME HOMES STANDARDS

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

Reason:

In order to meet the needs of disabled people so that they may live as part of the community in accordance with adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007 Objective 10, Policy CS15, and relevant Central Government advice.

COMMERCIAL WINDOW DISPLAYS

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

Reason:

In order to maximise the extent of visibly active ground floor uses in the interests of the appearance and character of the building and locality and in accordance with adopted Core Strategy policies CS01, CS02, CS34 and relevant Government advice contained in PPS1 and PPG6.

SUSTAINABILITY

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

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

Reason:

To ensure that the development incorporates onsite renewable energy production equipment to off-set at least 15% of predicted carbon emissions for the period up to 2016 in accordance with Policy CS20 of the Plymouth Local Development

Framework Core Strategy (2006-2021) 2007 and relevant Central Government guidance contained within PPS22.

COMMERCIAL DELIVERIES AND COMMERCIAL WASTE COLLECTION RESTRICTION

(18) Unless otherwise agreed previously in writing with the Local Planning Authority, all commercial deliveries and commercial waste collection to the ground floor commercial unit shall be made within the following hours Monday - Sunday 8am-6pm.

Reason:

To protect existing and proposed residents from potentially noisy activity outside reasonable hours in accordance with policy CS13, CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

REPORTING OF UNEXPECTED GROUND CONTAMINATION

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

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

(ii) an assessment of the potential risks to:

human health,

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

adjoining land,

groundwaters and surface waters,

ecological systems,

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'.

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

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

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

MECHANICAL EXTRACTION PLANT HOURS OF OPERATION

(20) No mechanical extract ventilation system or other mechanical plant shall be operated on the premises outside the following hours:-

Monday to Sunday 08.00 - 23.00 hrs

Reason: To protect the residential and general amenity of the area from noise emanating from the operation of any mechanical plant and systems, and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

MECHANICAL EXTRACT VENTILATION DETAILS

(21) Prior to commencement of development, the applicant shall provide the Local Planning Authority with plans and specifications (including siting and design) in respect of any proposed mechanical extract ventilation system for the ground floor commercial unit, which must be approved for use in writing prior to the installation of any such equipment.

Prior to submitting the report, the applicant should carry out a noise impact survey to establish current background levels and submit a report detailing the results of the survey and the likely impact on noise the mechanical extract ventilation system will make to these levels to the local Planning Authority. The information should outline details of methods proposed to reduce any noise caused by the operation of the mechanical extract ventilation system to ensure that the noise emanating from equipment (LAeqT) does not exceed the background noise level (LA90) by more than 5dB, including the character/tonalities of the noise, at anytime as measured at the facade of the nearest residential property.

The information should include details of the design and route of the system including the ducting, and the proposed methods for reducing vibration and noise caused by the operation of the system, including sound attenuation measures to prevent noise and vibration transmission through the system and the building fabric itself, together with details of methods to eliminate or reduce to an acceptable level cooking smells, and should include confirmation of any odour control methods proposed for use in conjunction with the system, i.e., filtration systems, odour neutralising systems, etc.

The approved scheme shall be implemented in accordance with the approved details. Any alteration or variation to the equipment should receive the prior written approval of the Local Planning Authority.

Reason: To protect the residential and general amenity of the area from vibration and noise emanating from the operation of any mechanical extract system, or odour emanating from the operation of the system or site, to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

MECHANICAL PLANT DETAILS

(22) Prior to use of the ground floor commercial unit commencing, the applicant must provide the Local Planning Authority (LPA) with plans and specifications in respect of any proposed mechanical plant, such as air conditioning or refrigeration condensers, or other similar equipment, which must be approved for use in writing by the LPA prior to the installation of any such equipment.

The applicant should carry out a noise impact survey to establish current background levels and submit a report detailing the results of the survey and the likely impact on noise the mechanical plant will make to these levels taking account of the cumulative effect of the mechanical extract ventilation plant to the local Planning Authority. The information should outline details of methods proposed to reduce any noise caused by the operation of the mechanical plant to ensure that the noise emanating from equipment (L_{AeqT}) does not exceed the background noise level (L_{A90}) by more than 5dB, including the character/tonalities of the noise, at anytime as measured at the facade of the nearest residential property.

The approved scheme shall be implemented in accordance with the approved details. Any alteration or variation to the equipment should receive the prior written approval of the Local Planning Authority.

Reason: To protect the residential and general amenity of the area from noise emanating from the operation of any mechanical plant and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

NOISE

(23) All dwellings shall be constructed in accordance with BS8233:1999 so as to provide sound insulation against externally generated noise. Unless otherwise agreed in writing with the Local Planning Authority, the good room criteria shall be applied, meaning there must be no more than 30 dB L_{Aeq} for living rooms (0700 to 2300 daytime) and 30 dB L_{Aeq} for bedrooms (2300 to 0700 night-time), with windows shut and other means of ventilation provided. Levels of 45 dB L_{Af,max} shall not be exceeded in bedrooms (2300 to 0700 night-time).

Prior to any occupation of the development, the developer shall submit, for written approval by the LPA, a verification report proving that the dwelling meets the aforementioned criteria.

Reason: To ensure that the proposed dwellings hereby permitted achieve a satisfactory living standard and do not experience unacceptable levels of noise disturbance from commercial users of West Hoe Park to comply with policies CS22 and CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

USE OF THE OUTDOOR AREA (24)

(24) The outside seating area shall not be used by customers outside the hours of 0800 to 21:00, other than for use as a designated smoking area. The siting and size of the smoking area shall have been previously submitted to and agreed in writing with the Local Planning Authority and shall thereafter be limited to the approved area.

Reason

To protect the amenity of the residents to comply with policies CS22 and CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

TRAFFIC REGULATION ORDERS

(25) No development shall commence on site until such time that the applicant has made an application, including all necessary costs, for the introduction of all appropriate and related Traffic Regulation Orders to the City Council, as the Highway Authority, unless otherwise agreed. Furthermore no part of the building shall be occupied until the required works have been completed in accordance with details to be agreed by the Highway Authority.

Reason: in the interests of highway safety and in accordance with adopted Policy CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

MOD EXPLOSIVES SAFEGUARDING

(26) No development shall be commenced until a report (to include detailed technical and structural drawings) has been submitted to and approved in writing by the Local Planning Authority providing verification that the development has been designed to withstand structural collapse or damage that could cause critical injury, in the event of an explosion within the statutory explosive safeguarding zone surrounding Plymouth Sound.

Prior to use of the development commencing, the applicant shall provide written confirmation verifying that the building has been designed and constructed to the above criteria unless otherwise agreed previously in writing with the Local Planning Authority and the approved details shall thereafter be so retained and maintained unless the written consent of the Local Planning Authority is given to any variation.

The use of an experienced blast consultant is recommended.

Reason:

The site of the proposed development falls within the outer statutory explosive safeguarding zone surrounding Plymouth Sound. All buildings within this zone should be 'non-vulnerable' that is of robust construction and design, so that should an explosive incident occur, buildings nearby will not collapse or sustain damage that

cause critical injury to the occupants. Further information is therefore required to demonstrate that the development is not a vulnerable structure in accordance with adopted Policy CS02 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 - SECTION 278 AGREEMENT REQUIRED

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

INFORMATIVE - APPROVAL REQUIRED FOR WORKS TO HMPE

(3) This planning permission does not authorise the applicant to carry out works within the publicly maintained highway. The Applicant should contact Plymouth Transport and Highways for the necessary approval. Precise details of all works within the public highway must be agreed with the Highway Authority and an appropriate Permit must be obtained before works commence.

INFORMATIVE - SECTION 38 AGREEMENT REQUIRED.

(4) Any of the roadworks included in the Application for adoption as highways maintainable at public expense will require further approval of the highway engineering details prior to inclusion in an Agreement under Section 38 of the Highways Act 1980.

INFORMATIVE - EXCLUSION FROM RESIDENT PARKING PERMIT SCHEME

(5) The applicant should be made aware of the fact the development will be excluded from obtaining permits and visitor tickets, including business tickets, for use within the resident parking scheme, as existing and as proposed.

INFORMATIVE - GREASE SEPARATION

(6) The applicant is recommended to consider the fitting of a grease separator within the kitchen of the ground floor commercial unit. Building Regulations doc. H states that drainage serving kitchens in commercial hot food premises should be fitted with a grease separator, complying with prEN1825-1:2004 and designed in accordance with prEN1825-2:2002 or other effective means of grease removal.

INFORMATIVE - FOOD HYGIENE AND SAFETY ADVICE

(7) The applicant is strongly recommended to contact the Food Safety and Standards Team, Public Protection Service, prior to finalising plans for and commencing work on the internal layout of the commercial unit to ensure that the layout, equipment and facilities meet with the requirements of health and safety, and food law.

The applicant is urged to visit the pages of the food safety and standards team on the following link for further information and to access a food premises registration form <http://www.plymouth.gov.uk/homepage/environmentandplanning/foodsafety.htm>

CUSTOMER TOILETS

(8) The developer is reminded that toilet and hand washing facilities must be provided for use by customers as well as staff in the commercial A3 unit, in order to meet the provisions laid down in Approved Document G and BS 6465-1:2006 & A1:2009. The aforementioned documents should be referred to in order to determine the numbers of facilities required in the commercial A3 unit based on the number of anticipated customers and staff. The facilities should be adequately ventilated, with a minimum of 15 air changes per hour, to remove stale air and odour.

INFORMATIVE - NOISE INSULATION

(9) As noise insulation works can be costly after developments are completed, it is advised that in order to meet the above criteria a noise assessment is carried out to assess the additional level of insulation required to meet the required standard prior to development. This may reduce costs after the development has been completed.

INFORMATIVE - GREEN ROOF MANAGEMENT PLAN

(10) Taking into account the exposed waterfront location, the developer's attention is drawn to landscaping conditions 7 and 8 and is asked to give particular attention to ensure an adequate management regime is put in place for the ongoing maintenance and management of the proposed green roof.

INFORMATIVE - PAYMENT OF TRAFFIC ORDER COSTS

(11) The applicant shall be required to pay the costs associated with the preparation and advertisement of the Traffic Regulation Orders and then implement, as required, the amendments to the on-street car parking bays. The required sum shall not exceed £10,000.

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

PPG13 - Transport
PPG17 - Sport and Recreation
PPG24 - Planning and Noise
PPS3 - Housing
PPS9 - Biodiversity and geological conservation
PPS1 - Delivering Sustainable Development
PPS22 - Renewable Energy
PPS23 - Planning & Pollution Control
CS28 - Local Transport Consideration
CS32 - Designing out Crime
CS33 - Community Benefits/Planning Obligation
CS34 - Planning Application Consideration
CS22 - Pollution
CS13 - Evening/Night-time Economy Uses
S18 - Plymouth's Green Space
CS19 - Wildlife
CS20 - Resource Use
CS21 - Flood Risk
CS03 - Historic Environment
CS01 - Sustainable Linked Communities
CS02 - Design
CS15 - Housing Provision
CS30 - Sport, Recreation and Children's Play Facilities
PPS25 - Development and Flood Risk
SPD2 - Planning Obligations and Affordable Housing
SPD1 - Development Guidelines
SPD3 - Design Supplementary Planning Document
PPS5 - Planning for the Historic Environment
NPPF - Draft National Planning Policy Framework 2011

PLANNING APPLICATION REPORT



ITEM: 02

Application Number: I1/01250/FUL

Applicant: Barratt Homes Exeter

Description of Application: Re-development of site by erection of 222 new dwellings, provision of new public open space, ancillary access roads, improvements to Barton Road and associated works

Type of Application: Full Application

Site Address: LAND AT BARTON ROAD HOOE LAKE PLYMSTOCK

Ward: Plymstock Radford

Valid Date of Application: 09/08/2011

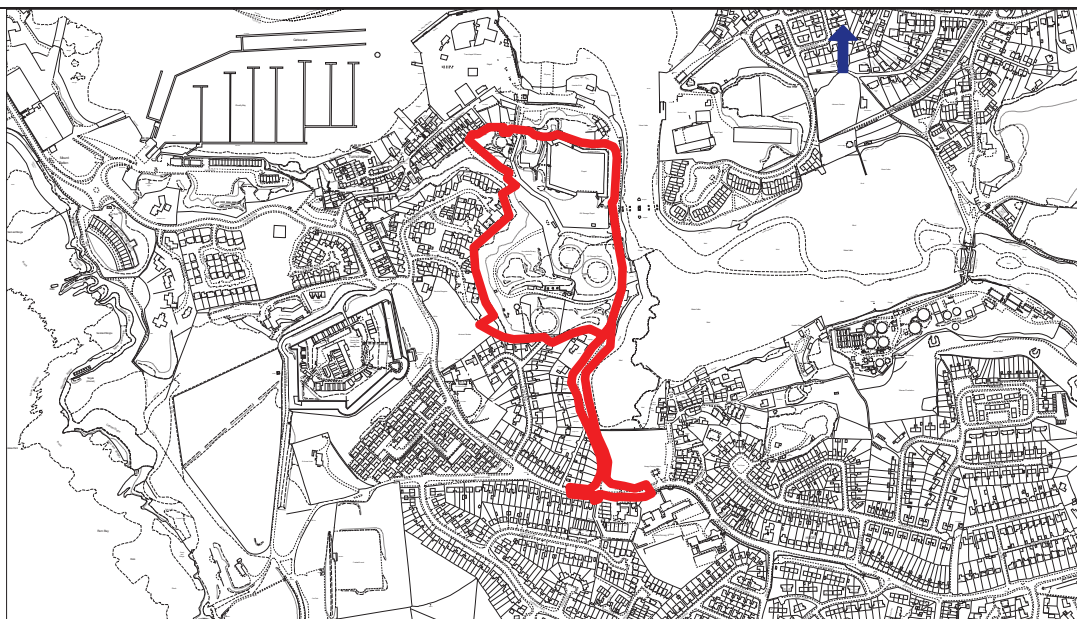
8/13 Week Date: **08/11/2011**

Decision Category: Major Application

Case Officer : Robert Heard

Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 12th May 2012

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



Site Description

The site consists of a former quarry, located on the west side of Hooe Lake, adjacent to Barton Road which runs alongside the western edge of the site. The majority of the site is currently vacant apart from a compound in the north eastern corner which is being used as a storage area for boats and caravans.

The site is 7.316 hectares in area. In terms of context, immediately to the north of the site is an existing Royal Marine base and the village of Turnchapel, to the east is Hooe Lake, to the south is existing residential development (which includes Hooe Barn and a small local centre) and to the west is more residential development that sits on top of the 30 metre high quarry face cliff that defines the western boundary of the site.

There is a listed lime kiln near the south eastern corner of the site and derelict concrete block built lime kiln buildings near the centre of site. The site has been fenced and gated with no public access. Recently 3 disused MoD fuel storage silos constructed on the original quarry floor and covered with spoil material have been removed, in accordance with a previous planning permission granted to carry out remodelling at the site.

Proposal Description

This application proposes to redevelop the site, in order to provide a residential development containing 222 dwellings, new public open space, ancillary access roads and improvements to Barton Road.

The approach to the layout has been to design a tight-knit development that reflects the character of a fishing village. The built form is underpinned by a perimeter block arrangement that is prevalent throughout the site, which is proposed to be regarded to create 2 different development platforms. Access to the perimeter blocks will be gained via a ring road that loops the site from a central access point off Barton Road.

An extensive area of public open space is proposed in the western part of the site adjacent to the existing cliff face, with further green space in the form of a wildlife receptor area being provided in the north western corner. The application includes proposals to upgrade the existing junction of Barton Road and Church Hill Road.

In terms of the mix of dwellings, the development proposes 3 one bed coach houses, 20 two bed apartments, 36 two bed houses, 10 two bed coach houses, 75 three bed houses and 78 four bed houses. The dwellings per hectare (dph) ratio at the site is 34.7 including both areas of public space and 44.4 including just the areas proposed to be developed. The application is made under the Council's Market Recovery Scheme and will provide 14% of dwellings as Affordable Housing, which equates to 31 dwellings

Relevant Planning History

01/00736/FUL - Removal of spoil material and regrading of the land. PERMITTED 15/9/2003.

Consultation Responses

Highway Authority

Support subject to conditions.

Environment Agency

Support subject to conditions.

South West Water

Support subject to conditions.

Public Protection Service

Support subject to conditions.

English Nature

Comments awaited, to be reported by addendum report.

Representations

There have been 96 individual letters of objection, and 110 petition style letters of objection received.

The main grounds of objection listed in the letters received include:

1. The development is out of character with the surrounding areas.
2. An increase in development will place pressure on existing services in the area.
3. Loss of habitat, wildlife and foliage.
4. Road access is inadequate.
5. Contaminated land issues relating to former uses at the site have not been adequately dealt with at the site.
6. Increased traffic movements will have a detrimental impact upon the surrounding areas and services.
7. Loss of a beautiful natural landscape.
8. There will be increased risk of flooding if the development is permitted.
9. Loss of local parking along Barton Road.
10. Issues of sewerage capacity.
11. Risk of flooding.
12. Inadequate parking provision throughout the site.

The issues raised above are considered below in the Analysis section of this report.

Analysis

This application raises a number of key planning issues: the principle of the development; density; design and layout matters; residential amenity standards; contaminated land issues; affordable housing; transport; nature conservation (impact on ecology and protected species); renewable energy; and section 106 obligations and measures to mitigate the impacts of the development.

Relevant national policy guidance in Planning Policy Statements (PPS) and Guidance Notes (PPG) include: PPS1 Delivering Sustainable Development; PPS3 Housing; PPS9 Biodiversity and Geological Conservation; and PPG13 Transport. The recent draft National Planning Policy Framework (NPPF) is also capable of being treated as a material consideration.

Regional Planning Guidance for the South West (RPG10) is still part of the development plan. The relevant strategic policies are: Policy SS 2: Regional Development Strategy, Policy SS 3: Sub- Regional Structure and Policy SS 17: Plymouth. The draft Regional Spatial Strategy for the South West is a material consideration until and unless it is abolished. The key strategic policies are Policy CSS – The Core Spatial Strategy and Development Policy A.

The main Core Strategy policies relevant to the application are: CS01 Development of Sustainable Linked Communities, CS02 Design, CS15 Overall Housing provision, CS16 Spatial Distribution of Housing Sites, CS18 Plymouth's Green Space, CS19 Wildlife, CS20 Sustainable Resource Use, CS21 Flood Risk, CS22 Pollution, CS28 Local Transport Considerations, CS32 Designing Out Crime, CS33 Community Benefits/Planning Obligations and CS34 Planning Application Considerations. The guidance in the adopted Development Guidelines and Design Supplementary Planning Documents (SPD) and the adopted Planning Obligations and Affordable Housing SPD First Review apply.

Background and Pre-application Discussions

The applicants and their agents and consultants have been involved with the site for almost 2 years and with this proposal made a formal pre-application submission using the Council's Development Enquiry Service in May 2010. Since then and now Officers have met the applicants and their team 6 times under the terms agreed within the applicant's DES pre-app in order to discuss the main planning issues raised at the site. Correspondence has also been exchanged over this time, in order to clarify negotiations and continue working towards a development that officers feel is acceptable.

The applicant has also held Public Exhibitions at local venues in order to give local people the opportunity to view and comment on their proposals. The first of these was held in October 2010 and as a result the proposed layout of the development was changed in January 2011 to incorporate some of the comments made by nearby residents. This also followed a number of arranged personal meetings with some of the closest local residents, who had specific concerns about the proposal. The changes mainly consisted of lowering the density (the scheme changed from 300 dwellings to 250), providing larger rear gardens and reducing the size of parking courts.

A further, final full public exhibition took place in March 2011 and again this was well attended by local residents. Following consideration of comments made at the exhibition and also those received in writing the density was further reduced to 225 dwellings, with the proposed area of public open space being increased and a wildlife

corridor introduced in order to mitigate the impacts of the proposal on ecology at the site.

Following the conclusion of pre-application discussions a formal planning application was submitted on the 27th July 2011. Officers then met with the applicant and agent following the end of the statutory publicity period in September to discuss consultation responses and letters of representation received. Following this meeting further information was sought with regards to nature conservation issues (in particular bat surveys and a biodiversity enhancement strategy), the layout was amended although not significantly (in order to mitigate officers concerns about circulation and natural surveillance) and discussions regarding the viability of the proposal were commenced.

Negotiations have continued and officers' original concerns have been satisfied to an acceptable degree. The detail of the application is now considered to be sufficient for it to be presented to the Planning Committee.

Principle of development

The site is a former quarry but has long been identified by the Council as a housing site. PPS3 states that local planning authorities should identify a five year supply of housing on sites that are deliverable, available, suitable and achievable drawing on information in the Strategic Housing Land Availability Assessment (SHLAA). This site is identified in the SHLAA 2009 and is included in the Annual Monitoring Statement that identifies a five year housing supply in Plymouth from 2011/12 to 2015/16.

With regards to planning policy history, the site was previously allocated for residential development (or for a mixed use development including residential) in the First Deposit Local Plan under Proposal 104 (land at Hooe Lake Quarry). This plan has now been superseded by the Local Development Framework. Since then a residential led development proposal has been anticipated at the site and thus the principle of a housing based development at the site such as the one proposed is considered acceptable.

The Sustainable Neighbourhood Assessment (SNA) for Hooe, Turnchapel and Oreston identifies a need to increase the range of different housing types and the amount of social housing in the area. It specifically shows a need for more terraced houses and higher density development, to counter balance the low average density of the area which is 17.7 dwellings per hectare and characterised predominantly by semi detached houses.

The proposal contains a mix of housing types although it is in the main characterised by rows of terraced housing, at an average density of 34.7 dph which is significantly higher than existing density levels in the area, and would meet the requirements of future developments in the area as outlined in the Hooe, Turnchapel and Oreston Sustainable Neighbourhood Assessment. It would also provide 14% of dwellings as Affordable Housing, which is higher than the area average of under 10%. The Affordable Housing offer is explained further in the main Analysis section of this report, under the heading 'Affordable Housing'.

It is considered that the principle of residential development at the site is acceptable and that the application would comply with the requirements of Policy CS01 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) by helping to meet the needs of the neighbourhood (as identified in the SNA) and by contributing to the provision of a sustainable linked community.

Density

Density calculations can be a crude measurement in determining the quality of schemes but do provide a broad benchmark in their assessment. The density of development surrounding the site is low, at an average of just 17.7 dph, as identified in the Hooe, Turnchapel and Oreston SNA. This compares with the application of 34.7 including both areas of public space and 44.4 including just the areas proposed to be developed. The figures is slightly inflated because 20 of the units are apartments. Density alone cannot be a reasonable reason for refusal unless it gives rise to manifest shortcomings.

PPS3 states that Local Planning Authorities (LPAs) should develop housing density policies. Paragraph 46 sets out the relevant criteria including: capacity of infrastructure services and facilities; using land efficiently; accessibility; the characteristics of the area including the current and proposed mix of uses; and achieving high quality, well designed housing having regard to the considerations in paragraph 16. The previous broad brush reference to a density of 30 – 50 dwellings per hectare (dph) in an earlier version of PPS3 has been removed. But it states that: “The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout can lead to a more efficient use of land without compromising the quality of the local area.” The draft NPPF states that LPAs should set out their own approach to housing density to reflect local circumstances. Strategic Objective 10.2 aims to promote the highest density compatible with the creation of an attractive living environment. Core Strategy policy CS01.2 states that development must be delivered at the appropriate type form, scale, mix and density in relation to its location relative to the neighbourhood’s centre.

The existence of the cliff face and the importance of ecology issues and the need to mitigate the impacts of the development on protected species and provide adequate on site levels of green space make this a difficult site to develop. These constraints further affect the density at which the site can be developed. Given the low density of the surrounding development and the established pattern of development in the area and also the lack of demonstrable harm associated with the amount of development proposed, the higher density is acceptable and in compliance with Strategic Objective 10.2 and Core Strategy policy CS01.2.

Design, Massing and Layout

PPS1 states that good design is indivisible from good planning and that 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. This approach is repeated in PPS3 in paragraphs 12-13 and 48-49. The draft NPPF endorses this approach and attaches great importance to the design of the built environment. Core Strategy policy CS02 promotes well designed

developments to promote the image of the city through enhanced city and local gateway locations and key approach corridors.

Layout

The proposed layout requires the existing contours at the site to be regarded to allow for a tiered approach to its redevelopment. This includes creating 2 development platforms within the site, in order to maximise views over Hooe Lake. The plateaus created will rise from east to west. The previous application granted under ref 01/00736 and listed above in the planning history section of this report gave the owners of the site consent to remove 3 disused MoD fuel storage silos constructed on the original quarry floor (and covered with spoil material) and to re-grade the site as a level plateau some 3 metres higher than Barton Road. The principle of regrading the land has thus already been established by the granting of this consent, and is necessary due to the vast change in levels at the site, which is currently characterised by a number of steeply sloping mounds that rise significantly from Barton Road.

The proposals to re-grade the land involve a large cut and fill exercise to achieve the tiered approach proposed and create in effect 2 development platforms. This will ensure that very little material will be required to leave the site, as the excavated land will be used to fill other areas of the site. The existing retaining wall along part of the eastern boundary of the site (adjacent to Barton Road) will be kept and extended south along the front (eastern boundary) of the site. This will be approximately 1.4 metres in height and will ensure that the development along the eastern boundary of the site will sit just above the road level. A second retaining wall is proposed within the site, behind (and to the west) of the proposed perimeter blocks in the eastern part of the site adjacent to Barton Road. This will provide a base for the second development platform that will have a localised increase in height in order to give the properties facing east views over Hooe Lake.

Access to the site is proposed from Barton Road, creating one vehicular access point into the site from the eastern boundary adjacent to the Listed Lime Kiln. From here a ring road that loops the site will provide vehicular access to all of the dwellings proposed within the site. The whole approach to the layout of the proposed development is characterised by a perimeter block arrangement that has been designed to provide active frontages facing all of the main public spaces and routes within and on the edges of the site, and to ensure there is clear distinction between public and private space within the site. The layout of the site has been arranged so that a series of perimeter blocks are situated on the lower development platform adjacent to Barton Road, providing a continual street frontage onto Barton Road, with the west facing dwellings on the opposite side of the blocks providing a continual street frontage to the new loop road proposed within the site. At the north eastern point of the site the height of the built form is increased to maximise views of the sound and to define this prominent corner with a localised increase in building height and scale. This is where the 20 apartments are proposed and this part of the development is intended to act as a focal point, providing a bespoke landmark building that defines this part of the site.

The sides of the proposed perimeter blocks provide dwellings that overlook either the pedestrian routeways that are located between some of the individual blocks or

parking courts that exist between others. The whole concept has been designed in order to provide maximum natural surveillance and overlooking of all public areas within the site.

The second development platform, located within the site and through its spine will be slightly elevated from the lower platform in order to give the east facing dwellings in this part of the site views of Hooe Lake. Again, the development through the centre of the site is characterised by a series of perimeter blocks that reflect the layout of the site along the eastern boundary positioned on the lower development platform. The east facing dwellings in this part of the site will overlook the proposed ring road and face the west facing dwellings of the lower perimeter blocks, in order to create a traditional street arrangement. They will have oblique views of Hooe Lake and will provide a strong and imposing street frontage alongside the proposed ring road. The west facing properties of the perimeter blocks on the upper development platform will provide a street frontage to the ring road in the western part of the site and natural surveillance of the proposed public open space along the western boundary of the site adjacent to the existing cliff face. This is essential and ensures the public open space within the site is well overlooked and provides these properties with pleasant views of the green space and rock outcrop. As the proposed perimeter blocks on the upper platform are larger than those adjacent to Barton Road there are less of them, therefore the sides (north and south facing dwellings of the proposed blocks) provide natural surveillance of the pedestrian routes that provide permeability through the site, with car parking being provided within the rear of the blocks.

There is a single block proposed in the north-west corner of the site which provides a street frontage on its eastern side to the ring road and on the western side provides natural surveillance and over looking of the proposed wildlife receptor area in the far north-west corner of the site.

The layout of the site has been designed to maximise pedestrian permeability and the development includes defined pedestrian links throughout the site providing easily identifiable pedestrian routes around the development and linking it with the surrounding areas, reflecting the evidence collected within the Hooe, Turnchapel and Oreston Sustainable Neighbourhoods Assessment which encourages developments to be permeable, especially for pedestrians and cyclists. Upon entering the site from Barton Road there is a clear link to the public open space proposed along the western boundary of the site, which is defined by a strong vehicular and pedestrian route that is framed by planting and landscaping to present a direct route from the east to the west of the site, also being characterised by a different surfacing material in order to emphasize the importance of the route.

The provision of a perimeter block approach to the layout of the site ensures that the site is characterised by terraces of housing, which helps to form a strong street frontage and established building line within the street scenes created within the site. There is clear distinction between public and private spaces and the proposed layout has been designed so that the rear gardens of the proposed new dwellings back onto the rear gardens of the other dwellings located within the perimeter blocks that define the layout of the site. This ensures the provision of a safe and secure

environment, omitting the need for small back lanes, and is in accordance with the principles of Secured by Design.

There exists a Grade II Listed Lime Kiln in the south east corner of the site. This is proposed to be retained and will form a feature at the main entrance into the site. It will be surrounded by landscaping and will act as a gateway to the site. It is considered that the proposed development will not impact upon the Lime Kiln and that it will form an attractive feature at the entrance to the site.

The layout proposed creates a clear street hierarchy which will be easily legible, being reinforced by building height and form, continuity of facades and the structure of landscaping and boundary treatments. It is considered that the layout has achieved a balance between providing an appropriate density and ensuring residents will enjoy a decent level of private amenity space and a good quality public realm.

In summary, it is your Officers view that the proposals will provide a well thought out development that is easy to get to and move through and around (for both vehicles and pedestrians) and has public and private spaces that are safe, attractive, easily distinguished and accessible. The layout of the development is therefore considered acceptable and in accordance with Core Strategy policy CS02, CS34 and part 4 of the Design SPD.

Design and Appearance

As stated in the section above, the layout of the proposed development is based upon a perimeter block arrangement in order to maximise active frontages and form a clear distinction between public and private spaces at the site, in accordance with the principles of Secured by Design. This approach naturally leads to the provision of a continuous built form and the provision of blocks containing terraced houses, which is typical of the fishing village appearance that the development seeks to achieve and reflective of the majority of existing development located within the nearby village of Turnchapel and the Old Wharf Development on the other side (east) of Hooe Lake.

The street scenes within the development are characterised in the main by 2-3 storey dwellings, which reflects the scale of the majority of the surrounding development. The mix of 2, 2.5 and 3 storey dwellings helps to provide some variation to the street frontage and massing of the development whilst providing continuity of building height so that the proposal has balance and uniformity with regards to building heights across the site. For example, the perimeter blocks are generally characterised by 2 storey dwellings with 2.5 (2 storeys with a dormer providing accommodation in the roof) and 3 storey dwellings used to distinguish the corners of the proposed blocks and demarcate changes in direction. This gives symmetry to the blocks whilst introducing subtle changes to the building heights. The exception is the proposed apartment block in the north east corner of the site, which is 4 storeys in height in order to define this important corner of the site and act as a focal point for the development.

The application is accompanied by a Design Codes document that ensures that the whole site follows the same design approach and the different dwelling types and apartment block contain some similar features that ensures that the scheme has

balance and symmetry, through subtle repetition of features and materials. The façade detailing and proportioning throughout the site is simple to allow the colour and creative use of materials to define the streetscenes. The contemporary approach is highlighted by the use of simple porches and canopies to define entrances whilst timber clad projecting bay windows add variation to the depth of the elevations and help to give the facades rhythm and distinction.

The proposed dwellings are predominantly finished in render which is the dominant local material in this part of Plymouth. The materials strategy for the scheme focuses around the aspiration to provide a fishing village appearance containing rich, colourful and vibrant streetscenes. A mix of render shades are therefore proposed and this is complimented throughout the site by use of stonework and more subtle use of timber cladding. Openings have been maximised in order to create light and airy dwellings that provide maximum natural surveillance of the surrounding areas, with large areas of glazing helping to present a modern appearance. Generous use of balconies throughout the site also ensures that views are maximised and this helps to give the elevations further projection and variation.

Officers consider that the proposed development provides a high quality contemporary housing development that in terms of scale, massing and design is sensitive to the existing surrounding development, whilst providing a locally distinctive design solution to the development of the site, blending traditional elements of building design with a contemporary twist that ensures the proposal is not a slavish copy of the local style. The general arrangement of buildings on the site is considered to be the correct approach and is a pragmatic response to the constraints of the site. The development is therefore considered to make a positive contribution to local visual amenity and is compliant with Policy CS02 (Design) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) and the Design SPD.

Residential Amenity

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

The site is unique in comparison to most of its context in that it is a former quarry that in terms of immediate relationships with existing residential development occupies a fairly isolated location. The closest existing property to the site is situated on Barton Road (off Amacre Drive), adjacent to the southern boundary of the site. In terms of distance, the closest proposed property within the site is 18 metres away at an oblique angle. The applicants have been in discussion with the owner of this property and despite the distance between the existing and proposed properties being adequate to ensure there is no residential amenity conflict created, they have agreed to preserve the existing earthbank that defines this boundary and build it up to 4 metres in height. This will be supported by a criblock retaining wall. These details are shown on the drawings and plans submitted with the application and will be secured via planning condition. The closest dwellings to the northern boundary of the site, also located on Barton Road, are over 25 metres away from

the nearest proposed dwellings within the site and also separated by significant boundary treatment, also ensuring no issues of residential amenity conflict are created.

Existing properties to the west of the site, located on Tapson Drive, Sunderland Close and Lynch Close, sit onto of the quarry cliff and some 30 metres above the ground level of the site. These properties are therefore not affected by the application.

The existence of the cliff face provides a dramatic backdrop to the proposed development and a natural form of boundary treatment to the western boundary of the site. However, it does raise health and safety issues and mitigation is thus proposed within the site to prevent the public from accessing the cliff face and to protect them from any loose debris. In order to negate the need for unsightly netting to the cliff face, the applicants have proposed a 10 metre buffer zone to keep people a safe distance away from the base of the rock face. This will allow for any loose debris to be caught within a no public access zone. Details of this are contained within the 'Rock Face Stability Assessment' submitted with the application and this method of mitigating the health and safety impacts raised by the existence of the cliff face is supported by the Council's Public Protection Service. The 10 metre buffer zone is proposed to be delineated by a hedge with tree planting with a more robust paladin fence behind to prevent children from accessing this space.

With regards to the relationships created between the new dwellings proposed within the site, the layout has been designed so that all new dwellings will benefit from adequate levels of residential amenity, in accordance with the guidance contained within the Council's Adopted Development Guidelines SPD. All of the proposed dwellings that are positioned back to back (within the proposed perimeter blocks) are more than 21 metres apart and all houses have private amenity space that in terms of area is in excess of the minimum guidelines contained within the SPD. Bin stores and cycle storage are also included within the development, in accordance with the guidance contained within the Development Guidelines SPD.

Officers consider that the proposed development provides a good standard of accommodation for future occupiers and that the layout of the site has been arranged so that the relationship between the proposed dwellings and apartments within the site is not unacceptable. Each dwelling has its own private rear garden and there is open space within the proposed development for future occupiers of the proposed apartments to use. The application is therefore considered to be in accordance with Policies CS14 and CS34 of the City of Plymouth Local Development Framework Core Strategy (2007) and the guidance contained within the Development Guidelines SPD.

Highways Issues

The proposed access to the site is made via Barton Road, which is currently a private road without footways. It should be noted that an earlier planning application was granted in 2003 (reference 01/00736/FUL), which has been formally implemented. This included a requirement to provide a new junction at Barton Road / Hooe Road (which has not yet been implemented). The proposed design of this approved junction will increase visibility for emerging vehicles and provide enhanced

pedestrian provision. This scheme already has Highway Authority approval, in principle, and subject to signing of the necessary Section 278 Highway Agreement can be constructed under the provisions of the earlier consent, regardless of the outcome of this planning application.

However, these approved highway works must be completed prior to any development permitted by the granting of this planning application, and will thus also need to be secured via this application. This scheme is required to be implemented on site before development commences to ensure a suitable access arrangement for construction traffic is provided. A negative condition to this effect is recommended. It should be noted that the area of park required to accommodate the road scheme (already approved but also a requirement of this application) is in the control of the Highway Authority following a land transfer to the Council in 2007.

Initially the above junction was required to accommodate Heavy Goods Vehicles (HGV) movements associated with earthworks within the Quarry, as a result of the granting of application 01/00736/FUL. However, the applicant is proposing to use the same mini-roundabout configuration to serve the upgraded Barton Road and subsequent development, as part of this application.

Transport Assessment

A Transport Assessment (TA) has been submitted to support the proposed development. This includes details of the impacts of the development on the local highway network and provides junction modelling on a number of junctions within the Plymstock area. It concludes that the impacts of the additional development trips on the network can be accommodated without detriment to network capacity.

The TA is based on 225 dwellings and has assessed the impacts on the network on the junctions at Pomphlett Road/Horn Cross, Plymstock Road / Dean Hill and Barton Road / Hooe Road. Following early discussions with the applicant, the scope of the TA was agreed and it was accepted that Pomphlett Road to Billacombe Road did not require modelling. This area is covered under the City Council's Eastern Corridor scheme and is tentatively programmed for improvements in 2013/14. As such any development impacts will be accommodated within this scheme, to which the developer is required to make financial contribution towards (see section below titled Section 106 Obligations).

To put the impacts in this area into context, the TA concludes that two-way traffic flow would increase by 9% (85 two-way movements or 1.4 cars a minute on average) in the AM peak hour and 7% (94 cars or 1.6/minute on average) in the PM peak hour. This has been calculated by using existing data, taken from video surveys carried out by the applicant, and applying development trips and general growth up to the year 2016. However, these flows are calculated to the north of the traffic signals at the junction of Pomphlett Road / Dean Cross Road. Some of this 'growthed' traffic will dissipate into the Oreston area, Morrisons supermarket, Breakwater Road and into residential areas before it reaches Billacombe Road. As such these increases in traffic will be significantly less on Billacombe Road itself.

Although they are not linked the junctions at Pomphlett Road / Dean Cross and Plymstock Road / Dean Hill are close enough together that any changes to one has a

knock-on effect to the other. The applicant has analysed both junctions with and without development up to the year 2016, including general traffic growth. It can be argued that by adding growth onto traffic flows and also adding development traffic that the increase is 'double counting' to some extent. However, this makes the results very robust and gives a worst case scenario.

The TA concludes that these junctions will operate with capacity on all arms at peak hours, which is the standard method for traffic modelling. However, in order to take account of daily variations it is assumed that anything over 85% capacity will need reviewing. In this instance Pomphlett Road and Dean Cross Road start to exceed this level with a worst case of 91.9% capacity. Thus further scrutiny of these results was required.

The junctions were modelled using a pedestrian call on every cycle of the lights. Having checked with Traffic Controllers the existing pedestrian calls only occur, on average, every 3 cycles (approx every 6 minutes). Without any pedestrian calls the capacities of these arms are reduced to 77.8% (worst case) capacity. Therefore, the models show an under-estimation of capacity at the junctions and the actual capacity would fall somewhere between the two.

The Council is currently funding a series of measures to enhance the pedestrian facilities in the vicinity of the above junctions, whilst upgrading the systems to use low voltage signals. Apart from the operational cost benefits and the energy saving, the upgrade works will gain further capacity for both exiting and future highway users so will benefit the wider community. Due to the impacts of the development traffic, adding to the existing network, the developer has agreed to pay a financial contribution of £20,000 towards the scheme which will be used at the discretion of the City Council.

The proposed junction at Barton Road / Hooe Road has been shown to operate with no capacity issues. The method of assessing traffic impacts on the network is based on 'worst case' scenario and does not take into account any Travel Plan measures that are being offered as part of the development, which will be discussed later in this report. It is accepted that the network can accommodate the development impacts. Traffic impacts, from the development, will increase gradually as properties are built up to the design year of 2016.

The TA has been independently audited by an external consultant, working on behalf of the Council, for robustness and was subsequently accepted to give a true representation of the traffic impacts from the development.

Access and parking

The site is served via Barton Road which, at present, is a private single track, unlit access way with passing places. It is not to current Highway adoption standards. Discussions have been held with the applicants Engineering Consultant to agree the works required to bring Barton Road up to an adoptable standard which is suitable to serve the development and the existing properties.

The submitted scheme for Barton Road has been designed to have minimal impact on the foreshore and as such the existing footprint has been used, where possible. In

order for the road to be made to an adoptable standard it must accommodate vehicles, cyclists and pedestrians. To this end a two-way carriageway of a minimum 4.8metres will be provided with a footway of 1.8metres. A 4.8m carriageway will allow a wide car to pass a large service vehicle in free flow conditions.

The road will be designed to a 20mph speed limit with road narrowing features enforcing priority flows. Such features will reduce the carriageway to 3.8m which is sufficient for a vehicle to pass a cyclist. Due to the design speed it is acceptable to allow cyclists to share the carriageway without the need for segregation. The locations of the build-outs allow for refuge of pedestrians accessing existing gardens of adjacent properties and also a seating area with views across the lake. Suitable guard railing will be required along the back edge of the footway to provide protection to users against the drop into the foreshore. Access points onto the foreshore will need to be retained.

The plan layout of the proposed amendments has been agreed in principle but the construction and method of construction can be agreed under the provision of Highway Agreements and secured by way of a condition. The works must be completed up to an agreed standard prior to occupation of any dwelling within the development site. The road will be adopted under Section 38 Highways Act 1980.

Due to the complexity of the improvements scheme a strict code of practice is needed and will be secured via planning condition, to ensure access rights are protected where required.

The development site itself has been designed to encourage low speeds, with good pedestrian permeation and is in accordance with Manual for Streets and local design guidance. A mix of standard street forms and shared spaces provide an adoptable standard estate road which promotes pedestrian links between Turnchapel and Hooe. Again the adoption of the estate road will be subject to a Section 38 Highway Agreement and as such street detail conditions are attached to secure the detail.

The estate road is made up of a residential access road in a loop with a pedestrian/cycle shared link to the North of the site, which leads towards Turnchapel. This has been designed to act as an emergency link, should the main estate be blocked for any reason. However, with the proposed looped estate road it is highly unlikely that this route will be used for any vehicles. Secondary pedestrian-only access routes are also provided onto Undercliff Road.

Steps have been designed into the estate road layout to accommodate the gradients. Although it is preferable to have all footways at grade it is acceptable in this instance. Without steps the other option is very large retaining walls which would be costly and unattractive. Alternative level routes are available for the mobility impaired throughout the development site.

The construction and surfacing arrangements of the estate road will be agreed under the provisions of the Section 38 process but the submitted plans give an indication of the mix between tarmac and block paved streets.

Space for the provision of a bridge across Hooe Lake for pedestrians and cyclists (as required in previous, now superseded planning policies) has been safeguarded within the site. The plans have identified an area of land adjacent to plot numbers 42 and 53. This will enable any future bridge to land with a width of 3 metres and has made provision for diverted footway around any future structure. This apron will be adopted as highway to secure the land should the bridge come forward.

It is not deemed necessary to request a financial contribution towards the bridge at this time as there are no plans for the link in the immediate future. As such any monies collected would be unlikely to be spent in the required timeframe. However, it is considered that the developer has safeguarded the opportunity to provide a future bridge link and that the application does not prejudice the opportunity to land a bridge within the site at some point in the future.

The residential properties comprise of a mixture of 1 and 2 bed apartments and 2, 3 or 4 bed houses. The developer has complied with the Council's Development Guidelines SPD with regards to parking standards and is proposing a maximum of 2 spaces per house and 1 space per apartment. The parking provision includes a mix of on-plot spaces, garages and parking courts. Some additional on-street visitor parking is proposed by way of lay-bys on the side of the proposed estate road. These will be unallocated and form part of the future adopted highway.

In summary 201 dwellings have 2 parking spaces and 21 have 1 parking space, 423 in total, inclusive of 44 disabled spaces (1 space per Lifetime home). There is an additional 14 spaces on-street which are not be allocated to properties. These will form part of the adoptable highway network and will be available for visitors.

Officers consider that the developer is meeting the car parking demands arising from the proposed development and its likely associated car ownership levels.

The application provides cycle storage at a ratio of 1 space per dwelling, in the form of garage storage or by providing a shed, and 1 space per 2 apartments in the form of secure shelters. This conforms to the current standards for cycle parking and a condition is attached in order to secure this.

Travel Plan

A Travel Plan has been submitted to discourage car use by future residents. Although a Travel Plan is an ongoing working document a framework has been discussed and agreed with the Council's Travel Plan Officer. Modal shift targets are supplied to specifically promote individual travel modes. However, in this instance the impetus has been put upon reducing car use and any other modes are encouraged. The Travel Plan will ensure that the traffic impacts will not increase above those measured within the Transport Assessment.

The site lies within walking distance of local shops, services and public transport routes which also includes a ferry service towards the Barbican, and thus a good link into the City Centre. Officers consider that there are good opportunities for future residents to use alternative modes of transport to and from the site. Obviously any reductions in car trips will further reduce the impacts on the network, which were assessed under 'worst case' conditions within the TA.

The applicant has proposed a series of measures within the Travel Plan which will be monitored by the City Council over the lifetime of the Plan. The measures will form part of a legal obligation between the developer and the City Council to promote sustainable travel and will be secured and controlled within accompanying Section 106 agreement.

The Travel Plan proposes that each property, upon first occupation, will be provided with a travel plan information pack outlining the commitment to the Plan. Each pack will include, amongst other things, a voucher to the value of £250 (per dwelling at 222 dwellings - £55,500 in total) which can be used towards the purchase of either; a bicycle, a bus ticket or a ferry concession ticket. Future residents will be given the choice to ensure that the most appropriate travel mode is promoted for each individual property. The developer will commit a sum of £100 per dwelling (£22,200 in total) to cover the cost of running the Travel Plan over a 5 year lifetime.

All associated admin costs with the Travel Plan will be met by the developer which will include the requirement to appoint a Travel Plan Co-ordinator. This role will be responsible for administering the Plan and liaising with Council Officers during the course of the Plan. If the agreed targets, to reduce car journeys, are not met the applicant has agreed to contribute a further £75 (£16,650 in total) per dwelling to be invested in further measures. Surveys will be undertaken after 3 months of occupation of the 80th dwelling to gain baseline data on residents travel patterns and modes. This data will be used to determine proposed targets.

The provision of cycle storage for each dwelling and the improvements to Barton Road will help to promote cycling and walking and with the Travel Plan secured and implemented the developer has made a real commitment to offer a sustainable development. For the reasons outlined above, the application is considered to be in accordance with policy CS28 (Local Transport Considerations) of the Core Strategy and the advice contained within the Development Guidelines SPD on parking standards and PPG13 (Transport).

Nature Conservation and Biodiversity

The application is accompanied by an Ecological Impact Assessment, Bat Mitigation Strategy and Ecological Mitigation and Enhancement Strategy. The site is of ecological value for several rare, notable and protected species and one Biodiversity Action Plan (BAP) habitat including:

- Bats
- Badgers
- Reptiles
- Invertebrates/plants
- Breeding Birds
- Calcareous grassland

Bats

A series of bat surveys have been undertaken between March and September 2011. Three caves within the quarry contained non breeding summer and autumn roost sites for greater horseshoe bats and lesser horseshoe bats. The caves are also considered likely to be used by these species for hibernation.

The application proposes a series of mitigation measures during construction. The caves containing bat roosts will be retained in situ and an exclusion zone of 30 metres will be established from each roost. In addition an exclusion zone 10 metres wide will be established along the base of the quarry wall. The exclusion zones will be delineated by Heras fencing and an acoustic screen. These measures and others, including timing, lighting and further ecological monitoring as outlined in the Bat Mitigation Strategy are considered to be acceptable to the Local Planning Authority.

In addition, the development incorporates the following mitigation:

- A minimum of 25 bat tubes installed within new buildings proposed at the site
- Lighting to be maintained at a maximum of 0.5 Lux along the western boundary of the site
- Limiting access to the caves through installation of appropriately designed grills
- Ecological monitoring of the bat populations within the caves for 3 years post construction
- Natural England license application if necessary

Reptile translocation

It is proposed that reptiles (slow worm and common lizard) are excluded and translocated from the site (at the appropriate time of year) to 2 receptor sites (Jennycliff and Radford Woods). This will minimise harm to these species and ensure their long term survival in this locality.

Nesting Birds

Any bird nesting habitat will be removed outside of the bird nesting season. A minimum of 20 sparrow terraces will be incorporated into new buildings and 10 standard nesting boxes will be installed on mature trees within the site.

Badgers

The site will be re-surveyed prior to earth moving operations and if necessary a license from natural England will be obtained. The active badger sets at the site will be retained within the receptor area in the north western part of the site.

Invertebrates

The mosaic of habitats currently present at the site will be significantly reduced due to the proposed development. The proposed receptor area will retain some of these habitats.

Receptor area (in the north-west of the site).

There is currently an area in the north west of the site that contains the following habitats: broadleaved woodland, scrub and grassland. This is proposed to be

retained and will be enhanced using topsoil from areas of botanical interest from within the site. In addition, toadflax leaved St-John's-wort (a notable plant) will be moved by hand into the receptor site. This area will be monitored and managed for a period of 10 years post construction.

Off site habitat creation

Core Strategy Policy CS19 (Wildlife) requires the development to achieve a net gain in biodiversity. The mitigation described above alone does not deliver this, as the majority of the site will be developed. The applicant is therefore proposing that parts of 2 local greenscape areas (Jennycliff and Radford Woods) in the ownership of the Council are enhanced and managed as wildflower meadows for a period of 10 years post construction. Wildflower meadows are beneficial for invertebrates, plants, reptiles, birds and bats. The provision of 4 log piles and 2 hibernacula will be incorporated on these sites, for the benefit of reptiles. These meadows will be secured within the Section 106 Agreement. It is considered that these measures will achieve a net gain in biodiversity in accordance with Policy CS19 (Wildlife) of the Core Strategy.

Access Road Impacts

At present an Ecological Impact Assessment (EclA) for the area of highway improvements adjacent to Hooe Lake (a County Wildlife site) has not been received. It is considered any mitigation will need to be included in the Ecological Mitigation and Enhancement Scheme.

Consultation with Natural England (NE)

Comments are still awaited from NE with regards to much of the information that has been submitted. Comments from NE will be reported in an addendum report.

It is considered that subject to the submission of further, acceptable information, the application (through on site and off site mitigation) will deliver biodiversity benefits that are in accordance with Policy CS19 (Wildlife) of the Core Strategy.

Public Protection Issues

The Council's Public Protection Service (PPS) has been consulted with regards to the impacts that the development may have on existing residents and also any impact that existing features may have on the proposed development. It has considered impacts from noise, air quality and contaminated land.

Although potential adverse impacts have been identified, PPS has advised that these can be mitigated during the course of development.

During the construction phase the applicant will be required to abide by a Code of Practice for Construction and Demolition, this will address all of the environmental impacts from the development during the construction. They have identified mud on roads as being a specific problem and have therefore provided an addendum to their consultation response asking for a condition that ensures appropriate wheel washes are installed prior to any earth movement on site.

The issue of contaminated land has been subject to a number of technical reports and PPS has been visiting the site regularly whilst cleansing of the site is being undertaken. The site is a former MOD fuel depot and as such there is a level of contamination on site that has to be mitigated before any development can commence. The applicant is currently liaising with both PPS and the Environment Agency to agree the best way to deal with existing contamination at the site. Local residents have expressed concerns about the way that contamination is dealt with on the site, however, PPS's technical expert in contamination is happy that contamination has been dealt with diligently and in accordance with best practice. Contamination represents a significant cost for the developer but will see a heavily contaminated site brought back into use in a safe manner, it is also hoped that the clean up on site will have a positive impact on the contaminant levels in Hooe Lake.

The applicant will be required by condition to submit a noise impact assessment for approval with potential mitigation against noise impacts likely to be in the form of triple glazing or acoustic insulation, but this is unlikely as there are no significant noise generating uses nearby. Air Quality is not considered to be a problem because there are no identified air quality issues in the area.

Affordable Housing

The delivery of affordable housing development is one of the top Corporate priorities for Plymouth City Council. The policy context for its provision and delivery is set out in paras.10.17-10.24 of the Core Strategy and policy CS15 (Overall Housing Provision). With such high levels of Affordable Housing need consistent delivery of affordable housing units can cumulatively make a big difference to catering for the City's overall housing need.

The need for the delivery of affordable housing in the city is greater than total annual housing provision. Plymouth's Housing Register of those in proven housing need, has risen sharply from 6625 (13/01/2010) to 11, 790 (20/10/2011).

The applicant has asked for the application to be considered under the City's Market Recovery Initiative and as such seek only to provide 15% affordable housing on site. The applicants have discussed the rationale behind their proposals openly with the Council's Strategic Housing Officers. Based on the information submitted with the application and the affordable housing mix proposed, the Council's Strategic Housing Service has stated that they support the affordable housing offer.

Following discussions with the applicant a revised layout has been submitted, which reflects initial discussions that were had a pre-application stage, under the Council's Development Enquiry Service. This has resulted in an offer of 31 units of affordable housing. This equates to 14% affordable housing onsite with nil public subsidy. Despite the reduced level, a suitable and sustainable location and mix of properties and tenure has been achieved. Whilst a few details are yet to be finalised with the applicant and subject to agreement of all parties, the Strategic Housing Service is happy in principle with the offer.

The offer of affordable housing includes:

- Affordable housing that is fully integrated with the proposed market units in terms of materials and build quality and are tenure blind in design.

- A tenure split that will meet the policy requirements of CS15 of 60% social rent and 40% intermediate housing, such as shared ownership. The detail of the tenure split will be secured in the supporting Section 106.
- Adequate, car, motorcycle and cycle parking spaces. This will also be secured by planning condition and in the Section 106.
- Delivery by a Housing Association partner – Spectrum Housing. Officers are encouraged by the applicants wish to use one of our Housing Departments preferred partners to deliver the affordable housing.

As submitted, subject to finalising a few minor details, the Strategic Housing Service has stated support in principle for the affordable housing offer contained within this application.

Lifetime Homes

Policy CS15 of the Core Strategy requires that 20% of all new dwellings shall be constructed to Lifetime Homes Standards. Lifetime homes allow for the 'future proofing' of all new dwellings so that they can be adapted over time to suit the needs of occupants as their lifestyles change due to age or other factors.

To comply with policy CS15 (4), the proposed development includes proposals to provide 20% of the total number of units as Lifetime Homes, which equates to 44 units on site. In order to secure the delivery of the units proposed as Lifetime Homes a condition is attached

Sustainable Resource Use

Policy CS20 (Sustainable Resource Use) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) requires all new residential developments of 10 units or more to incorporate onsite renewable energy production equipment to off set at least 15% of predicted carbon emissions for the period 2010 – 2016.

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

The Sustainable Resource Use report submitted with the application confirms the use of PV panels as the chosen technology to meet the requirements of Policy CS20, and includes calculations to demonstrate that the required energy savings can be achieved at the site. It also contains a plan confirming the properties that will have PV panels installed at the site. This equates to 80% of the total number of dwellings, due to the site being a former quarry with levels of shadowing being slightly higher than a more conventional site. However, despite all of the proposed dwellings not being appropriate for the use of PV panels, the energy savings required by Policy

CS20 can still be achieved across the site. Provision of the proposed PV panels is proposed to be secured by planning condition.

Other Issues

Of the issues raised in the letters of representation received, most have been considered in the sections above, under the main analysis section of the report and under the relevant sub headings. However, issues of sewerage capacity, which have been raised in a number of representations received, have not been. With regards to this, South West Water have been consulted on the application and stated support, subject to conditions being attached to any grant of consent requiring further details of improvements to public sewage disposal facilities being agreed and implemented. South West Water has considered the application and would not of supported it if the impacts of the development could not be mitigated by improving the existing sewerage systems, which shall be at the developers cost. Any impact on existing foul sewerage systems can therefore be mitigated, hence conditions are attached to deliver and secure improvements to existing foul sewerage systems to ensure that the development does not have any adverse impacts upon the surrounding area.

Issues of flood risk have also been raised. Following consideration of flood risk issues the Environment Agency confirmed in its letter of the 23rd November 2011 that it does not have any objection to the application subject to conditions being attached to secure surface water drainage improvements at the site, in order to prevent the increased risk of flooding and minimise the risk of pollution of surface water, by ensuring the provision of a satisfactory means of surface water control and disposal during and after development. It is therefore considered that subject to improvements required by condition, the application would not have any adverse impacts with regards to flooding at the site. The application is thus in accordance with Policy CS21 (Flood Risk) of the Core Strategy.

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

Planning obligations have been sought in order to help mitigate the infrastructure impacts of the development and satisfy the policy requirements for the proposal, pursuant to Core Strategy Policy CS33 and the Planning Obligations & Affordable Housing Supplementary Planning Document.

Infrastructure impacts

The impacts relate to the following areas:

1. Primary schools. The development provides for family accommodation which will generate a demand for school places. The Council's Children's Services have provided evidence that there is a deficiency of school places in the locality given projected population growth. The development will therefore generate an impact that needs to be mitigated. The estimated cost of mitigating this impact is £470, 250.

2. Local health infrastructure. The development will create an additional demand upon local health facilities. The Primary Care Trust has provided evidence that capacity in the locality of the development is substantially deficient for meeting the needs of the population growth in this area. The development will therefore generate an impact that needs to be mitigated. The estimated cost of mitigating this impact is £78, 700.

3. Playing Pitches. The development is in a location that is deficient in terms of access to playing pitches. There is therefore an impact on infrastructure requirement that arises as a result of the development, namely the provision of improved access to playing pitches. The estimated cost of mitigating this impact is £210,200.

4. Local play space. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact on existing play facilities, most specifically through the need for play facility improvements. The estimated cost of mitigating this impact is £82, 500.

5. Strategic green space. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the quality of environmental sites protected by legislation, particularly through increased recreational demands. The Council has an obligation through the Habitats Regulations Assessment of the LDF Core Strategy and relevant Development Plan Documents to seek mitigation for such cumulative impacts. The estimated cost of mitigating this impact is £250, 250.

6. European Marine Site. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the environmental quality of European Marine Site particularly through increased recreational demands. The Council has an obligation through the Habitats Regulations Assessment of the LDF Core Strategy and relevant Development Plan Documents to seek mitigation for such cumulative impacts. The estimated cost of mitigating this impact is £6, 100.

7. Strategic sports facilities. By reason of the increased population facilitated by the development and the increased demand for use of sports facilities, it will contribute to the cumulative impact of development on the city's sports infrastructure. The estimated cost of mitigating this impact is £165, 250.

8. Transport. There are 2 different types of transport impact. The first relating to local impact upon the junction at Barton Road and Hooe Road and the second being the impact of the increased population facilitated by the development and the increased demand for journeys, which will have a cumulative impact of development on the city's strategic transport infrastructure. This will bring the likelihood of

increased congestion and pollution unless there is adequate mitigation. The estimated cost of mitigating both of these impacts is £789, 600. £20,000 to mitigate the impact upon the local junction and £769,600 to mitigate the impacts on the strategic highway network.

9. Strategic public realm. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the City Centre's public realm. This is because there will be a greater level use of the City Centre which itself generates extra pressure on the existing infrastructure. The estimated cost of mitigating this impact is £19, 700.

Policy requirements

In addition to these infrastructure impacts, consideration needs to be given to the seeking of planning obligations in relation to relevant policy requirements, most particularly:

1. Provision of affordable housing, in accordance with Core Strategy Policy CS15. The application provides for 31 affordable homes, which represents 14% of the total development.

2. The provision of a net gain in biodiversity, in accordance with Core Strategy Policy CS19. The applicant's ecologist has acknowledged that the scheme does not provide net biodiversity gain on the site.

Other considerations

The applicants have asked for the application to be considered under the Council's Market Recovery Scheme, which allows reductions to the contributions required to mitigate the impacts of the proposal and for Affordable Housing levels to be reduced from 30% to 15%, subject to the findings of a viability report. The applicants submitted a viability report that demonstrated that the site incurred abnormal development costs and this was found to be sound by the Local Planning Authority.

The abnormal costs associated with cleansing the site (due to the previous use at the site and the existence of 3 fuel tanks) have severely impacted upon the proposed developments ability to return a profit. The site also needs extensive re-grading in order to prepare it for development and there is significant mitigation required with regards to ecology.

Whilst discussions are ongoing with regards to viability, in particular the proposed phasing of payments and the provision of a clawback mechanism, there is considered to be a strong case for relaxing the level of mitigation sought to be able to secure delivery of this project. In such circumstances, it is necessary to consider prioritising the obligations having regard to evidence of key issues in the neighbourhood and the strategic impacts generated by development. In this context the most significant impacts and policy needs are considered to be in relation to affordable housing, local schools, sport facilities (in particular in relation to swimming) and transport. In addition, it is important to address the Council's legal responsibilities relating to the

growth of the city particularly in relation to the European Marine Site. The recommended head of terms set out below reflect these priorities.

Recommended heads of terms

The Heads of Terms have not yet been agreed with the applicant. The section sets out the Council's initial position. Officers are willing to continue negotiating with the applicant on a revised proposal.

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

a. Local schools tariff: £205, 100 to be allocated to the provision of additional school places within the vicinity of the application site.

b. Playing pitches tariff. £85, 250 to be allocated to the provision of improved playing pitch facilities in the Central and North Eastern sub-area, as identified in the Playing Pitch Strategy.

c. Local play space tariff. £25, 250 to be allocated to the improvement of local play facilities.

d. Local health tariff. £25, 500 to be allocated to improvement of primary care health capacity in Plymstock.

e. Strategic green space tariff. £105, 750 to be allocated to the provision of strategic green spaces that help to take pressure off the designated environmental sites, as identified in the Plymouth Green Infrastructure Delivery Plan.

f. European Marine Site tariff. £3, 150 to be allocated to appropriate management measures for the Tamar Estuaries as identified in the Tamar Estuaries Management Plan.

g. Strategic sports facilities tariff. £85, 500 to be allocated to the delivery of priority strategic sports facilities as identified in the Sports Facilities Strategy.

h. Transport tariff. 275, 500 to be allocated to the delivery of priority strategic transport interventions as identified in the LTP3 Transport Implementation Plan - Eastern Corridor Whole Route Implementation Plan. £20,000 to be allocated to improving the existing junction at Barton Road/Hooe Road

i. Public realm tariff. £5, 000 to be allocated to the delivery of priority City Centre public realm improvements as proposed in the City Centre & University Area Action Plan.

j. The provision of 31 Affordable Housing units.

k. Nature conservation. An additional contribution of £45,000 is sought, to be spent on biodiversity enhancements as part of the off site works required to bring about a net gain in biodiversity in the area, as outlined in the applicants Ecological Mitigation and Enhancement Plan.

The applicant's provision of 31 affordable housing units is welcome. The type, size and location will be finalised as part of the section 106 agreement. The other agreed mitigation measures equate to £881,000.

Each planning obligation sought has been tested to ensure that it complies with the three tests set out in Regulation 122 of the Community Infrastructure Levy Regulations April 2010.

Equalities & Diversities issues

The application provides a range of house types and will be available to all equality groups including affordable units suitable for young families and people on lower incomes. Properties will comply with Lifetime Homes standards suitable for people with disabilities and the elderly and frail. The application therefore does not have any adverse impacts on any equality groups.

Conclusions

The proposal supports the city's ambitious growth agenda in providing 222 dwellings, much needed homes of different sizes including 31 affordable dwellings and 44 Lifetime Homes. This would increase the catchments for the local centres and help in part in creating sustainable linked communities in Hooe and Turnchapel to comply with Core Strategy policies CS01, CS15 and CS16.

The applicant has agreed to sign up to a Section 106 Agreement to mitigate the impacts of the development on the local and strategic infrastructure. These include the substantial contributions of nearly £900,000 to comply with Core Strategy policy CS33.

There are difficulties developing the land given the site's constraints which in part have led to a lengthy negotiation period over the last year or so to achieve an acceptable standard of development. The applicant has worked with officers to address several areas of concern. The principles of the design, layout and appearance have been agreed. Highways issues have now been resolved and nature conservation mitigation measures have been agreed in accordance with Core Strategy policies CS18 and CS19. On-site renewable energy production will be provided in compliance with Core Strategy policy CS20.

For these reasons the application is recommended for approval. However, if the Section 106 agreement is not completed by 12th May 2012, delegated authority to refuse is recommended because the application would not mitigate the infrastructure impacts of the development.

Recommendation

In respect of the application dated **09/08/2011** and the submitted drawings 102/10/1B, 102/10/2B, 100L*, 101, 102A*, 103A, 104A*, 105A*, 106A, 107C, 110A, 111A, 199, HLP.LS.o1B, HLP.LS.o2B, 140B, 141, 142, 143, 144, 150A, 151A, 152, 153, 154, 155, 156A, 157A, 158A, 159B, 160A, 161B, 162A, 163B, 164A, 167B, 168B, 169B, 170B, 171A, 172B, 173B, 174B, 175A, 177A, 178A, 179A, 180B, 181A, 182B, 183A, 184A, 185A, 186B, 187A, 188A, 191B, 192B, 193, 194, 195, 196, 197, 198, 199, 201C and accompanying Design Codes, Design & Access Statement, Lime Kiln Method Statement, Arboricultural Report (JP Associates), Archeological Assessment (Exeter Archaeology), Solar Shading Study, Sustainable Resource Use rv.A, Rock Slope Stability Assessment (Hydrock), Transport Assessment (Key Transport), Interim Travel Plan (Key Transport), Remediation Report (Hydrock), Statement of Community Involvement (remarkable engagement), Ecological Impact Assessment-July 2011, Bat Mitigation Strategy-November 2011, Ecological Mitigation & Enhancement Strategy-December 2011, Flood Risk Assessment.,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 12th May 2012.**

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.

SITE CHARACTERISATION

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets,
 - woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,

ecological systems,
archaeological sites and ancient monuments;
(iii) an appraisal of remedial options, and proposal of the preferred option(s).
This must be conducted in accordance with DEFRA and the Environment Agency's
'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors to comply with policies CS34 and CS22 of the Adopted Plymouth Core Strategy Development Plan Document.

SUBMISSION OF REMEDIATION SCHEME

(3) 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 2009 contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors to comply with policies CS34 and CS22 of the Adopted Plymouth Core Strategy Development Plan Document.

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors to comply with policies CS34 and CS22 of the

Adopted Plymouth Core Strategy Development Plan Document.

REPORTING OF UNEXPECTED CONTAMINATION

(5) 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 2, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 3, 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 4.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors to comply with policies CS34 and CS22 of the Adopted Plymouth Core Strategy Development Plan Document.

SOUND INSULATION

(6) All dwellings 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 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).

Reason

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

SOUND INSULATION VERIFICATION

(7) Details of the sound insulation verification methodology including the identification of the appropriate test properties and subsequent sound insulation verification results for each phase or part of a phase of residential development shall be submitted to and approved in writing by the local planning authority before any dwelling or building is occupied in that phase or part of that phase of development.

Reason:

To ensure that the proposed dwellings hereby permitted achieve the standards of noise attenuation set out in above condition so the properties achieve a satisfactory living standard and do not experience unacceptable levels of noise disturbance to comply with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document 2007.

STREET DETAILS

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

Reason:

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

ROAD ALIGNMENT AND DRAINAGE

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

Reason:

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

COMPLETION OF ROADS AND FOOTWAYS

(10) All roads and footways forming part of the development hereby permitted shall be completed in accordance with the details approved under condition 9 above before the first occupation of the penultimate dwelling.

Reason:

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

ACCESS

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

Reason:

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

PROVISION OF PARKING AREA

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

Reason:

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

CYCLE STORAGE

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

Reason:

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

GRAMPIAN (14)

(14) No development shall commence on site until the proposed access and improvements to the existing highway at the junction of Barton Road and Hooe Road shown on the approved plans have been completed.

Reason:

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

GRAMPIAN (15)

(15) No dwelling shall be occupied until the proposed improvements to Barton Road, in accordance with details to be submitted to and approved in writing, have been completed to an agreed standard suitable to serve residential development. Furthermore, the improvement works shall be fully completed to an adoptable standard, in accordance with the approved plans, prior to occupation of the penultimate dwelling.

Reason:

In the interests of highway and pedestrian safety.

CODE OF PRACTICE DURING CONSTRUCTION

(16) 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.

STAFF TRAVEL PLAN

(17) No dwelling shall be occupied until a Residential Travel Plan (RTP) has been submitted to and approved in writing by the Local Planning Authority. The said RTP shall seek to encourage staff to use modes of transport other than the private car to get to and from the development site. It shall also include arrangements for monitoring the use of provisions available through the operation of the RTP; and the name, position and contact telephone number of the person responsible for its implementation. From the date of first occupation the developer shall operate the approved RTP.

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.

LANDSCAPE DESIGN PROPOSALS

(18) No development shall take place until full details of both hard and soft landscape works and a programme for their implementation for the whole site including the woodland area have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant].

Reason:

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

SOFT LANDSCAPE WORKS

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

Reason:

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

LANDSCAPE WORKS IMPLEMENTATION

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

Reason:

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

LANDSCAPE MANAGEMENT PLAN

(21) A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas including the woodland area based on the Management and Enhancement Plan dated 4 November 2011 other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the commencement 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.

SURFACE WATER DRAINAGE

(22) No development approved by this permission shall be commenced scheme for the provision of surface water management has been approved in writing by the Local Planning Authority. The details shall include:

details of the drainage during the construction phase;

details of the final sustainable drainage scheme;

provision for exceedance pathways and overland flow routes;

a timetable of construction;

a construction quality control procedure;

a plan for the future maintenance and management of the system and overland flow routes.

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

Reason:

To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development.

CONTAMINATION INVESTIGATION

(23) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

all previous uses

potential contaminants associated with those uses

a conceptual model of the site indicating sources, pathways and receptors

potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To identify whether existing contamination identified at the site presents a significant risk to groundwater and to prevent pollution of nearby surface waters.

UNSUSPECTED CONTAMINATION

(24) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason:

To prevent pollution of controlled waters.

DETAILS OF BOUNDARY TREATMENT

(25) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timetable to be agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the details of the development are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

EXTERNAL MATERIALS

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

Reason:

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

SURFACING MATERIALS

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

Reason:

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

WHEEL WASHING

(28) Details of wheel washing facilities for construction traffic connected with the development hereby permitted shall be submitted to and approved by the Local Planning Authority and shall be installed before the development hereby approved is first commenced, and once installed such facilities shall be used at all times to prevent mud and other debris being deposited on the highway(s) during the construction of the development hereby permitted.

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

SUSTAINABLE RESOURCE USE

(29) Unless otherwise agreed previously in writing with the Local Planning Authority, the development shall be completed in accordance with the Hooe Lake Sustainable Resource Use Report (Ref: CS20/SKH/revA, July 2011). This identifies and proposes the use of Photovoltaic Cells as the preferred method of incorporating onsite renewable energy production.. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations.

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

Reason:

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

LIFETIME HOMES

(30) The development shall be constructed strictly in accordance with the drawings hereby approved showing 45 units within the development to be constructed to Lifetime Homes standards (plots 1, 2, 3, 4, 41, 52, 68, 69, 90, 91, 96, 97, 98, 106, 107, 114, 115, 116, 117, 118, 119, 128, 136, 144, 145, 151, 164, 171, 172, 173, 174, 185, 186, 187, 189, 190, 191, 196, 197, 198, 202, 203, 204, 205, 206.) The layout of the floor plans hereby approved shall be permanently retained for so long as the development remains in existence, unless a further permission is granted for the layout of these units to change.

Reason:

In order to provide 20% Lifetime Homes at the site, in accordance with Policy CS15 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

BIODIVERSITY

(31) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Ecological Impact Assessment (dated May 2011) by Richards Ecology, the EAD Ecological Enhancement and Mitigation Strategy (December 2011), the EAD Bat Mitigation Strategy (November 2011) and the Ecological Impact Assessment Report (July 2011) by Richards Ecology. In addition, further details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- A minimum of 25 bat tubes installed within new buildings at the site;
- A minimum of 20 sparrow terraces to be incorporated into new buildings at the site;
- A minimum of 10 standard nesting boxes to be installed on mature trees within the site.

- Precise details of the proposed receptor area in the north-west corner of the site, including information on proposed habitats and management arrangements for this area.

Reason

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

FURTHER DETAILS

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

Further details of the layout, planting, landscaping and boundary treatment of the proposed Public Open Space and the hedge and tree planting proposed to define the 10 metre buffer zone adjacent to the cliff face (which shall include details of a 2.0 metre paladine fence).

The works shall conform to the approved details.

Reason:

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

FOUL WATER DRAINAGE AND DISPOSAL OF SEWAGE

(33) Prior to the commencement of development, details of the provision to be made for foul water drainage and the disposal of sewage from the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the agreed details.

Reason:

To ensure that satisfactory infrastructure works are provided in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PUBLIC SEWAGE DISPOSAL FACILITIES

(34) No building hereby permitted shall be occupied, and no connection to the public sewerage system shall take place, until all improvements to the public sewage disposal facilities, rendered necessary by the development, have been completed to the Local Planning Authorities satisfaction.

Reason:

To ensure that satisfactory infrastructure works are provided in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SEWAGE DISPOSAL/DRAINAGE WORKS

(35) None of the dwellings shall be occupied until the works have been completed in accordance with the submitted plans.

Reason:

To ensure that satisfactory infrastructure works are provided in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

APPROVED PLANS

(36) The development hereby permitted shall be carried out in accordance with the following approved plans: 102/10/1B, 102/10/2B, 100L*, 101, 102A*, 103A, 104A*, 105A*, 106A, 107C, 110A, 111A, 199, HLP.LS.o1B, HLP.LS.o2B, 140B, 141, 142, 143, 144, 150A, 151A, 152, 153, 154, 155, 156A, 157A, 158A, 159B, 160A, 161B, 162A, 163B, 164A, 167B, 168B, 169B, 170B, 171A, 172B, 173B, 174B, 175A, 177A, 178A, 179A, 180B, 181A, 182B, 183A, 184A, 185A, 186B, 187A, 188A, 191B, 192B, 193, 194, 195, 196, 197, 198, 199, 201C.

Reason:

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

INFORMATIVE: SECTION 278 AGREEMENT

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

INFORMATIVE: SECTION 38 AGREEMENT

(2) Any of the roadworks included in the Application for adoption as highways maintainable at public expense will require further approval of the highway engineering details prior to inclusion in an Agreement under Section 38 of the Highways Act 1980.

INFORMATIVE: PUBLIC HIGHWAY

(3) This planning permission does not authorise the applicant to carry out works within the publicly maintained highway. The Applicant should contact Plymouth Transport and Highways for the necessary approval. Precise details of all works within the public highway must be agreed with the Highway Authority and an appropriate Permit must be obtained before works commence.

Statement of Reasons for Approval and Relevant Policies

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

PPG13 - Transport
PPS3 - Housing
PPS9 - Biodiversity and geological conservation
PPS1 - Delivering Sustainable Development
PPS22 - Renewable Energy
PPS23 - Planning & Pollution Control
CS28 - Local Transport Consideration
CS32 - Designing out Crime
CS33 - Community Benefits/Planning Obligation
CS34 - Planning Application Consideration
CS18 - Plymouth's Green Space
CS19 - Wildlife
CS20 - Resource Use
CS21 - Flood Risk
CS01 - Sustainable Linked Communities
CS02 - Design
CS15 - Housing Provision
SPD1 - Development Guidelines
NPPF – Draft National Planning Policy Framework

PLANNING APPLICATION REPORT



ITEM: 03

Application Number: I1/01603/FUL

Applicant: Risesign Ltd

Description of Application: Erection of three blocks containing a total of 11 two bedroom flats with associated landscaping changes, parking facilities and refuse storage facilities

Type of Application: Full Application

Site Address: LAND AT 1-56, RAGLAN ROAD PLYMOUTH

Ward: Devonport

Valid Date of Application: 14/11/2011

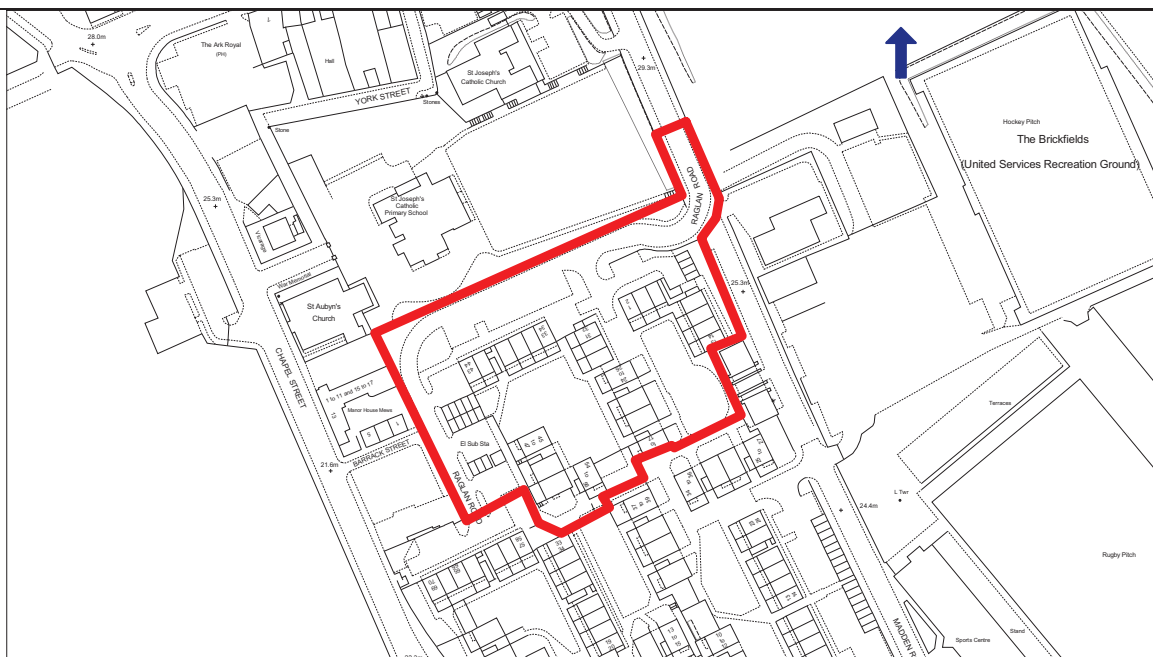
8/13 Week Date: **13/02/2012**

Decision Category: Major Application

Case Officer : Carly Kirk

Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 08 February 2012

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



Site Description

Located within the Devonport area of the City, the site comprises a 1960s development of 56 flats in total arranged in 5 blocks of three and four storey buildings, with communal garden areas and parking on the northern and western sides. The site is accessed from Raglan Road to the north. From the south, access is closed to vehicles in front of the Listed Gatehouse adjoining the south-east corner of the site. The site adjoins St Joseph's Primary School to the north; historic buildings including St Aubyn Church, Manor House, former barrack wall and public house are situated to the west; residential flats are to the south; and the Listed Gatehouse and Brickfields sports area beyond are to the east.

Proposal Description

Erection of three blocks containing a total of 11 two bedroom flats with associated landscaping changes, parking facilities and refuse storage facilities.

Relevant Planning History

09/01565/FUL Erection of three blocks containing a total of 14 two bedroom flats with associated landscaping changes, parking facilities and refuse storage facilities- REFUSED.

This application was refused for 3 reasons as summarised below:

- 1) Absence of infrastructure contributions
- 2) No improvement to the range and quality of housing
- 3) Absence of on-site renewable energy production.

The applicant appealed this decision and the appeal was dismissed. Despite the range of refusal reasons given by the Council, the Inspector only dismissed the appeal on the basis that there would be inadequate amenity space due to the extension of the car park, the absence of adequate amenity space for future occupiers, the loss of two additional parking spaces and due to some inaccuracies in the plans relating to the levels shown.

09/00547/FUL Erection of 3 blocks containing a total of 14 two bedroom flats with associated landscaping changes, parking facilities and refuse storage- REFUSED.

This application was refused for the five reasons summarised below:

- 1) Absence of infrastructure contributions
- 2) No affordable housing provision
- 3) Inadequate information regarding the risk of contaminated land
- 4) Detrimental to residential amenity
- 5) No improvement to the range and quality of housing

Reasons 4 and 5 detailed below were additional reasons added by members at Planning Committee.

RESIDENTIAL AMENITY

The Local Planning Authority considers that the development would be detrimental to the amenity of residents of existing properties and would fail to provide sufficient levels of amenity for future occupiers. The proposal is therefore considered to be contrary to point 5 of Policy CS15 of the Local Development Framework Core Strategy (adopted 2007).

RANGE AND QUALITY OF HOUSING

The Local Planning Authority considers that the proposal does not improve the range and quality of housing in the area and is therefore contrary to Area Vision 1 of the Local Development Framework Core Strategy (adopted 2007) and Chapter 5 'Improving Housing' of the Devonport Area Action Plan (adopted 2007).

05/00834/FUL Three four-storey buildings providing a total of 16 flats - REFUSED

This application was refused for 9 reasons as summarised below:

- 1) Inadequate parking provision for the parking of vehicles
- 2) Inadequate street details; unacceptable provision for secure storage of cycles, poor pedestrian links to the wider footway network, inadequate street lighting details
- 3) Overdevelopment
- 4) Creation of areas of unsafe/ insecure environment
- 5) Loss of/ impact on amenity areas
- 6) Loss of amenity and outlook to the adjoining dwellings
- 7) Loss of / inadequate provision of refuse and storage facilities
- 8) Loss of protected trees
- 9) Impact on public sewage infrastructure

This applicant appealed this decision and the appeal was dismissed.

Despite the range of refusal reasons given by the Council, the Inspector only dismissed the appeal on the basis that Block C would result in the loss of formal amenity space and would have a detrimental impact on the outlook from neighbouring flats (Nos. 39-44).

Pre-application discussions

The applicant was encouraged to submit an application under the Development Enquiry Service (DES) however no pre-application was received. Despite this, a meeting was offered to the applicant to discuss how we may mitigate the impacts of development. This meeting was offered outside of the DES process due to the site's unique planning history, and the recent appeal conclusions which make this an exceptional case.

Consultation Responses

Highway Authority- no objections subject to conditions relating to parking provision, cycle storage and double yellow lines.

South West Water- no objections.

Strategic Housing Service- supportive of proposals.

Representations

6 letters of representation, all objecting for reasons summarised below:

- Refuse collection is already over stretched.
- The estate is cramped enough.
- The management company is already providing a less than satisfactory service which will become even worse if further flats were allowed.
- Community areas/ facilities will be reduced and there will be no scope to increase them at a later date.
- Additional traffic will make parking problem worse.
- The condition of the roads within the parking areas is already poor and the increased traffic will make it worse.
- Inaccurate information/ lack of detail.
- Concerns regarding the safety of balconies proposed.
- Would not conform to existing design.
- Loss of open space and light.
- Site will become a building site.

Analysis

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

This application follows a series of planning applications. Applications for three residential blocks were refused in 2005, 2009 and 2010, details of which are given in the planning history section of this report.

The main issues for consideration for this proposal are the impact on surrounding residential properties, on the amenities of the community, on the highway and on trees.

The main policies relevant to this application are CS01, CS02, CS15, CS16, CS18, CS28, CS32, CS33 and CS34 from the adopted Core Strategy. Plymouth City Council's Development Guidelines Supplementary Planning Document, Planning Obligations and Affordable Housing Guidelines Supplementary Planning Document., the Devonport Area Action Plan 2006-2021, as well as taking account (with appropriate weight attached) of the Draft National Planning Policy Framework.

This proposal has changed slightly since the last application; it is now 11 units being proposed, previous applications were for 14 units. There has also been a reconfiguration of parking arrangements to remove the two spaces that were previously on highways land, a reduction in the size of Block C to ensure there is no

loss of communal amenity space and the addition of balconies or gardens to all the new flats. In addition to this the refuse storage areas have been enlarged to comply with the Council's Development Guidelines SPD. Despite these differences there are still 3 buildings proposed and their design and general position have not changed from the previous application. Therefore the planning history for this site still holds significant weight in determining this application. The Planning Inspectorate disregarded many of the Council's previous refusal reasons and therefore it would be inappropriate to reiterate these reasons if the circumstances have not changed. The Inspector's findings of both the 2005 appeal and the appeal determined in January 2011 are therefore referred to throughout this report.

Layout, Scale and Design

The introduction of these three residential blocks is still considered to result in overdevelopment and to create a cramped appearance. However the Inspector previously concluded in the 2005 application that 'the defining characteristic of the estate is one of enclosure' and the 'overall effect of the proposed development would be to reinforce this enclosure'. He did not consider that the development would appear cramped and hence officers consider that the application should not be refused on these grounds.

The buildings would not impact on the setting of any listed building; they are a sufficient distance away and are within the envelope of the site where there are existing blocks of flats. A road and high boundary wall would separate the block from the adjacent Manor House.

The scale of the blocks is very similar to those previously proposed, the only difference being that Block C has been reduced slightly in size; none of the buildings would be higher than the adjacent existing blocks and the scale is considered appropriate in accordance with policies CS15 and CS34 as was deemed by the inspector previously.

The floor areas of the units are slightly different in each block. In Block A they are approximately 57.6 m², in Block B 55.02 m² and in Block C 60.34 m² and 53.55m². The floor areas are considered to be adequate, in accordance with the Development Guidelines SPD which gives a guideline of 55m² for 2 bedroom flats. All of the units proposed would also have adequate amenities and natural lighting to all habitable rooms.

The design of the blocks in this application and the previous application have remained largely unchanged from the 2005 application; however the drawings do show a greater level of detail. The Inspector's comments in 2005 regarding the design were that, while the proposed design was 'unremarkable', the blocks would 'integrate sympathetically and unobtrusively with the simple form and proportions of existing development'. This opinion is supported by officers; the design could not be considered outstanding, however it is deemed acceptable in this case and would accord with policy CS02.

The materials to be used have not been detailed and therefore if permission is granted a condition would need to be attached to ensure that these details are

agreed before works commence. The materials used should be sympathetic to those used in the existing residential blocks.

Overlooking/ loss of light

Block A is joined to the east of flats 5 and 6 with a core link block and the high level deck access fits into the upper level of the new core. There are no windows on the adjacent blocks that would be affected by Block A and therefore there would be no loss of privacy, light or outlook as a result of this block.

Block B is as proposed in the previous application. It is noted that this block would have some impact on the amenity of residents and may result in some loss of light, however its impact would not be significantly different to that in the previous 2005 application where its principle was accepted, it is not therefore considered by officers that the application could be refused on this basis. It may also affect access to some residents' sheds which are sited directly opposite the proposed block, however as stated in the Inspectors January 2011 decision 'the store access is essentially an estate management matter'.

Block C does not create any concerns of overlooking, there are no windows on the east elevation of Block C and although some degree of overlooking may be possible from the windows and balconies on the south elevation of Block C the nature of these buildings means that a degree of overlooking already exists and the development would not create any new overlooking concerns. Plans have now been provided to show ground levels and although ground levels vary, Block C would be no higher than the adjacent block.

Refuse Storage

The existing bin store will be demolished to make way for Block A. A new communal bin store is to be provided adjacent to and to the north-west of Block A. It is accessed from Raglan Road but will open into the site for easy access by residents. A second bin store will also be provided adjacent and to the north-west of Block C. The bin stores have now been increased in size since the previous application, and they now fully comply with Plymouth Council's requirements as detailed in the Development Guidelines SPD.

The bin stores are to be constructed of brick and timber; detailed designs shall be secured by way of condition.

Amenity Areas

As a result of the buildings proposed, some areas would be lost which the local community say are utilised by children playing. The residents object to the position of Block B as it would involve the loss of a planting area and 'the anchor' (a piece of street art). These concerns are noted, however the inspector previously deemed that such reasons would not justify refusal, the inspector stated in the earlier appeal that the loss of this area along with the area lost to Block A contribute little to the estate in terms of amenity space'.

In the recent appeal decision (January 2011), one of the outstanding issues was the impact on living conditions of existing and proposed residents due to deficiencies in amenity space caused by Block C. The Inspector commented that 'the proposed

development would unacceptably harm the living conditions of adjoining occupiers due to the resultant reduction in the size of the existing communal amenity area by extension of the car park and no adequate provision would be made for future occupiers'. As a consequence of this Block C has now been reduced in size (resulting in three less flats overall) and the parking layout has been reconfigured to ensure that none of the existing communal amenity space is lost. In addition, all of the proposed flats will have a private amenity space in the form of a balcony or garden. This equates to a provision of 93.73 sqm of new amenity space compared to the last application with the existing amenity space unaffected. The balconies would not overlook any other dwelling and therefore the proposals now comply with policy CS15 and Plymouth's Development Guidelines SPD.

Landscaping

A tree survey has been submitted with this application and a further drawing provided to clarify the trees on site that would be lost. Two trees would be lost as a result of this development compared to three in the previous application and it is not considered by officers that either of these trees is of intrinsic value. The applicant has not provided planting details to mitigate against the loss of trees. Therefore in order for the proposal to accord with policy CS18 it would be necessary for conditions to be attached to any grant of approval to ensure protection during construction of those trees to be retained, and to agree details of replanting to mitigate for those trees lost.

Safety and Security

Previous schemes have raised safety concerns, and it is still considered by officers that some unsafe spaces would be created such as in relation to the passageways that would be formed between Block B and the existing buildings. For this reason is not deemed that the proposal would accord with Policy CS32; however it would not be prudent to refuse the application for this reason. The inspector stated in relation to the 2005 application that such concerns could be dealt with by 'means of appropriately worded planning conditions', the current application shall therefore be dealt with in this way, adding conditions to agree door and window fittings through the external materials condition and a condition to agree the gate details for the footpath adjacent to Block B.

Drainage & Sewerage

A reason for refusal in the 2005 application and a concern raised by residents relates to the fact that Block B will be built over a public sewer. The applicants have failed to provide sufficient information to demonstrate that the drainage, waste water and sewerage infrastructure capacity is maintained and where necessary enhanced, which is contrary to policy CS34. However no objections have been raised by South West Water and in light that this refusal reason in the 2005 application was again not upheld it is not considered that this should form a refusal reason. Such infrastructure requirements are covered by alternate legislation and therefore it is considered that the best way of highlighting these concerns in this instance would be by attaching an informative to the decision notice.

Contaminated Land

A comprehensive contaminated land assessment has now been submitted with the application and the Council's Public Protection Service is satisfied that the application can be approved subject to conditions. The proposal is therefore considered to comply with policy CS22.

Highway Considerations

The 2005 application was refused for a number of reasons including insufficient parking provision; however this reason was not upheld by the Inspector in the subsequent appeal. Following this decision no transport objections were raised to either of the 2009 applications, however in the most recent appeal, it was confirmed by the Inspector that two parking spaces located within a turning head on the public highway could not be counted towards the overall parking provision for the estate. The Inspector also noted that the loss of these two further spaces 'would have resulted in two flats not having an allocated parking space, and this adds some limited weight against the proposed development'. It is therefore considered that the development should provide one car parking space per unit and that the two spaces shown within the existing highway cannot be counted towards the overall provision.

The plans initially submitted did not provide this level of parking as the applicant had counted the parking spaces in the turning head. Some of the parking spaces shown were also of substandard width. Amended plans have now been received, the parking spaces in the turning head have been removed and two additional spaces added to the south of Block C, all spaces are also now of an adequate size. The parking ratio is now 1:1 and therefore this can be accepted.

The details shown for cycle parking are not satisfactory as the units should be secure as well as covered. No means of securing the cycle parking areas has been provided and therefore details of this shall be secured by way of condition.

The proposals are now deemed to accord with Policy CS28.

Renewable Energy

The applicant previously failed to submit a renewable energy statement with the application. However a statement has been submitted with this application to demonstrate that 15% of the carbon emissions for which the development is responsible will be off-set by on-set renewable energy production using photovoltaics. The report submitted is deemed acceptable by officers and therefore the proposals would comply with Policy CS20.

Letters of Representation

The points made in the letters of representation have been dealt with in the above report, the refuse collection areas have been improved, and points regarding the estate becoming cramped, parking problems and impact on some amenity areas have already been established as acceptable through the Inspector's previous conclusions. A code of practice condition has been attached so that construction works can be controlled to provide minimum disturbance.

Points regarding the management company, condition of existing roads and the safety of balconies are not material planning considerations and accurate information and detail has now been received to assess the proposals.

Section 106 Obligations

In considering the need for planning obligations to address any adverse impacts of the development, pursuant to Core Strategy Policy CS33, it is important that Members note the need to take into account the complex planning history, including the recent appeal decision which did not support the Council's grounds of refusal previously on the basis of infrastructure impacts.

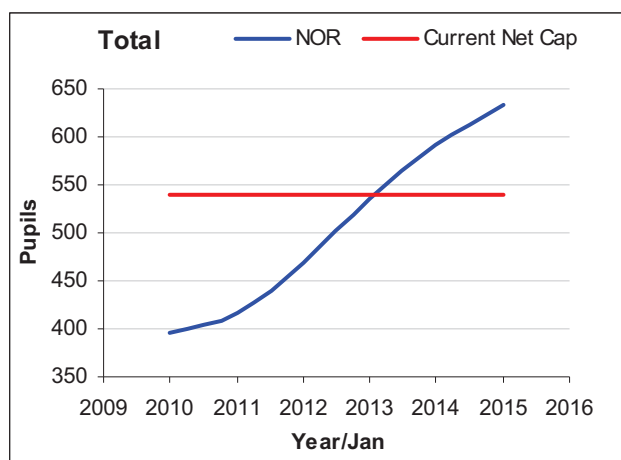
Members also need to take into account that the applicant's viability appraisal identifies that development is unviable even before impact mitigation is taken into account.

Notwithstanding the planning history and the viability constraints, the development is of a scale and nature that would normally generate contributions to address impacts in relation to primary schools, playing pitches, open space and play area management together with strategic green infrastructure, European marine site impacts, strategic sports and leisure facilities, and strategic transport. This is because the development will lead to an increase in the population in this area which will place additional strain on infrastructure and pressure on environmental resources.

However, when considered in this wider context there are considered to be two main local impacts against which it remains appropriate to seek planning obligations, namely to address capacity issues in local primary schools and playing pitch provision.

I. Schools

This development sits within the vicinity of three primary schools: St Josephs RC Primary, Mount Wise Primary & Marlborough Primary School. Although each school has some spare capacity in the later years, they are full at Reception. Furthermore by January 2013 all current spare space will be used, as shown in the graph below:



This shows that when combining the total school rolls and current capacities, these schools will be full from Jan 2013 onwards. Therefore any development that will potentially house children that could apply for a place within these schools will need

to mitigate its impact on the local education infrastructure by providing or assisting the provision of additional school places.

The estimated cost of mitigating this impact is £22,462.

2. Playing Pitches

The Plymouth Playing Pitch Strategy 2007-2016 identifies that the South Sub Area of the city is deficient in terms of access to playing pitches. The proposed development falls within this Sub Area (South of the Parkway and West of the River Plym).

The Playing Pitch Framework Group have identified a clear numerical shortage of playing pitches in Plymouth in conducting a review of Plymouth's Playing Pitch Strategy. This is not helped when considering the topography of the City, a growing population and that many of our pitches are of poor quality.

There is therefore an impact on infrastructure requirements arising as a result of the development, namely the provision of improved access to playing pitches.

The estimated cost of mitigating this impact is £9,085.

The development appraisal has clearly demonstrated that the scheme is unviable even before impact mitigation is taken into account. However, officers have negotiated a package within the context of the Market Recovery Scheme which would respond to the most significant impacts firstly on schools and secondly on playing pitches. These measures are considered sufficient to justify a grant of planning permission when considered within the context of the planning history of this site.

The particular provisions of the Market Recovery Scheme utilised are those which enable an extended period for the consent (5 years in this case) and clawback provisions to recoup up to the full impact cost of the mitigation measures being sought should development viability improve. The market recovery measures relevant to the extended permission are those to help developers respond quickly to economic recovery by having an 'oven-ready' consent, this would allow extended planning permission periods up to 7 years so that developments can commence when the market improves. 5 years was agreed in this case with the clawback provision to secure further S106 provisions should development viability improve.

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:

- £15,000 to local schools provision to be allocated to the provision of additional school places in one of the following schools; St Josephs RC Primary School, Mount Wise Primary School, Marlborough Primary School.
- A clawback provision that requires a jointly commissioned viability assessment, based on actual sales, to be executed at any point between practical completion and occupation of the development. Further contributions to education and playing pitch infrastructure, up to the

maximum contribution for mitigating the impacts, shall be paid if the appraisal determines that this can be done within the viability constraints of the scheme (i.e. a further £7,462 for primary schools, and £9,085 for playing pitches).

The above Heads of Terms have been agreed with the applicant.

Having taken into account the specific merits of this case, including the nature and scale of the development's impacts, the complex site history, the viability constraints and the negotiations that have taken place, officers now consider that this is an acceptable package of mitigation which enables a recommendation of approval for the scheme to be made.

Equalities & Diversities issues

The applicant has demonstrated that all of the flats have been designed to lifetime homes standard and officers are satisfied with the evidence provided.

Cycle storage sheds also form part of the proposal.

Conclusions

This proposal still creates concerns in respect of overdevelopment, parking provision and on the whole what is deemed to be a negative impact to the local community and existing residents. Improvements have however been made to the scheme submitted, such as additional private amenity space, improved refuse storage proposals and contributions to mitigate the impacts of development. Therefore in light of these improvements and the Inspector's previous conclusions, which hold significant weight, it is not considered that the application could again be refused on these grounds.

The reasons upheld in the Inspector's most recent appeal decision relate to parking provision and amenity space, both of these issues have been dealt with in this application and a S106 contribution has also been agreed in addition.

For these reasons it is recommended that the application be approved conditionally.

Recommendation

In respect of the application dated **14/11/2011** and the submitted drawings Site location plan, 100 H, 101 D, 109 B, 103 C, 109 A, 15753A/1-R1, 3253/SK02 A, 15753A/ 1- R1, 3253/SK/201 and accompanying Design and Access Statement, Renewable Energy Strategy, Tree Survey Report, Land Contamination Assessment and Lifetime Homes 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 8th February 2012.**

Conditions

APPROVED PLANS

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, I00 H, I01 D, I09 B, I03 C, I09 A, I5753A/I-R1, 3253/SK02 A, I5753A/ I- R1, 3253/SK/201

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 5 YEARS

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

Reason:

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

LAND QUALITY

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

Reason:

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

SITE CHARACTERISATION

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

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

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

Reason:

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

SUBMISSION OF REMEDIATION SCHEME

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

Reason:

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

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

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

Reason:

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

REPORTING OF UNEXPECTED CONTAMINATION

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

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

Reason:

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

CODE OF PRACTICE

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

Reason:

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

LIFETIME HOMES

(9) 20% of the new dwellings shall be first constructed and subsequently maintained so as to meet Lifetime Homes Standards.

Reason:

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

RESTRICTIONS ON PERMITTED DEVELOPMENT

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

Reason:

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

EXTERNAL MATERIALS

(11) No development shall take place until details 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.

REFUSE STORAGE DETAILS

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

Reason:

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

SUSTAINABLE RESOURCE USE

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

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

Reason:

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

EXISTING TREE/HEDGEROWS TO BE RETAINED

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

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

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

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

Reason:

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

PROVISION FOR TREE PLANTING

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

Reason:

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

CAR PARKING PROVISION

(16) The development shall not be occupied until space has been laid out within the site in accordance with the Approved plan ref 3253/SK02 Rev A for a maximum of 67 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.

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.

CYCLE PROVISION

(17) No dwelling shall be occupied until space has been laid out within the site in accordance with details to be submitted and approved in writing by the Local Planning Authority for 12 bicycles to be parked in a secure and covered location.

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.

DOUBLE YELLOW LINES

(18) Prior to occupation of the development hereby permitted the developer shall begin the process and seek to implement a Traffic Regulation Order in a timely manor to provide on-street car parking restrictions in the form of Double Yellow Lines (DYL's) around the public turning head and linking with the existing yellow lines in the street, the associated costs to be bourn by the applicant; the details of which shall be submitted for approval in writing to the Local Planning Authority.

REASON

To preserve the function and safety of the local highway network and convenience to the public.

DETAILS OF GATES

(19) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the gates proposed for the footpath alongside Block B. Development shall conform to the approved details and shall be completed before the development is first occupied. These gates shall not be altered or removed without the prior consent of the Local Planning Authority.

Reason:

To ensure that the unauthorised access is prevented in accordance with Policy CS32 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE: CODE OF PRACTICE DURING CONSTRUCTION

(1) The management plan required by condition 7 shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web-pages, and shall include sections on the following:

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

SOUTH WEST WATER

(2) The applicant should note that South West Water will only allow foul drainage to be connected to the public foul or combined sewer. Should no separate storm system be available, details of the means of disposal must be submitted for prior approval. The use of soakaways will require satisfactory percolation tests to have been undertaken. If soakaways are not an acceptable solution, South West Water request that they be contacted for further information.

The applicant should also be aware that no development will be permitted within 3 metres of the sewers, and South West Water request that ground cover is not substantially altered to ensure the security of their apparatus. Should the development encroach on the 3 metre easement, the sewers will need to be diverted. The applicant/agent is advised to contact South West Water to discuss the matter further.

Statement of Reasons for Approval and Relevant Policies

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

- PPS3 - Housing
- CS28 - Local Transport Consideration
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS18 - Plymouth's Green Space
- CS01 - Sustainable Linked Communities

CS02 - Design

CS15 - Housing Provision

CS16 - Housing Sites

SPDI - Development Guidelines

NPPF - Draft National Planning Policy Framework 2011

Devonport Area Action Plan

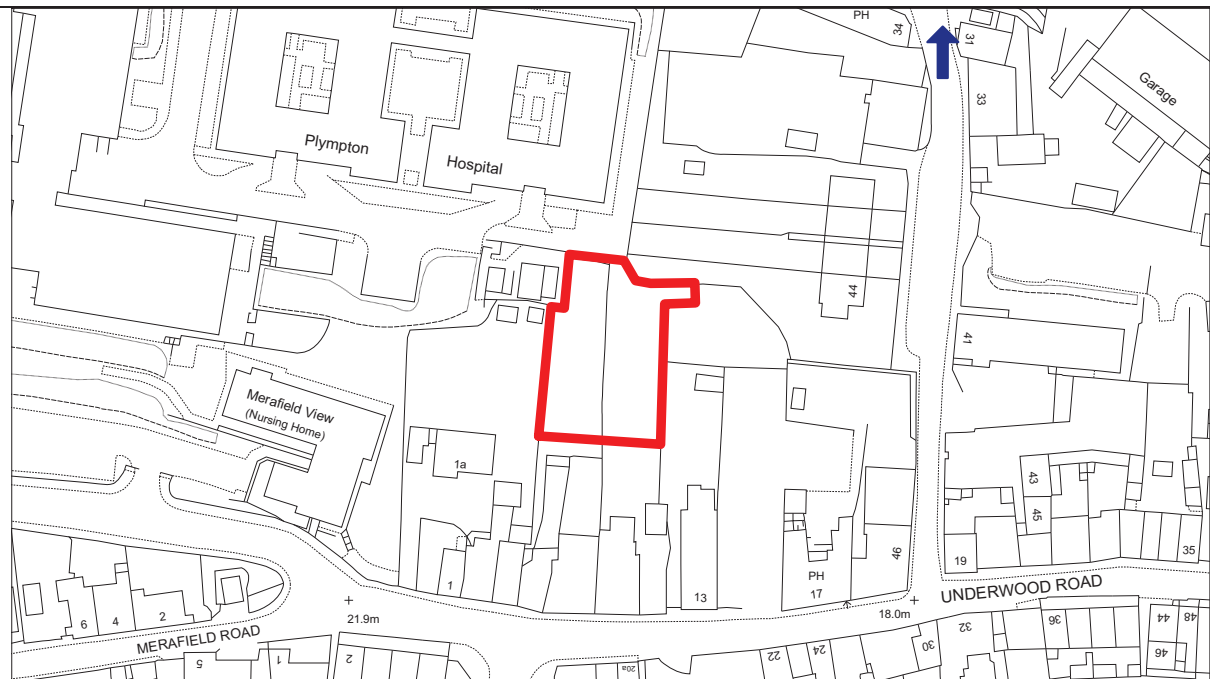
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PLANNING APPLICATION REPORT



ITEM: 04

Application Number:	11/01651/OUT
Applicant:	South-West Property Developments Ltd
Description of Application:	Outline application to develop land by erection of two 4-bedroom 100sqm floor area detached dwellinghouses
Type of Application:	Outline Application
Site Address:	LAND TO REAR OF 7-11 UNDERWOOD ROAD PLYMOUTH
Ward:	Plympton Erle
Valid Date of Application:	28/10/2011
8/13 Week Date:	23/12/2011
Decision Category:	Member Referral
Case Officer :	Jon Fox
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



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This application is being considered by Planning Committee as a result of a Member referral by Councillor Terri Beer. This Ward councillor is concerned that this is development on garden space, is over-development of the land, there is not sufficient vehicular access to the site and it will spoil the character of the village of Underwood.

Site Description

The site comprises garden land to the rear of 7-11 Underwood Road. The land slopes downwards from the front of the site (south to north). The site is bounded to the west by the house and garden at 1a Underwood Road; to the north by Plympton Hospital and the garden of 44 Market Road (both at a considerably lower level than the site) and to the east by 13 Underwood Road and by land outside the application site that is owned by the applicants. Access is via a drive adjacent to 11 Underwood Road, which passes the entrance to accommodation in that property.

Proposal Description

Outline application to develop land by erection of two 4-bedroom 100sqm floor area detached dwellinghouses. The dimensions of the houses are 8.6 to 8.9 metres wide; 7.6 to 7.9 metres deep and 7.3 to 7.7 metres from ground floor level to ridge height (the site slopes from south to north and as a result the ground floor of the buildings could be up to approximately 400mm above actual ground level). The ridge heights are also stated in a range that relates to a known datum level.

Relevant Planning History

There was no pre-application advice sought in respect of the current proposals.

10/00711/OUT - Outline application to develop land by erection of three 4-bedroomed 100sqm floor area detached dwellinghouses on land rear of 7-11 Underwood Road (including an area forming the eastern part of the site which is excluded from the current planning application). This application was refused for the following reasons (précis follows):

- (1) The proximity of the proposed access road to Nos. 11 and 13 Underwood Road and the associated vehicle movements to the side of these buildings and associated rear gardens will lead to levels of noise and disturbance that will be demonstrably harmful to the amenities of the occupiers of those properties.
- (2) Due to their scale and proximity, the buildings would be overbearing and dominant when viewed from the rear gardens and houses that surround the site, particularly 1a Underwood Road and 44 Market Road, and will also result in a serious loss of privacy for the occupiers 1A Underwood Road.
- (3) The close proximity of the proposed dwellings to the boundary of 44 Market Road will result in an unreasonable loss of sunlight and daylight to the rear gardens of that property.
- (4) The amount of development is inappropriate for a site that has no frontage onto the main road. In this respect, the size of the plot, and the nature of

the accessway that serves it, is not considered capable of generating its own street frontage and the density of development would be at odds with the relatively spacious layout and depth of plots on surrounding properties. As such, the proposals are considered to be harmful to the character and appearance of the area.

A **planning appeal** was lodged in respect of the Local Planning Authority's decision on 10/00711/OUT; this appeal was dismissed. With regard to reason 1, the Inspector found that the occupiers of the neighbouring properties would not be unreasonably affected by the proposed development.

With regard to reasons 2 and 3, the Inspector found that the visual impact on 1a Underwood Road would not be harmful because the proposed houses would stand at a lower level and would be off-set from that property. The inspector considered that 1a Underwood Road would experience a significant loss of privacy from the upper floors of the proposed houses, but that clear-glazed windows serving habitable rooms could be positioned where they would have little or no effect on privacy. With regard to the proposed house labelled Unit 3, which was proposed to be located in the eastern part of the application site, adjacent to the garden of 44 Market Road, the Inspector considered that the level of that property and its relationship with Unit 3 would adversely impact the outlook from the garden and would be overbearing when seen from the house. The Inspector also found that the proposed house in the north-west corner of the site would have little impact on sunlight and daylight to the long, narrow strip of garden at 44 Market Road, but that any house in the north east corner would result in a significant reduction in sunlight and daylight. Therefore, it can be seen that, from the appeal Inspector's point of view, the main and unacceptable impact is on the amenities of 44 Market Road.

With regard to reason 4, the Inspector considered that the proposed layout and density would not be out of keeping with those in the surrounding area, and that with regard to the lack of a street frontage, there are other dwellings that do not have a street frontage and that the proposed group of houses would not be out of character.

With regard to private residential gardens no longer being classed as previously developed land, the Inspector states: "Planning Policy Statement 3: Housing has been amended so that its definition of previously-developed land now excludes private residential gardens. However, Core Strategy policies CS02 and CS34 do not distinguish between previously-developed and other land and have been used by the Local Planning Authority to refuse applications where garden development has seriously affected the character of the area. In relation to the appeal proposal, therefore, this change to PPS3 is not of particular significance."

09/00532/OUT (land rear of 7-11 Underwood Road) - Outline application for construction of eight, two-bedroom flats and associated car parking and vehicle turning areas. The flats were indicatively arranged in 4 blocks of two flats each. This application was refused for the following reasons (précis follows):

(1) The proximity of the proposed access road to Nos. 11 and 13 Underwood Road and the associated vehicle movements to the side of these buildings and

associated rear gardens will lead to levels of noise and disturbance that will be demonstrably harmful to the amenities of the occupiers of those properties.

(2) Due to their scale and proximity, the buildings would be overbearing and dominant when viewed from the rear gardens and houses that surround the site, particularly 1a Underwood Road and 44 Market Road, and due to their height will also result in a serious loss of privacy for the occupiers of those properties and 46 Market Road.

(3) The close proximity of the proposed dwellings to the boundaries of neighbouring properties at 1a Underwood Road and 44 Market Road will result in an unreasonable loss of sunlight and daylight to the rear gardens of those properties.

(4) The density of the development, the intensive use of the site, and the close proximity of the proposed access road and dwellings to neighbouring properties will lead to unreasonable levels of noise, disturbance and light pollution for the occupiers of 1a and 13 Underwood Road and 44 Market Road.

(5) The amount of development is inappropriate for a site that has no frontage onto the main road. In this respect, the size of the plot, and the nature of the sub-standard accessway that serves it, is not considered capable of generating its own street frontage and the density of development would be at odds with the relatively spacious layout and depth of plots on surrounding properties.

(6) The proposed development is likely to result in an unacceptable increase in the number of vehicular movements taking place at and in the vicinity of the application site, giving rise to unacceptable conditions.

(7) The proposed access arrangement is unsuitable for its intended use and is therefore likely to give rise to issues of personal and highway safety. Vehicular movements arising from the development would give rise to unacceptable conditions.

(8) No adequate provision is proposed to be made for the parking of cars of persons residing at or visiting the development. Vehicles used by such persons would therefore have to stand on the public highway, giving rise to unacceptable conditions.

(9) The proposed development is unsatisfactory and unacceptable in that it will fail to meet accepted standards for: turning and parking of vehicles attending at the site; vehicular and pedestrian circulation within the development; pedestrian links to the wider footway network; safe access to and from the site; and street lighting and drainage and gradient of the street.

05/01696/OUT (13 Underwood Road) - Outline application to develop rear garden by erection of dwelling, with details of means of access (as existing), with demolition of rear tenement of existing dwelling and formation of parking area. This application was refused.

Consultation Responses

Transport

From a transport and highway perspective, development that would give rise to any additional vehicle trips along Underwood Road would not be encouraged, although it is considered that this small scale development would use an existing vehicle access, where the principle of vehicular access has already been established, and where any subsequent increase in associated vehicle trips would be quite small.

Although vehicle speeds along Underwood Road are generally very low, car parking also occurs along areas of the street and in the vicinity of the entrance of the application property, which may present an obstacle to forward and inter-visibility. In the recent past some alterations have been carried out within the highway with the provision of a build-out outside number 9 to improve safety by providing a safe crossing point for pedestrians. The position of the build-out in the street is close by and to the west of the entrance to the application site, and this assists with and affords improved forward and inter-visibility at the driveway entrance/exit by pushing vehicles approaching from the west toward the centre-line of the road. With a view to discouraging haphazard car parking close to the driveway entrance and build-out in order to preserve visibility, consideration should be given to appropriate road markings being painted on the highway in Underwood Road to provide a solid white line in the carriageway channel across the driveway entrance, and or extending the cross hatching adjacent to the pedestrian build-out toward the site entrance; this requirement that could be implemented relatively simply with the cost being bourn by the developer, and should be secured by a Grampian condition as part of any grant of planning permission.

Transport therefore has no objections subject to conditions relating to details of new junction, driveway gradient, car parking provision and cycle provision. An informative note is recommended regarding a footway crossing.

Public Protection Service

No objections, subject to conditions relating to land quality and the submission of a code of practice.

Representations

Letters have been received from the occupier of 44 Market Road, which raise the following objections:

1. The planning application shows construction on part of the land belonging to 44 Market Road. Full use is being made of their land.
2. Two trees that fall within No.44's boundary were unlawfully cut down without consent.
3. This contradicts the applicant's statement that it is intended to retain where possible, native species trees and shrubs.
4. This development is not for affordable housing.
5. The applicant states the gardens as redundant; maybe they are but only because he has made them redundant, removing the plant life ,wildlife, shrubs, trees, sheds ,ponds and everything which made them into gardens.

6. Regarding the wall to rear of the property that backs onto Plympton Hospital, the building plans show no provision for strengthening and ensuring the 25 foot wall with a big drop is structurally stable to support the developments above it; a real risk of a land slide and the new houses ending up on Plympton Hospital could happen if that is over looked, the plans are very much flawed.

Analysis

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

The application is considered having regard to local and national policies and guidance, as well as taking account (with appropriate weight attached) of the Draft National Planning Policy Framework.

The main issues in this case relate to the backland nature of the site and the impact of the proposed development on surrounding residential amenity in terms of dominance, visual intrusion, privacy and noise and disturbance; the amount of development and the impact on the character and appearance of the area, and the impact on traffic congestion and highway issues relating to the use of the proposed driveway and access point onto Underwood Road. With regard to the above issues, the main focus is on whether the proposals overcome the reasons for refusing the previous application 10/00711/OUT without raising any other problems from a planning point of view. In this respect the indicative layout plans are the same as previously proposed minus the dwelling at Unit 3, which was the particular dwelling that the Planning Inspector found objectionable.

With regard to transport matters, the Inspector found that nearby streets are well used for parking and visibility at the junction is limited, especially by parked vehicles. However, the Inspector considered that each house would have two parking spaces and that it would be of assistance if the road marking across the access were reinstated to deter parking close to the access. The current scheme is for one less dwelling and therefore the impact on the highway network will be less than in the case of the previous proposal.

With regard to the noise and disturbance arising from the use of the proposed accessway (reason 1 of the previous Local Planning Authority decision), it is not considered appropriate to maintain this objection in light of the Inspector's decision and the fact that the current proposals are for two dwellings, not three.

Although the number of dwellings backing onto 1a Underwood Road is unchanged (reason 2), the impact of the proposals on the outlook from that property is not considered to be a sustainable reason for objecting, having regard to the Inspector's

decision. The Local Planning Authority could maintain an objection on these grounds, but such a position is likely to be weak, bearing in mind the reduced scheme and the lack of other objections, including the lack of an objection from the neighbours themselves.

With regard to privacy issues (reason 2), the design of the dwellings could incorporate either standard clear-glazed windows, in locations that do not unreasonably overlook neighbours, and/or angled windows that reduce overlooking.

The removal of Unit 3 from the scheme largely removes any concerns regarding the impact of the proposals on the daylight/sunlight and outlook enjoyed by the occupiers of 44 Market Road. However, given the relatively low level of the long garden at that property, and the scale and proximity of the nearest proposed house (albeit on an indicative plan at this outline application stage), it is considered beneficial to move the proposed house at Unit 2 further up the site from the position shown on the indicative plans, i.e. move away from the garden at 44 Market Road so that the visual impact on that property is reduced. It is considered that this would further reduce any overbearing and dominance when viewed from No.44's garden (reason 2) and this suggested change to the position has therefore been made known to the applicant's agent.

With regard the lack of a street frontage and the impact on the character of the area (reason 4), it is considered that having regard to the Inspector's decision and the reduced scheme, i.e. more garden land preserved in lieu of Unit 3, it would not be sustainable to maintain an objection on these grounds.

With regard to the neighbour's objections, the land ownership issue has been resolved following the submission of amended plans. The felling of the two trees referred to as being within the neighbour's property is a civil matter and does not now raise a planning issue (the trees were not protected). The development is not for affordable housing as defined within policy CS15 of the Core Strategy and the loss of the former gardens is an issue that is considered here and was considered in respect of the previous application on the site. With regard to the stress that would be put on the wall backing onto Plympton Hospital, it is recommended that an informative note be used to draw the applicant's attention to the private property rights of neighbours.

The proposals are not considered to raise any other issues.

Section 106 Obligations

The proposals do not have impacts that require mitigation under Section 106 of the Planning Act.

Equalities & Diversities issues

The proposals do not raise any equalities or diversity issues.

Conclusions

The proposed development is different to the previously refused scheme because, taking due account of the Inspector's decision, the dwelling at Unit 3 is not being proposed in the current application. On balance, it is considered that two dwellings of the dimensions proposed can be accommodated on the site without being demonstrably harmful to residential amenity or the character of the area.

It is therefore recommended that Members be minded to grant outline permission subject to standard outline planning conditions and those recommended by consultees. It is also necessary to restrict permitted development rights in order to protect the amenities of neighbours. It is recommended that delegated authority be given to the Assistant Director for Development (Planning Services) to determine the application once the publicity response period has expired.

Recommendation

In respect of the application dated **28/10/2011** and the submitted drawings 1:1250 scale location plan on drawing UR-A3/01D (not including the indicative location of proposed housing on this plan), UR-A3/02C, UR-A3/03C, phase I environmental desktop study report, and accompanying design and access statement, it is recommended to: **Grant Conditionally**

Conditions

APPROVAL OF RESERVED MATTERS

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

Reason:

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

SUBMISSION OF RESERVED MATTERS

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

Reason:

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

TIME LIMIT FOR SUBMISSION OF RESERVED MATTERS

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

Reason:

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

TIME LIMIT FOR COMMENCEMENT OF DEVELOPMENT

(4) The development hereby permitted shall be begun either before the expiration of five years from the date of this planning permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason:

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

APPROVED PLANS

(5) This permission relates to the following approved plans: 1:1250 scale location plan on drawing UR-A3/01D (not including the indicative location of proposed housing on this plan).

Reason:

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

CODE OF PRACTICE

(6) During development of the scheme approved by this planning permission, the developer shall comply with the relevant sections of the Public Protection Service, Code of Practice for Construction and Demolition Sites, with particular regards to the hours of working, crushing and piling operations, control of mud on roads and the control of dust.

Reason:

The proposed site is in immediate vicinity to existing residential properties, whose occupants will likely be disturbed by noise and/or dust during demolition or construction work and to avoid conflict with Policies CS22 and CS34 of the Core Strategy of Plymouth's Local Development Framework April 2007.

LAND QUALITY

(7) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 8 to 10 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 11 has been complied with in relation to that contamination.

Reason:

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

accordance with policy CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

SITE CHARACTERISATION

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

- (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, in accordance with policy CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

SUBMISSION OF REMEDIATION SCHEME

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

Reason:

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

accordance with policy CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

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

Reason:

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

REPORTING OF UNEXPECTED CONTAMINATION

(11) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 9, which is subject to the approval in writing of the Local Planning Authority.

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

Reason:

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

DETAILS OF NEW JUNCTION

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

Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework April 2007 and Development Guidelines Supplementary Planning Document 2009.

DRIVEWAY GRADIENT

(13) The driveway to the dwellings hereby permitted shall not be steeper than 1 in 10 at any point.

Reason:

To ensure that safe and usable off street parking facilities are provided, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework April 2007 and Development Guidelines Supplementary Planning Document 2009.

CAR PARKING PROVISION

(14) The development shall not be occupied until space has been laid out within the site in accordance with the details to be submitted to and approved in writing by the Local Planning Authority for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The said parking and turning facilities shall thereafter be retained.

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 Core Strategy of Plymouth's Local Development Framework April 2007 and Development Guidelines Supplementary Planning Document 2009.

CYCLE PROVISION

(15) No dwelling shall be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for bicycles to be stored at each of the dwelling houses hereby approved.

Reason:

In order to promote cycling as an alternative to the use of private cars, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework April 2007 and Development Guidelines Supplementary Planning Document 2009.

VEHICLE CROSSING AND ROAD MARKING

(16) Prior to any occupation of the dwellinghouses hereby permitted the developer shall carry out alterations to the vehicle footway crossing, along with white line marking of the carriageway in Underwood Road in accordance with details previously submitted to and agreed in writing with the Local Planning Authority.

Reason:

In the interest of highway safety and convenience, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework April 2007 and Development Guidelines Supplementary Planning Document 2009.

RESTRICTIONS ON PERMITTED DEVELOPMENT

(17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order or the 1995 Order with or without modification), no development falling within Classes A (the enlargement, improvement or other alteration of a dwellinghouse), B (the enlargement of a dwellinghouse consisting of an addition or alteration to its roof), C (Any other alteration to the roof of a dwellinghouse) and E (the provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool, or container used for domestic heating purposes) of Part I of the Schedule to that Order shall be carried out unless, upon application, planning permission is granted for the development concerned.

Reason:

In order to preserve the amenities of neighbours in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

NO FURTHER WINDOWS OR DOORS

(18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order or the 1995 Order with or without modification), no further windows, doors or other openings, other than those permitted at the reserved matters stage, shall be constructed in the dwellinghouses hereby permitted.

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 PRACTICE

(1) A copy of the Public Protection Service, Code of Practice for Construction and Demolition Sites can be adopted either in part or as a whole to satisfy this condition. It can be downloaded for submission via:

<http://www.plymouth.gov.uk/homepage/environmentandplanning/pollution/noise/construction.htm>

It is also available on request from the Environmental Protection and Monitoring Team: 01752 304147.

INFORMATIVE - KERB LOWERING

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

INFORMATIVE - PARTY WALL ACT

(3) The applicants are advised that this grant of planning permission does not override private property rights or their obligations under the Party Wall etc. Act 1996.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the backland nature of the site and the impact of the proposed development on surrounding residential amenity in terms of dominance, visual intrusion, privacy and noise and disturbance; the amount of development and the impact on the character and appearance of the area, the impact on traffic congestion and highway issues relating to the use of the proposed driveway and access point onto Underwood Road, and contamination aspects, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

PPS23 - Planning & Pollution Control

CS28 - Local Transport Consideration

CS34 - Planning Application Consideration

CS22 - Pollution

CS15 - Housing Provision

SPDI - Development Guidelines

NPPF - Draft National Planning Policy Framework 2011

PLANNING APPLICATION REPORT



ITEM: 05

Application Number:	I1/01822/OUT
Applicant:	Dr Kathryn Woolaway
Description of Application:	Outline application for erection of single-storey dwelling and attached garage
Type of Application:	Outline Application
Site Address:	39 MERAFIELD ROAD PLYMOUTH
Ward:	Plympton Erle
Valid Date of Application:	10/11/2011
8/13 Week Date:	05/01/2012
Decision Category:	Member Referral
Case Officer :	Jon Fox
Recommendation:	Refuse
Click for Application Documents:	www.plymouth.gov.uk



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This application is being considered by Planning Committee as a result of a Member referral by Councillor Terri Beer. This Ward councillor is concerned about over-development of garden land, access to the site and the development not being in keeping with the historical area

Site Description

The site is the rear garden of 39 Merafield Road, which is a detached bungalow located on the southern side of the road, opposite Lamspark Care Home. The site is bounded to the west by the garden of the detached house at 43 Merafield Road (that contains a large summer house towards the rear of the garden) and to the east by the long rear garden of No.37. The site is bounded to the south by the rear gardens of semi-detached houses in Merafield Drive, which are situated approximately two metres above the site. The site slopes up appreciably towards the rear.

Proposal Description

Outline application for erection of single-storey dwelling and attached garage. The maximum dimensions for the proposed dwelling are:

House: 13.0m(w) x 10.0m(d) x 6.75m(h)
Garage: 3.0m(w) x 6.0m(d) x 6.75m(h)

The minimum dimensions for the proposed dwelling are:

House: 11.5m(w) x 8.5m(d) x 4.0m(h)
Garage: 3.0m(w) x 6.0m(d) x 2.0m(h)

The submitted indicative site plan shows the outline of a dwelling and attached garage on the site, which appears to be a combination of the maximum and minimum dimensions above. However, the drawing, which is given to be at a scale of 1:500, does not match the same site dimensions of a 1:500 scale plan produced from the Council's GGP mapping system.

Relevant Planning History

None. The applicant was given pre-application advice regarding a proposal to build a bungalow in the garden of 39 Merafield Road. The applicant was advised that back garden proposals such as these are more robustly challenged following the change in Government policy on garden development and that the proposed scheme appears too large for the site; therefore an outline application was suggested as a way of testing the proposal.

Consultation Responses

Transport

The Transport and Highways Service view is that although the principle of constructing a dwelling on the plot could be acceptable the applicant has failed to demonstrate that a suitable access for a private drive can be achieved.

Transport considers that in order to gain access to the rear of the donor property, and subsequently to the new dwelling, the existing drive will need to be extended.

This will result in the loss of a garage and no details as to the relocation of this loss of parking have been provided. Transport states that a scheme would be required where the donor property has an amended parking area and the new dwelling has suitable parking and access arrangements.

Transport's suggestion is that the existing drive could be shared between the donor and the new properties. Parking can be provided at the front of the donor house, to overcome any loss of parking issues, and further provision at the rear for the new dwelling. Transport also state that as this would involve works outside of the red line boundary any conditions to this effect would be ultra-vires.

Transport also highlights that there is an exiting electricity/ telegraph pole which would possibly have to be relocated.

Public Protection Service

No objections.

Representations

The resident of 38 Merafield Drive objects citing that the new property would back directly onto their garden.

The resident of 37 Merafield Road objects on the grounds that:

1. The road is already congested with traffic, there is no pathway outside their house and the proposed entrance would be dangerous.
2. Too many green areas and gardens are being taken up.
3. It would be an eyesore.
4. The gardens have agricultural rights and may have tree preservation orders.

The resident of 43 Merafield Road objects on the grounds that:

1. This property has never been a double plot (as mentioned in the application)
2. The design would be detrimental if based, as mentioned in the application, on the design of the existing dwelling because the existing property is in disrepair, unattractive and unsympathetic to its neighbouring properties
3. A dwelling on this plot would be overdevelopment as neither property would have adequate outdoor living space
4. Loss of privacy and sunlight to the top of the garden.
5. The site's level is elevated and would be in line with upper floors in No.43 and would look directly into both floors of the property.
6. The driveway is opposite Lambspark Care Home and is narrow and would have poor visibility and would be difficult to turn into.

The resident of 47 Merafield Road objects on the grounds that:

1. The building is entirely inappropriate for the site concerned.
2. The reference to a double plot (it is suggested by the objector) is a reference to two semi-detached houses similar to those existing on the immediate easterly sites. This would seem to be more appropriate.
3. The access is at the narrowest part of Merafield Road, where vehicles are almost always parked on the northern side of the road thus reducing ability to enter or leave the site easily. The roadside adjoining the entry/exit of the proposed drive is effectively used as a single way traffic in either direction.

4. Vision to the east of the site is very restricted due to the height of the retaining walls of the neighbouring premises.

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 planning issues in this case are the impacts on highway safety and convenience; the amenities of neighbours and the character and appearance of the area. The relevant policies of the Core Strategy of Plymouth's Local Development Framework 2007 are CS02 (design), CS15 (housing), CS28 (transport considerations) and CS34 (planning application considerations). The Council's Development Guidelines Supplementary Planning Document 2009 includes guidance on separation distances between dwellings and amounts of amenity space for detached houses.

Highways

With regard to highways matters, there is a fundamental objection to the proposed access point in that the applicant has failed to demonstrate that a suitable access for a private drive can be achieved. There is also no indication of how and where parking would be provided for the existing dwelling and any new layout would need to demonstrate suitable parking and access arrangements for the new dwelling. For these reasons officers consider that the proposals should be recommended for refusal.

Impact on neighbours

With regard to the impact on neighbours, the smallest dimensions of the proposed dwelling are considered to sit reasonably comfortably within the confines of the site. The dwelling would be single storey and would be dug into the site, possibly down to the level of the bottom of the existing swimming pool. Together with a hipped roof it is considered that a dwelling of this size would not be overbearing or dominant when viewed from the garden and houses at Nos.37 and 43 Merafield Road and the houses in Merafield Drive, which are at a significantly higher level than the application site. The main windows in the dwelling would be facing the existing bungalow at No.39 and the houses to the rear. The houses to the rear would be over 21 metres from the proposed bungalow and would be at a higher level and as such would not be overlooked significantly. The front facing windows would overlook the host dwelling, but a conventional two metre fence would adequately screen it from overlooking. The house at 43 Merafield Road would be overlooked to a degree from new windows, but these could be positioned at a reasonable distance from the side of the dwelling and, due to the digging in of the proposed building, would not

lead to an unreasonable loss of privacy. There would also be an impact on the amenities of No.37 Merafield Road from the use of the proposed driveway. However, the side of that property has a gabled end with no windows and as such would not be significantly affected by the vehicles accessing the site. On balance officers consider that the proposals are not harmful to neighbours' amenities and are in accordance with policies CS15 and CS34.

Character

With regard to character, the site is located within a run of eight properties situated between a run of terraced houses to the east, in Kennel Hill, and Merafield Rise, to the west. Only the middle four of these properties have similar looking plots in terms of their depth and width. Developing the application site, which is the easternmost of these four, is not considered to be harmful to the character of the area, which includes a number of backland developments and a characteristically varied pattern of development. The proposed bungalow would be in keeping with the host dwelling but out of character with surrounding houses. However, this is not considered by officers to be a significant issue given the variety of house types in the area. In this regard to the proposals are not considered to conflict with policies CS02 and CS34.

Principle of development

With regard to the principle of developing garden plots, the Planning Inspector has opined recently, in respect of application 10/00711 – land to the rear of 7-11 Underwood Road – that: “Planning Policy Statement 3: Housing, has been amended so that its definition of previously-developed land now excludes private residential gardens. However, Core Strategy policies CS02 and CS34 do not distinguish between previously-developed and other land and have been used by the local planning authority (LPA) to refuse applications where garden development has seriously affected the character of the area. In relation to the appeal proposal, therefore, this change to PPS3 is not of particular significance”. In light of this stance it is considered by officers that the loss of garden land per se is not a sustainable reason to resist the proposed development.

One of the letters of representation argues that the two dwellings would have inadequate outside amenity space, which is 100m² according to the Development Guidelines. Both dwellings would have at least this much space. Another letter refers to the double plot as more likely being a reference to two semi-detached houses; however the Local Planning Authority has to determine the appropriateness of the backland development that is before it for consideration.

Section 106 Obligations

The proposals do not require mitigation under Section 106 of the Planning Act.

Equalities & Diversities issues

The proposals do not raise any equality and diversity issues.

Conclusions

The proposals are considered to be acceptable in terms of the impact on neighbours' amenities and the character and appearance of the area, providing the smaller dimensions are followed. The larger dimensions are likely to cause problems of overdevelopment including harmful impacts on neighbours. To this end the submitted indicative site plan would not be acceptable. The critical issue is that the proposed access is unacceptable in highways terms and the proposals are therefore recommended for refusal.

Recommendation

In respect of the application dated **10/11/2011** and the submitted drawings OS location plan, 1:500 scale indicative site layout plan, phase I desk study report and accompanying design and access statement, it is recommended to: **Refuse**

Reasons for Refusal

INADEQUATE SITE

(1) The Local Planning Authority considers that the site is of an inadequate size to accommodate the development proposed to a standard that would comply with the Highway Authority's' planning requirements. The proposal would likely prejudice public safety and convenience and give rise to issues of highway safety, which is contrary to policies CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework April 2007.

LOSS OF CAR PARKING

(2) The proposal will result in the loss of the existing off-street car parking area serving (39 Merafield Road). The applicant has not demonstrated that these spaces are no longer required and the proposal could therefore lead to further vehicles parking on-street, giving rise to conditions likely to cause:

- a- Damage to amenity
- b- Prejudice to public safety and convenience
- c- Interference with the free flow of traffic on the highway, which is contrary to Policy CS28 of the adopted City of Plymouth Local Development Framework Core Strategy adopted April 2007.

Relevant Policies

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

- CS28 - Local Transport Consideration
- CS34 - Planning Application Consideration
- CS02 - Design

CS15 - Housing Provision

SPDI - Development Guidelines

NPPF - Draft National Planning Policy Framework 2011

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PLYMOUTH CITY COUNCIL

Subject: **Objection to Tree Preservation Order No.481:Legacy International Hotel, Marsh Mills, Plymouth**

Committee: **Planning**

Date: 12th January 2012

Cabinet Member: **Cllr. Ted Fry**

CMT Member: **Anthony Payne - Director of Development**

Author: Chris Knapman

Contact: Tel: 01752 30 4362
e-mail: chris.knapman@plymouth.gov.uk

Ref: DC/T1/2/1

Key Decision: **No**

Part: 1

Executive Summary:

Following enquiries about the protected status of trees inside the boundary of the Legacy Hotel adjacent to Vospers, and an indication that they were proposed for felling, it was considered expedient to make Tree Preservation Order No. 481 to protect the trees. One objection was received on behalf of the owner. It is considered that the reasons for objection, do not outweigh the reasons for making the Order and it is recommended that the Order is confirmed without modification.

Corporate Plan 2011-2014:

Protecting trees enhances the quality of the City's environment by ensuring long-term tree cover. Trees help to reduce pollution and traffic noise providing cleaner air to breathe thereby helping to achieve the Council's corporate goal to create a healthy place to live and work and accords with its objective to improve health and wellbeing, as well as creating a more attractive environment.
<http://www.plymouth.gov.uk/corporateplan.htm>

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

The protection of trees by a Tree Preservation Order is a routine exercise for Planning Services. There are no additional financial costs arising from the imposition and administration of the Order that are not included in existing budgets.

Other Implications: e.g. Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:

- None
-

Recommendations & Reasons for recommended action:

To confirm the order without modification.

Reason: In order to protect important trees of high public amenity value.

Alternative options considered and reasons for recommended action:

To revoke the Order: Without a Tree Preservation Order the trees it protects could be removed without any consent being required from the Local Planning Authority. This would result in the loss of amenity to the local area.

Background papers:

Tree Preservation Order No. 481.

Statement of objection: **26th August 2011: Mr. C. Dutton, Pryor and Rickett Silviculture on behalf of Mr. Tim Jones of Wessex Projects Ltd.**

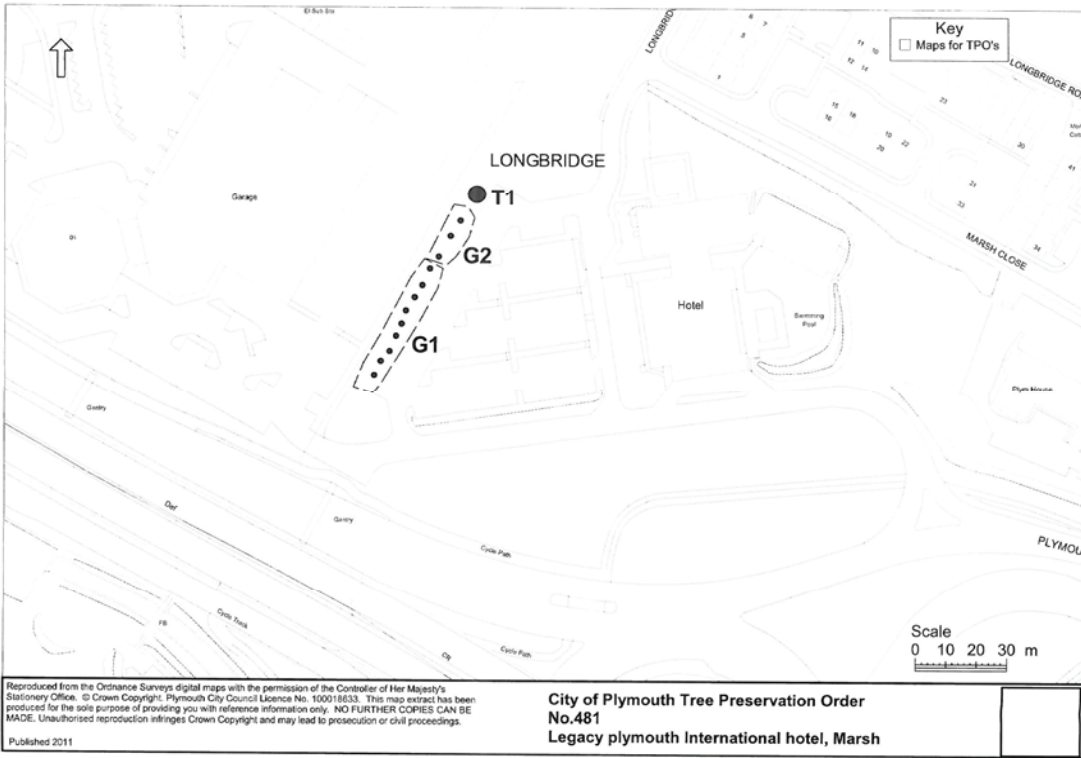
Sign off:

Fin	DE VFI 112 004 3	Leg	JAR /135 71	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											

Background Report

I. Introduction

- 1.1 Under delegated authority, on 28th July 2011, Tree Preservation Order No.481 was made to protect a twin-stemmed White Poplar, a group of 9 Black Italian Poplars and a group of 3 Silver Birch trees on the boundary between the Legacy Hotel and Vospers at Marsh Mills retail park. A tree surgeon reported that he had been asked to quote for felling the trees to facilitate an extension to car parking space at Vospers.
- 1.2 The Poplars are a prominent feature at one of the main gateways to Plymouth and make a significant contribution to the public amenity of the area, while screening a nearby industrial estate and a large used car centre. Although the group of Birch trees is not as prominent, they still contribute to the amenity of the area and will become even more visible in time as they mature. (Note: within the group of Poplars there are a suppressed Lime tree and a Hornbeam that are not included in the Order.)
- 1.3 It was therefore considered expedient in the interest of public amenity that a Tree Preservation Order (TPO) be made. One objection to the making of the Order was received.



Tree Preservation Order No. 481: Order Map



G1: 9 Black Italian Poplar



T1: White Poplar



G2: 3 Silver Birch

2. Objections

- 2.1 On 26th August 2011 Mr. C. Dutton, Pryor and Rickett Silviculture on behalf of Mr. Tim Jones of Wessex Projects Ltd. Objection to the Order (but did not specifically refer to the Birch trees). An extension of one day to the 28 day statutory objection period was agreed to enable a statement to be prepared and submitted after receiving details of verbal objections by phone
- 2.2 Outlined below is a summary of the objections raised.

Current Guidelines:

- Site levels need to be raised by 1 metre to combat flood risk and this would kill the trees.
- Economic and sustainable development of the site, citing Planning for Growth March 2011.
- Draft National Planning Policy Framework (NPPF)- July 2011
- NPPF guidelines. The Order was imposed to block development despite pre-application process consideration of proposals to develop the site as a non-food retail project.

Tree Species and Spacing

- The White Poplar tree is leaning and could fall over.
- The group of Black Italian Poplar trees is an inappropriate species choice, Lombardy Poplar would have been a better selection.
- Planting location is a raised bank and the trees' roots are restricted. 4 metre spacings have been used contrary to Forestry Commission Guidance.
- The trees' restricted rooting has led to large crowns without adequate supporting root systems.
- Lawn mower damage to surface roots has caused wounds that are suitable for fungal/bacterial colonisation and this has enabled rot to enter the root system undetected. The trees could now fall in the next South Westerly storms.
- The root system of the Poplar trees may be restricted by their situation Also Ash and Sycamore trees in the hedge have confined root systems.

Damage to Services

- Poplar roots are attracted to water.
- Damage to the car park may have been caused by investigation work to the drainage system.
- Poplar roots often find their way into drainage systems.
- It is clear from the evidence on site that the roots of the Poplar are in the drainage system.

The Hedge- (Concerns were raised about the treed hedgerow, which is not covered by the Order)

Landscape

- The trees were planted as a screen, which is no longer appropriate as the industrial landscape has changed and the trees now impede business development.
- The trees have reached maturity and are not suitable for long term retention. The landscape should now be re-evaluated in the context of business requirements.

Message to the Public

- The site is earmarked for re-development and the Council is not in touch with other Council departments, the Council is actively working against local business and the Chancellor's guidelines.

Conclusion

- Wessex Projects Limited engaged in the pre-application process 18 months ago and the significance of the landscape was not mentioned. The conclusion also repeated reasons previously stated.

3. Analysis of Issues

- 3.1 Outlined below is the officer response to the objections. The responses are in the same order as the objections raised in section 2.

Flood risk/Re-development/Planning Policy

- Pre-application discussions were held in January 2010 and considered re-development options.
- Tree retention was discussed and the desirability for the retention of the poplars as a screen/landscape feature was considered.
- Advice to date has been over the principle of development and not specific to the layout.
- When a formal planning application is received all the issues relating to this site will be considered in detail and weighed up in the context of the proposal. These include flood risk, layout, design, tree retention and landscaping. If and when a planning consent is granted, it could override the Order in whole or in part, depending on the outcome of discussions. It could be that other trees not currently protected on the site, are considered for retention in preference to trees protected by the Order, due to their location in a proposed layout. A full evaluation of all the trees will be necessary at this point in accordance with BS 5837 (2005) Trees in Relation to Construction – Recommendations.

Tree species and Spacing

- The White Poplar tree has one stem growing at an angle towards Vospers, however it has added extra 'reaction wood' at stress points to strengthen itself. The 'apparent' lean is not considered significant at present for this reason. Excessive encroachment towards Vospers could easily be addressed by reducing end weight by e.g. 2 metres. This would also reduce loading.
- Species choice: Objections on this basis are subjective. The Poplar trees are suitable for the location.
- Planting location/restricted roots: The trees are not planted on a raised bank and there is adequate space for rooting. Forestry Commission guidance quoted has not been properly referenced and is likely to be more applicable to trees planted for forestry purposes as opposed to amenity plantings.
- Lawn mower damage/root decay: Mower damage is noted, but no evidence of significant root decay has been provided or observed.

Damage to Services

- Poplar roots are not attracted to water as stated, but will proliferate opportunistically when water is present in their vicinity e.g. from an already leaking water pipe
- There is evidence of investigation work in the car park, but this is not believed to be connected to any damage caused by tree roots.
- No evidence has been provided to support the claim that roots from the poplar trees have caused damage to drainage systems.

The Hedge

- The treed hedgerow is not protected by the Order and is not relevant to this report.

Landscape

- The trees still provide a valuable screen and a visual amenity. The landscape will be fully re-evaluated in the context of any future detailed planning proposals.

Message to the Public

- The Order has been made in accordance with normal Council procedures and Department for Communities and Local Government (DCLG) good practice guidance.

Conclusion

- The issue of trees and landscape was raised by the Council during informal pre-application discussions.

4. Overall Conclusion

- 4.1 In view of the above analysis it is considered that the objections to Tree Preservation Order No.482 do not justify the cancelling of the Order. It is therefore recommended that the order is confirmed without modification.

PLYMOUTH CITY COUNCIL

Subject: **Objection to Tree Preservation Order No.482:Culver Close (2), Plymouth**

Committee: **Planning**

Date: 12th January 2012

Cabinet Member: **Cllr. Ted Fry**

CMT Member: **Anthony Payne - Director of Development**

Author: Chris Knapman

Contact: Tel: 01752 30 4362
e-mail: chris.knapman@plymouth.gov.uk

Ref: DC/T1/2/1

Key Decision: **No**

Part: 1

Executive Summary:

Following enquiries about the protected status of 4 Oak trees at Culver Close, it was considered expedient to make Tree Preservation Order No. 482 to protect the trees from potentially damaging and excessive tree surgery. Two objections were received, but one was withdrawn after discussions. It is considered that the remaining objection, from Eggbuckland Community College, does not outweigh the reasons for making the Order and it is recommended that the Order is confirmed without modification.

Corporate Plan 2011-2014:

Protecting trees enhances the quality of the City's environment by ensuring long-term tree cover. Trees help to reduce pollution and traffic noise providing cleaner air to breathe thereby helping to achieve the Council's corporate goal to create a healthy place to live and work and accords with its objective to improve health and wellbeing, as well as creating a more attractive environment.
<http://www.plymouth.gov.uk/corporateplan.htm>

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

The protection of trees by a Tree Preservation Order is a routine exercise for Planning Services. There are no additional financial costs arising from the imposition and administration of the Order that are not included in existing budgets.

Other Implications: e.g. Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:

None

Recommendations & Reasons for recommended action:

To confirm the order without modification.
Reason: in order to protect important trees of high public amenity value.

Alternative options considered and reasons for recommended action:

To revoke the Order: without a Tree Preservation Order the group of oak trees could have inappropriate works carried out on them or be removed without any consent being required from the Local Planning Authority. This would result in the loss of amenity to the local area.

Background papers:

Tree Preservation Order No. 482.
Letter of objection **5 August 2011: Ms. S. Walford, Foot Anstey Solicitors on behalf of Egguckland Community College.**
Withdrawn letter of objection **3 August 2011: Mr. D. Johns, 12, Culver Close, Egguckland**

Tree Preservation Order No. 342 (withdrawn)

Sign off:

Fin	DE VFI 112 004 2	Leg	JAR /135 69	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											

Background Report

I. Introduction

- 1.1 Under delegated authority, on 28th July 2011, Tree Preservation Order No.482 was made to protect 4 Pedunculate Oak trees on the boundary between Egguckland Community College and 12-13, Culver Close, Plymouth. A tree surgeon reported that he had been asked to quote for substantial reduction work entailing excessive pruning that would have diminished the visual amenity of these trees.
- 1.2 The Oaks are a prominent feature and are characteristic of the area, being part of one of the original field boundaries that criss-cross the estate.
- 1.3 The trees make a significant contribution to the public amenity of the area as a group, (although the tree nearest to 13, Culver Close is the most distinct individual) and the group classification was therefore deemed the most appropriate, with the position of individual trees within the group shown for clarity on the Order map.
- 1.4 It was therefore considered expedient in the interest of public amenity that a Tree Preservation Order (TPO) be made. Two objections were received to the making of the Order, one of which was withdrawn after productive discussions.
- 1.5 An Order (No.342) was made on the same trees in May 1998, but was not confirmed based on undertakings to consult the Council about any treework. The circumstances relating to

this Order are considered on their own separate, current, merits.



Viewed from Culver Close



Viewed from Bromhead Court



Map showing location of trees.

2. Objections

2.1 Two objections to the Order were received. The details are outlined below.

3rd August 2011: Mr. D. Johns, 12, Culver Close, Egguckland

Following discussions with Mr. Johns, his objection was confirmed as withdrawn by phone on 8th September 2011.

5th August 2011: Ms. S. Walford, Foot Anstey Solicitors on behalf of Egguckland Community College. Objection to all 4 trees covered by the Order.

2.2 The reasons for Ms S. Walford's objections are summarised as follows:

Procedure

- Copy of Regulation 4 not provided to client

Amenity/Contribution to street scene

- The removal of the trees would not be noticeable and their loss would not be 'a

significant impact on the local environment and its enjoyment to the public'

- The loss of the trees would only affect 25 homes
- The area is leafy with numerous other similar trees in the surrounding area
- A reasonable degree of public benefit from the trees is questionable
- The trees are common and lack intrinsic beauty despite being attractive
- The trees do not screen an eyesore
- The trees do not warrant individual or group protection

3. Analysis of Issues

3.1 Outlined below is the Officer response to the objections.

Mr. D. Johns

3.2 Mr Johns' objection were withdrawn on 8th September 2011.

Ms. S. Walford, Foot Anstey Solicitors for Egguckland Community College

3.3 Officer responses to Ms S. Walford's objections are outlined below.

Procedure

- The Council's position is that the copy of the Regulation 4 legislation was served correctly in accordance with the Regulations.

Amenity/Contribution to Street Scene

- It has been argued that the loss of the trees would not be significant and that there are only 25 households that would be affected if this were the case and that the public benefit the trees provide is questionable. 25 households equates to potentially over 100 people and in addition visitors could be considered as beneficiaries. Officers consider that this would be a significant number by any acknowledged assessment system e.g. a Planning inspector considering an appeal. However, because the trees are in an elevated location, they are also prominent to all the properties in Bromhead Court below them, as well as further properties across the valley.
- The objection does not consider the benefit from the trees to students at the college or their educational or future value.
- One of the trees is an ancient tree of potentially 400 years age and as such is significant aesthetically, biologically and culturally.
- The objection acknowledges that the area is leafy and that there are numerous similar trees in the area. This serves to demonstrate that the trees are an essential part of the character of the area and that their loss would erode this character. Furthermore, the trees are a part of hedges from the former agricultural landscape and consequently provide a valuable, historical link to the former land use, prior to sub-urbanisation.
- The objection states that the trees are attractive but lack intrinsic beauty. In your officer's view this is contradictory.
- The trees do not screen an eyesore: this was not put forward as a reason for making the Order.
- The trees do not warrant individual or group protection: This has already been considered above under general amenity i.e. the trees have a demonstrable amenity value. The trees have been classified under a group designation as this has been considered the most appropriate description, despite the trees having some individual merits.

- The wildlife benefit of mature Oak trees is widely acknowledged and this is a supporting reason for the Order.

Development Potential

- 3.4 During further discussion with the College's solicitor it became apparent that one of the main reasons for objection was due to potential development opportunities at the College. During discussions officers advised that a planning permission would override the order in the event of consent being granted (for any work immediately necessary to implement the consent) based on the merits of the scheme at the time, after full consideration by the Local Planning Authority. Naturally the outcome could not be predicted at this time and a proposal to gain access through the 2 private gardens adjacent to the trees could potentially involve Compulsory Purchase Orders.

4. Conclusion

- 4.1 In view of the above analysis it is considered that the objections to Tree Preservation Order No.482 do not justify the cancelling of the Order. It is therefore recommended that the order is confirmed without modification.

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PLANNING COMMITTEE

Decisions issued for the following period: 6 December 2011 to 2 January 2012

Note - This list includes:

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

Item No 1

Application Number: 11/00766/FUL **Applicant:** Mr Alec Macleod
Application Type: Full Application
Description of Development: Change of use from offices to 22 bedroom student house in multiple occupation and housing lettings office.
Site 12 - 13 SUSSEX STREET PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 12/12/2011
Decision: Grant Subject to S106 Obligation - Full

Item No 2

Application Number: 11/00988/FUL **Applicant:** Mr D Harper
Application Type: Full Application
Description of Development: Change of use of ground floor from café/bar to 2 residential flats
Site BAR OASIS 7-9 BEAUMONT ROAD ST JUDES PLYMOUTH
Case Officer: Adam Williams
Decision Date: 23/12/2011
Decision: Refuse

Item No 3

Application Number: 11/01017/FUL **Applicant:** Mr P Sutcliffe
Application Type: Full Application
Description of Development: Retention of garage with revised roof terrace
Site 5 SEFTON AVENUE PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 20/12/2011
Decision: Application Withdrawn

Item No 4

Application Number: 11/01102/FUL **Applicant:** Devonport High School for Boys
Application Type: Full Application
Description of Development: Erection of 8 floodlight masts around sports pitch
Site DEVONPORT HIGH SCHOOL FOR BOYS, PARADISE ROAD
PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 08/12/2011
Decision: Refuse

Item No 5

Application Number: 11/01209/FUL **Applicant:** Wolf Minerals (UK) Ltd
Application Type: Full Application
Description of Development: Alterations to approved Hemerdon Mine link road junction
Site LAND NORTH OF WEST PARK HILL PLYMPTON PLYMOUTH
Case Officer: Robert Heard
Decision Date: 08/12/2011
Decision: Grant Conditionally

Item No 6

Application Number: 11/01450/FUL **Applicant:** Bluewater Group
Application Type: Full Application
Description of Development: Addition of room to flat to create a maisonette on ground and lower ground floor
Site 59 CITADEL ROAD PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 07/12/2011
Decision: Refuse

Item No 7

Application Number: 11/01452/LBC **Applicant:** Bluewater Group
Application Type: Listed Building
Description of Development: Internal alterations to create maisonette on ground and lower ground floors
Site 59 CITADEL ROAD PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 07/12/2011
Decision: Refuse

Item No 8

Application Number: 11/01478/FUL **Applicant:** Devonport High School for Boys
Application Type: Full Application
Description of Development: Erection of fencing (3m high) around artificial sports pitch
Site DEVONPORT HIGH SCHOOL FOR BOYS, PARADISE ROAD PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 08/12/2011
Decision: Grant Conditionally

Item No 9

Application Number: 11/01480/FUL **Applicant:** Devonport High School for Boys
Application Type: Full Application
Description of Development: Construction of artificial sports pitch (football and hockey) and artificial cricket wicket
Site DEVONPORT HIGH SCHOOL FOR BOYS, PARADISE ROAD PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 09/12/2011
Decision: Grant Conditionally

Item No 10

Application Number: 11/01491/FUL **Applicant:** Pyramid Schools (Plymouth) Ltd
Application Type: Full Application
Description of Development: Two-storey teaching building, all weather cover for existing multi-use games area, additional canopy to entrance, additional fencing/screening and new tree/hedge planting
Site RIVERSIDE COMMUNITY PRIMARY SCHOOL, 210 POOLE PARK ROAD PLYMOUTH
Case Officer: Carly Francis
Decision Date: 06/12/2011
Decision: Grant Conditionally

Item No 11

Application Number: 11/01553/ADV **Applicant:** Wycliffe Surgery
Application Type: Advertisement
Description of Development: Non-illuminated individual letters sign
Site WYCLIFFE SURGERY 8 CATTEDOWN ROAD CATTEDOWN PLYMOUTH
Case Officer: Mark Utting
Decision Date: 08/12/2011
Decision: Grant Conditionally

Item No 12

Application Number: 11/01597/FUL **Applicant:** Mr and Mrs J Newall
Application Type: Full Application
Description of Development: Change of use and conversion from single dwellinghouse to house in multiple occupation (10 rooms) for students, with parking and secure cycle storage
Site 7 WOODLAND TERRACE, GREENBANK ROAD PLYMOUTH

Case Officer: Simon Osborne
Decision Date: 16/12/2011
Decision: Grant Conditionally

Item No 13

Application Number: 11/01600/FUL **Applicant:** Mrs Maria Clark
Application Type: Full Application
Description of Development: Re-development of hardstanding
Site 50 KENLEY GARDENS PLYMOUTH
Case Officer: Mark Utting
Decision Date: 15/12/2011
Decision: Grant Conditionally

Item No 14

Application Number: 11/01613/FUL **Applicant:** Gerry Estates Limited
Application Type: Full Application
Description of Development: Change of use of first floor flat to retail (Use Class A1) in association with existing ground floor shop to form single retail unit

Site 60 SALISBURY ROAD PLYMOUTH
Case Officer: Jon Fox
Decision Date: 07/12/2011
Decision: Grant Conditionally

Item No 15

Application Number: 11/01621/FUL **Applicant:** Mr Harry Meddelton
Application Type: Full Application
Description of Development: Erection of 4-storey building to form 3 self-contained flats, undercroft parking and associated bin storage
Site LAND REAR OF 60 DURNFORD STREET PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 23/12/2011
Decision: Refuse

Item No 16

Application Number: 11/01624/FUL **Applicant:** Mr Kelvin Phillips
Application Type: Full Application
Description of Development: Alterations to café including first floor and balcony area
Site DEVILS POINT CAFÉ, FIRESTONE BAY DURNFORD STREET
STONEHOUSE
Case Officer: Karen Gallacher
Decision Date: 06/12/2011
Decision: Grant Conditionally

Item No 17

Application Number: 11/01626/CAC **Applicant:** Mr Kelvin Phillips
Application Type: Conservation Area
Description of Development: Demolition in association with works to extend the café
Site DEVILS POINT CAFÉ, FIRESTONE BAY DURNFORD STREET
STONEHOUSE
Case Officer: Karen Gallacher
Decision Date: 06/12/2011
Decision: Grant Conditionally

Item No 18

Application Number: 11/01641/FUL **Applicant:** Mrs Alison Jones
Application Type: Full Application
Description of Development: Development of side garden by erection of a dwellinghouse and alterations and additions to existing dwelling including removal of rear extension to create amenity area with new boundary fence, provision of decking and fence to front of property and provision of new windows and door in rear elevation
Site 44 MEADOW WAY PLYMOUTH
Case Officer: Jon Fox
Decision Date: 21/12/2011
Decision: Grant Conditionally

Item No 19

Application Number: 11/01659/LBC **Applicant:** Princess Yachts
Application Type: Listed Building
Description of Development: Erection of security fencing
Site ROYAL NAVAL BASE, GRANBY STREET PLYMOUTH
Case Officer: Jeremy Guise
Decision Date: 16/12/2011
Decision: Grant Conditionally

Item No 20

Application Number: 11/01677/FUL **Applicant:** Mr Gianni Corino
Application Type: Full Application
Description of Development: Demolition of single-storey rear extension, erection of two-storey rear extension and installation of rooflights on main roof to rear
Site 22 ACRE PLACE PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 19/12/2011
Decision: Grant Conditionally

Item No 21

Application Number: 11/01678/LBC **Applicant:** Mr Gianni Corino
Application Type: Listed Building
Description of Development: Demolition of single-storey rear extension, erection of two-storey rear extension, installation of rooflights on main roof to rear and internal alterations to second floor walls and ceiling
Site 22 ACRE PLACE PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 19/12/2011
Decision: Grant Conditionally

Item No 22

Application Number: 11/01679/FUL **Applicant:** Mrs S Gorton
Application Type: Full Application
Description of Development: Attached garage, extended drive and garden wall
Site 56 WINDERMERE CRESCENT PLYMOUTH
Case Officer: Mark Utting
Decision Date: 15/12/2011
Decision: Grant Conditionally

Item No 23

Application Number: 11/01680/FUL **Applicant:** Mr Selwyn Smith
Application Type: Full Application
Description of Development: CHANGE OF USE
Site 1 FORD HILL PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 07/12/2011
Decision: Application Withdrawn

Item No 24

Application Number: 11/01681/FUL **Applicant:** Mr M Dabner
Application Type: Full Application
Description of Development: Part two-storey, part single-storey side extension (south elevation) and single storey side extension (north elevation) (revision to approved scheme 10/01831/FUL to include full length window and Juliet balcony)
Site 22 ELFORD CRESCENT PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 07/12/2011
Decision: Grant Conditionally

Item No 25

Application Number: 11/01682/ADV **Applicant:** Yrban Splash (South West) Limited
Application Type: Advertisement
Description of Development: Advertisement consent for signage to commercial and retail entrance points (Signage type 1 Corten projecting blade and signage type 2 Corten individual letters with illuminations)
Site ROYAL WILLIAM YARD PLYMOUTH
Case Officer: Adam Williams
Decision Date: 16/12/2011
Decision: Grant Conditionally

Item No 26

Application Number: 11/01691/LBC **Applicant:** Urban Splash (South West) Limited
Application Type: Listed Building
Description of Development: Listed building consent for approval of advertisement signage to commercial and retail entrance points (signage type 1: Corten projecting blade and signage type 2: Corten individual letters with illuminating)
Site ROYAL WILLIAM YARD PLYMOUTH
Case Officer: Adam Williams
Decision Date: 16/12/2011
Decision: Grant Conditionally

Item No 27

Application Number: 11/01693/FUL **Applicant:** Mrs Carole Phippen
Application Type: Full Application
Description of Development: Change of use of part of shop to residential use (to enlarge existing dwelling)
Site 62 SALISBURY ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 15/12/2011
Decision: Grant Conditionally

Item No 28

Application Number: 11/01701/FUL **Applicant:** Mr & Mrs Rodger Austin
Application Type: Full Application
Description of Development: Two-storey side and rear extension
Site 3 LEATFIELD DRIVE PLYMOUTH
Case Officer: Adam Williams
Decision Date: 06/12/2011
Decision: Grant Conditionally

Item No 29

Application Number: 11/01705/FUL **Applicant:** Warwick Park Limited
Application Type: Full Application
Description of Development: 2 Storey extension to the north-west wing of Warwick Park Nursing Home to form 4 bedrooms
Site 17 Butt Park Road PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 16/12/2011
Decision: Grant Conditionally

Item No 30

Application Number: 11/01706/LBC **Applicant:** Warwick Park Limited
Application Type: Listed Building
Description of Development: 2 storey extension to the north west wing of Warwick Park Nursing Home to form 4 bedrooms
Site 17 BUTT PARK ROAD PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 16/12/2011
Decision: Grant Conditionally

Item No 31

Application Number: 11/01710/LBC **Applicant:** Mr Marc Dando
Application Type: Listed Building
Description of Development: Timber shed, covered area and store in rear of garden (existing lean-to shed to be removed)
Site WINSON HOUSE, 16 CHURCH ROAD PLYMPTON PLYMOUTH
Case Officer: Mike Stone
Decision Date: 08/12/2011
Decision: Grant Conditionally

Item No 32

Application Number: 11/01711/FUL **Applicant:** Mr Richard Phillips
Application Type: Full Application
Description of Development: Change of use of first floor from drop-in welfare facility to residential
Site FIRST FLOOR FLAT 6 BATH PLACE WEST PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 21/12/2011
Decision: Application Withdrawn

Item No 33

Application Number: 11/01714/FUL **Applicant:** Cumberland Park Gardens
Application Type: Full Application
Description of Development: Construction of a double garage
Site SOUTH END OF RAGLAN ROAD, CUMBERLAND PARK GARDENS PLYMOUTH
Case Officer: Adam Williams
Decision Date: 13/12/2011
Decision: Refuse

Item No 34

Application Number: 11/01716/FUL **Applicant:** Plymouth Community Homes
Application Type: Full Application
Description of Development: Change of use from 2 flats to a single dwelling
Site 11A and 11B DUNCOMBE AVENUE PLYMOUTH
Case Officer: Adam Williams
Decision Date: 08/12/2011
Decision: Grant Conditionally

Item No 35

Application Number: 11/01724/FUL **Applicant:** Mr Barry Eddy
Application Type: Full Application
Description of Development: ANTENNA
Site 58 MEADOW WAY PLYMOUTH
Case Officer: Chris Watson
Decision Date: 13/12/2011
Decision: Application Withdrawn

Item No 36

Application Number: 11/01726/FUL **Applicant:** Mr R Taylor
Application Type: Full Application
Description of Development: Single storey extension to rear of garage, provision of pitched roof to porch and garage, internal alterations and erection of 2m high front and side boundary walls
Site 7 STANBOROUGH ROAD PLYMOUTH
Case Officer: Mark Utting
Decision Date: 20/12/2011
Decision: Grant Conditionally

Item No 37

Application Number: 11/01728/FUL **Applicant:** Mr Steven Larson
Application Type: Full Application
Description of Development: Retention of balcony (with 1.8m high privacy screen on south side) at first floor level on east (rear) elevation
Site 30 ST JOHNS DRIVE HOOE PLYMOUTH
Case Officer: Mark Utting
Decision Date: 08/12/2011
Decision: Grant Conditionally

Item No 38

Application Number: 11/01736/FUL **Applicant:** Tesco Stores Limited
Application Type: Full Application
Description of Development: Installation of new shop front and external alterations
Site FORMER CARDINAL SERVICE STATION, WOLSELEY ROAD PLYMOUTH
Case Officer: Mark Utting
Decision Date: 06/12/2011
Decision: Grant Conditionally

Item No 39

Application Number: 11/01737/ADV **Applicant:** Tesco Stores Limited
Application Type: Advertisement
Description of Development: Externally and internally non illuminated fascia, wall and window signs and freestanding signs
Site FORMER CARDINAL SERVICE STATION, WOLSELEY ROAD PLYMOUTH
Case Officer: Mark Utting
Decision Date: 12/12/2011
Decision: Grant Conditionally

Item No 40

Application Number: 11/01738/FUL **Applicant:** Tesco Stores Limited
Application Type: Full Application
Description of Development: Installation of ATM
Site FORMER CARDINAL SERVICE STATION, WOLSELEY ROAD PLYMOUTH
Case Officer: Mark Utting
Decision Date: 06/12/2011
Decision: Grant Conditionally

Item No 41

Application Number: 11/01739/FUL **Applicant:** Tesco Stores Limited
Application Type: Full Application
Description of Development: Installation of external plant equipment
Site FORMER CARDINAL SERVICE STATION, WOLSELEY ROAD PLYMOUTH
Case Officer: Mark Utting
Decision Date: 06/12/2011
Decision: Grant Conditionally

Item No 42

Application Number: 11/01740/FUL **Applicant:** Mr & Mrs H Mahon
Application Type: Full Application
Description of Development: Extend existing front and rear dormers
Site 4 CHERRY PARK PLYMOUTH
Case Officer: Mike Stone
Decision Date: 20/12/2011
Decision: Grant Conditionally

Item No 43

Application Number: 11/01748/FUL **Applicant:** Rev Tim Smith
Application Type: Full Application
Description of Development: Alterations to church including formation of new entrance and separate fire escape door together with external ramps, internal remodelling including provision of auditorium and ancillary Sunday School room and café and formation of car parking spaces
Site ST JUDES CHURCH, BEAUMONT ROAD PLYMOUTH
Case Officer: Jon Fox
Decision Date: 23/12/2011
Decision: Grant Conditionally

Item No 44

Application Number: 11/01752/FUL **Applicant:** Mr James Gill
Application Type: Full Application
Description of Development: Amendment to planning permission 09/01086/FUL for erection of detached dwellinghouse to allow substitution of amended plan
Site LAND BETWEEN 1 RAILWAY COTTAGES AND 9 LAWSON GROVE PLYMOUTH
Case Officer: Jon Fox
Decision Date: 21/12/2011
Decision: Grant Conditionally

Item No 45

Application Number: 11/01756/FUL **Applicant:** Michael Evers-King
Application Type: Full Application
Description of Development: Single-storey rear extension
Site 20 DUDLEY ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 08/12/2011
Decision: Grant Conditionally

Item No 46

Application Number: 11/01761/FUL **Applicant:** Coombe Dean Academy School
Application Type: Full Application
Description of Development: Renovation and alteration of existing building and extension of building, to form new sixth form centre
Site COOMBE DEAN SCHOOL, CHARNHILL WAY PLYMOUTH
Case Officer: Adam Williams
Decision Date: 08/12/2011
Decision: Grant Conditionally

Item No 47

Application Number: 11/01762/FUL **Applicant:** Mr & Mrs Andre Thomas
Application Type: Full Application
Description of Development: Develop part of garden by erection of detached dormer bungalow with integral private motor garage (demolition of existing private motor garage)
Site 57 SHERFORD ROAD PLYMOUTH
Case Officer: Janine Warne
Decision Date: 23/12/2011
Decision: Refuse

Item No 48

Application Number: 11/01763/ADV **Applicant:** Go Outdoors Ltd
Application Type: Advertisement
Description of Development: Non illuminated and externally illuminated fascia signs, banner advertisements, totem signs, and delivery sign
Site FORMER MFI UNIT, LAIRA BRIDGE ROAD PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 21/12/2011
Decision: Grant Conditionally

Item No 49

Application Number: 11/01765/FUL **Applicant:** Mr J Abedin
Application Type: Full Application
Description of Development: Single storey rear extension
Site 62 NEATH ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 21/12/2011
Decision: Grant Conditionally

Item No 50

Application Number: 11/01766/LBC **Applicant:** Linden Homes South West
Application Type: Listed Building
Description of Development: Reconstruction of boundary wall (retrospective)
Site SOUTHERN BOUNDARY WALL, CROWN AND COLUMN, 223
KER STREET PLYMOUTH
Case Officer: Mark Utting
Decision Date: 08/12/2011
Decision: Grant Conditionally

Item No 51

Application Number: 11/01769/FUL **Applicant:** Mrs S March
Application Type: Full Application
Description of Development: Part two-storey, part single-storey rear extension and erection of double private motor garage (existing garage to be replaced)
Site 76 PLYMOUTH ROAD PLYMPTON PLYMOUTH
Case Officer: Mike Stone
Decision Date: 12/12/2011
Decision: Grant Conditionally

Item No 52

Application Number: 11/01770/FUL **Applicant:** Mr S Robinson
Application Type: Full Application
Description of Development: Single storey side extension, alterations to front to form a gable and alterations to front porch roof
Site 123 WINGFIELD ROAD PLYMOUTH
Case Officer: Mark Utting
Decision Date: 12/12/2011
Decision: Grant Conditionally

Item No 53

Application Number: 11/01774/FUL **Applicant:** Plymouth City Council
Application Type: Full Application
Description of Development: Remove condition 21 of planning permission 09/00258/FUL for new Life Centre
Site The Life Centre, MAYFLOWER DRIVE Plymouth
Case Officer: Robert Heard
Decision Date: 08/12/2011
Decision: Grant Conditionally

Item No 54

Application Number: 11/01776/FUL **Applicant:** Mr Essy Kamaie
Application Type: Full Application
Description of Development: Develop vacant land by erection of detached dwelling, with variation of planning permission 10/00558/FUL to allow substitution of approved drawing: the revised proposals relating to provision of uPVC windows and doors (instead of aluminium)
Site FREEDOM HOUSE,45 GREENBANK TERRACE PLYMOUTH
Case Officer: Jon Fox
Decision Date: 23/12/2011
Decision: Grant Conditionally

Item No 55

Application Number: 11/01780/FUL **Applicant:** Mr Graham Witt-Davies
Application Type: Full Application
Description of Development: Application to extend the extant planning permission (08/01225/FUL) for a 2 storey side extension with rooms in roofspace and side conservatory (existing detached private motor garage will be removed)
Site 2 CONQUEROR DRIVE MANADON PARK PLYMOUTH
Case Officer: Mark Utting
Decision Date: 15/12/2011
Decision: Grant Conditionally

Item No 56

Application Number: 11/01782/FUL **Applicant:** Mr & Ms Nyland & Wasley
Application Type: Full Application
Description of Development: Extension to bungalow to provide a first-floor, forming a two-storey dwellinghouse, including front first-floor balcony and rear first-floor Juliet balcony
Site 79 HOWARD ROAD PLYMOUTH
Case Officer: Mark Utting
Decision Date: 23/12/2011
Decision: Grant Conditionally

Item No 57

Application Number: 11/01783/FUL **Applicant:** Mr John Meyrick
Application Type: Full Application
Description of Development: Single-storey front extension
Site 250 FORT AUSTIN AVENUE PLYMOUTH
Case Officer: Adam Williams
Decision Date: 08/12/2011
Decision: Grant Conditionally

Item No 58

Application Number: 11/01784/FUL **Applicant:** Mr & Mrs N Williams
Application Type: Full Application
Description of Development: Single-storey rear extension and front porch
Site 80 DUDLEY ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 14/12/2011
Decision: Grant Conditionally

Item No 59

Application Number: 11/01787/PRD **Applicant:** Mr C Stott
Application Type: LDC Proposed Develop
Description of Development: Outbuilding to provide granny annex
Site 43 WEMBURY ROAD PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 23/12/2011
Decision: Refuse to Issue Cert - (Ex)

Item No 60

Application Number: 11/01788/TPO **Applicant:** Mr Taylor
Application Type: Tree Preservation
Description of Development: Lime - Reduce lower laterals by 2-3m, branches towards neighbour by 1-2m, crown raise to 3m
Site 7 STANBOROUGH ROAD PLYMOUTH
Case Officer: Jane Turner
Decision Date: 20/12/2011
Decision: Grant Conditionally

Item No 61

Application Number: 11/01789/TPO **Applicant:** Mr Peter Blatt
Application Type: Tree Preservation
Description of Development: Ash- repollard to previous pruning points approximately 4-5m reduction
Site 2 COSDON PLACE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 20/12/2011
Decision: Grant Conditionally

Item No 62

Application Number: 11/01794/FUL **Applicant:** Mr Matthew Conyers
Application Type: Full Application
Description of Development: Change of use, conversion and alteration, including single-storey rear extension, of three flats to thirteen bedroom student house in multiple occupation
Site 12 LIPSON ROAD PLYMOUTH
Case Officer: Janine Warne
Decision Date: 23/12/2011
Decision: Grant Conditionally

Item No 63

Application Number: 11/01795/FUL **Applicant:** Mr and Mrs I Dunn
Application Type: Full Application
Description of Development: First floor side extension
Site 34 HIGHGLEN DRIVE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 20/12/2011
Decision: Grant Conditionally

Item No 64

Application Number: 11/01796/24 **Applicant:** Vodafone Limited
Application Type: GPDO PT24
Description of Development: Determination as to whether prior approval is required for siting and appearance of 15 metre high 'streetworks' pole with two operators and associated cabinets
Site ELBURTON ROAD
Case Officer: Simon Osborne
Decision Date: 20/12/2011
Decision: Prior approval not req PT24

Item No 65

Application Number: 11/01799/FUL **Applicant:** Mr Sykes
Application Type: Full Application
Description of Development: Conversion and enlargement of garage to form two storey side extension (accommodation for an elderly relative) and removal of conservatory and replacement with single-storey rear extension
Site 23 WESTMOOR CLOSE PLYMPTON PLYMOUTH
Case Officer: Mark Utting
Decision Date: 23/12/2011
Decision: Grant Conditionally

Item No 66

Application Number: 11/01800/FUL **Applicant:** Rev N McKinnel
Application Type: Full Application
Description of Development: Installation of Solar Panels on the south facing central roof of the nave and chancel
Site MINISTER CHURCH OF ST ANDREW, CATHERINE STREET PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 08/12/2011
Decision: Grant Conditionally

Item No 67

Application Number: 11/01803/TPO **Applicant:** Mrs J Sabulis
Application Type: Tree Preservation
Description of Development: Beech - raise crown by 2-3m, prune lower and mid crown by 2m
Site 26 WARLEIGH CRESCENT DERRIFORD PLYMOUTH
Case Officer: Jane Turner
Decision Date: 21/12/2011
Decision: Refuse

Item No 68

Application Number: 11/01809/FUL **Applicant:** Nethermost Estate Ltd
Application Type: Full Application
Description of Development: Sub-division of retail unit into two retail units, with alterations to shopfront and to rear
Site 21-23 THE BROADWAY PLYMSTOCK PLYMOUTH
Case Officer: Mark Utting
Decision Date: 21/12/2011
Decision: Grant Conditionally

Item No 69

Application Number: 11/01812/FUL **Applicant:** Mr & Mrs Bryant
Application Type: Full Application
Description of Development: Rear Conservatory
Site 3 UNICORN CLOSE PLYMOUTH
Case Officer: Mark Utting
Decision Date: 21/12/2011
Decision: Grant Conditionally

Item No 70

Application Number: 11/01813/FUL **Applicant:** House to Home Improvements
Application Type: Full Application
Description of Development: Two storey side extension
Site 8 CEDARCROFT ROAD PLYMOUTH
Case Officer: Mark Utting
Decision Date: 15/12/2011
Decision: Grant Conditionally

Item No 71

Application Number: 11/01830/TPO **Applicant:** Mr Robert Crawford
Application Type: Tree Preservation
Description of Development: Beech tree - pruning works
Site 17 DUCANE WALK EGGBUCKLAND PLYMOUTH
Case Officer: Jane Turner
Decision Date: 21/12/2011
Decision: Grant Conditionally

Item No 72

Application Number: 11/01831/TCO **Applicant:** Mr N Trip
Application Type: Trees in Cons Area
Description of Development: Remove Eucalyptus
Site 9 CAROLINE PLACE PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 22/12/2011
Decision: Grant Conditionally

Item No 73

Application Number: 11/01832/TPO **Applicant:** Mrs Giuerini
Application Type: Tree Preservation
Description of Development: Beech and Sycamore - pruning works
Site 14 ALBION DRIVE PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 22/12/2011
Decision: Grant Conditionally

Item No 74

Application Number: 11/01833/TCO **Applicant:** Mr Tim Howes
Application Type: Trees in Cons Area
Description of Development: Tree management works
Site 89 SOMERSET PLACE PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 08/12/2011
Decision: Grant Conditionally

Item No 75

Application Number: 11/01835/FUL **Applicant:** Mr B Brockman
Application Type: Full Application
Description of Development: Single-storey extension
Site 21 WHITEFORD ROAD PLYMOUTH
Case Officer: Adam Williams
Decision Date: 21/12/2011
Decision: Grant Conditionally

Item No 76

Application Number: 11/01848/CAC **Applicant:** Mr B Brockman
Application Type: Conservation Area
Description of Development: Removal of existing conservatory
Site 21 WHITEFORD ROAD PLYMOUTH
Case Officer: Adam Williams
Decision Date: 21/12/2011
Decision: Grant Conditionally

Item No 77

Application Number: 11/01867/TCO **Applicant:** Mr Ian Kent
Application Type: Trees in Cons Area
Description of Development: Willow - prune by 10-15%
Site 114 DEVONPORT ROAD PLYMOUTH
Case Officer: Jane Turner
Decision Date: 21/12/2011
Decision: Grant Conditionally

Item No 78

Application Number: 11/01877/TCO **Applicant:** Mr Christopher May
Application Type: Trees in Cons Area
Description of Development: Sycamore - Fell
Site 4 VALLETORT LANE PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 22/12/2011
Decision: Grant Conditionally

Item No 79

Application Number: 11/01907/PRD **Applicant:** UPP Residential Services
Application Type: LDC Proposed Develop
Description of Development: Installation of gates to car park
Site RADNOR HALLS OF RESIDENCE, GILWELL STREET
PLYMOUTH

Case Officer: Mark Utting
Decision Date: 21/12/2011
Decision: Issue Certificate - Lawful Use

Item No 80

Application Number: 11/01908/TCO **Applicant:** Mrs Lumley-Harvard
Application Type: Trees in Cons Area
Description of Development: Tree maintenance works
Site 10 HAVELOCK TERRACE STOKE PLYMOUTH

Case Officer: Chris Knapman
Decision Date: 22/12/2011
Decision: Grant Conditionally

Item No 81

Application Number: 11/01989/TCO **Applicant:** Plymouth Barbican Trust
Application Type: Trees in Cons Area
Description of Development: Mulberry - Crown lift to 2 meters
Site ELIZABETHAN GARDEN REAR ELIZABETHAN GARDEN, REAR
OF
39 to 40 NEW STREET PLYMOUTH

Case Officer: Chris Knapman
Decision Date: 22/12/2011
Decision: Grant Conditionally

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

Application Number	11/00690/FUL
Appeal Site	185 HEALY PLACE PLYMOUTH
Appeal Proposal	Continue use of garage and store as vehicle repair workshop with associated parking and loading area
Case Officer	Chris Watson

Appeal Category	
Appeal Type	Informal Hearing
Appeal Decision	Dismissed
Appeal Decision Date	01/12/2011

Conditions

Award of Costs	Awarded To
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Appeal Synopsis

The Planning Inspector supported the Council's view that a vehicle repair garage in this location would unreasonably impact on the occupiers of neighbouring dwellings, and that for this reason the development is contrary to policy CS34 of the Core Strategy of the Local Development Framework.

In particular, the Planning Inspector noted that the premises are located in a predominantly residential area to the rear of Albert Road, and that this area was generally much quieter in character than the significantly busier areas at the front along Albert Road. The Inspector, therefore, concluded that a vehicle repair business at this location would be very much incompatible with the immediate surroundings.

Although the premises were in use as a vehicle repair garage at the time the refused planning application was considered by the Council, it is no longer in use for this purpose.

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