

# Public Document Pack



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Date: 31 January 2012

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## **PLANNING COMMITTEE**

**Date:** Thursday 9 February 2012

**Time:** 1 pm

**Venue:** Council House, Armada Way, Plymouth

**Members:**

Councillor Lock, Chair

Councillor Mrs Bowyer, Vice Chair

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

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

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

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

**Barry Keel**  
Chief Executive

# PLANNING COMMITTEE

## AGENDA

### PART I – PUBLIC MEETING

#### 1. APOLOGIES

To receive apologies for non-attendance submitted by committee members.

#### 2. DECLARATIONS OF INTEREST

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

#### 3. MINUTES

**(Pages 1 - 8)**

The Committee will be asked to confirm the minutes of the meeting held on 12 January 2012.

#### 4. CHAIR'S URGENT BUSINESS

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

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

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

#### 6. PLANNING APPLICATIONS FOR CONSIDERATION **(Pages 9 - 10)**

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

##### 6.1. 74 MUTLEY PLAIN, PLYMOUTH. 11/01817/FUL

**(Pages 11 - 14)**

Applicant:	Quaker House Outreach Centre
Ward:	Compton
Recommendation:	Grant Conditionally

6.2. LAND AT BARTON ROAD, HOOE LAKE, (Pages 15 - 56)  
PLYMSTOCK. 11/01250/FUL

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 9 June 2012.

6.3. FORMER ROYAL MARINE PUB SITE, TORRIDGE WAY, (Pages 57 - 72)  
PLYMOUTH. 11/01742/FUL

Applicant: Sarsen Housing Association  
Ward: Efford and Lipson  
Recommendation: Grant conditionally subject to a S106 obligation, with delegated authority to refuse in the event that the S106 obligation is not completed by 1 March 2012.

6.4. 64 SALISBURY ROAD, PLYMOUTH. 11/01791/FUL. (Pages 73 - 82)

Applicant: Amber New Homes and Developments Ltd  
Ward: Sutton and Mount Gould  
Recommendation: Grant Conditionally

7. SECTION 106 AMENDMENT - DRAKES CIRCUS (Pages 83 - 86)

The Director for Development will submit a proposal to amend the existing 106 Agreement in relation to Drakes Circus (99/0707) for approval.

8. PUBLIC PATH EXTINGUISHMENT ORDER - (Pages 87 - 112)  
RIDGEWAY SCHOOL

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

Appendices are available online at <http://www.plymouth.gov.uk/pporidgewayschool>

9. PLANNING APPLICATION DECISIONS ISSUED (Pages 113 - 148)

The Assistant Director of Development (Planning Services) acting under powers delegated to him by the Council will submit a schedule outlining all decisions issued from 3 January 2012 to 29 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 149 - 152)**

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 12 January 2012

### PRESENT:

Councillor Lock, in the Chair.

Councillor Mrs Bowyer, Vice-Chair.

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

Apology for absence: Councillor Williams

Also in attendance: Peter Ford, Lead Planning Officer, Julie Rundle, Lawyer, and Katey Johns, Democratic Support Officer.

The meeting started at 1pm and finished at 6 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.*

### 80. **DECLARATIONS OF INTEREST**

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

### 81. **MINUTES**

The Committee considered the minutes of the meetings held on 15 and 22 December 2011.

Agreed –

- (1) the minutes of 15 December 2011, subject to amendment of the following at Minute 69 – Chair’s Urgent Business -

deletion of “The Lawyer advised that in his opinion it was good practice to notify the committee of changes” and replacement with “The Lawyer advised that, in his opinion, not informing the Lawyer or committee members of changes was not best practice”.

- (2) the minutes of 22 December 2011, as submitted.

(Councillor Steven’s proposal to amend the minutes of the meeting held on 15 December 2011, having been seconded by Councillor Wheeler, was put to the vote and declared carried).

82. **CHAIR'S URGENT BUSINESS**

The Chair extended a warm welcome to councillors and officers from Mid-Devon District Council's Planning Committee who were in attendance to observe proceedings as part of a good-practice sharing exercise.

(In accordance with Section 100(B)(4)(b) of the Local Government Act 1972, the Chair brought forward the above item of business in order to inform Members).

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

There were no questions from members of the public.

84. **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 84.1, 84.2, 84.3, 84.4 and 84.5.

**84.1 FORMER TENNIS COURTS, HOE ROAD-PIER STREET, PLYMOUTH 11/01874/FUL**

(Pier Street 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 17 February 2012.

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

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

(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).

(Councillor Steven's proposal to amend the officer's recommendation, having been seconded by Councillor Wildy, was put to the vote and declared lost).

**84.2 LAND AT BARTON ROAD, HOOE LAKE, PLYMSTOCK. 11/01250/FUL**

(Barratt Homes Exeter)

Decision:

Application **DEFERRED** for an additional, more comprehensive, site visit and for officers to seek further clarification and report back on –

- the requirements of the ecological and mitigation impact assessment for the proposed new road scheme at Barton Road
- the requirements for sewage
- further negotiations with the developer over the S106 contribution
- highway mitigation measures along Hooe Road, including public transport

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

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

(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).

(Councillor Wheeler's proposal to amend the officer's recommendation, having been seconded by Councillor Stevens, was put to the vote and declared carried).

**84.3 LAND AT 1-56, RAGLAN ROAD, PLYMOUTH. 11/01603/FUL**

(Risesign Ltd)

Decision:

Application **MINDED** to grant conditionally subject to –

- an amendment to Condition (2) so that development commences within 2 years
- an amendment to Condition (8) so that no building construction takes place on a Saturday, due to the already difficult parking conditions around the sports facilities on that day
- a new condition requiring details of the relocation of the “Anchor” landscape feature to be submitted and approved in writing by the Local Planning Authority before work begins on block B
- a new condition requiring details of the boundary treatment next to the new reconfigured footpath and landscape area between numbers 41-44 and 45-47 Raglan Road to be submitted to and approved in writing by the Local Planning Authority before work begins on the reconfigured footpath and block C
- a new informative regarding the need to provide external lighting in the interests of security and safety
- a new informative advising the applicant to consider extending the wall and railings in front of numbers 1-6 Raglan Road in the interests of visual amenity and safety

Should any of the above amendments not be agreed with the applicant, the application will be brought back to Planning Committee for further consideration.

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

(South-West Property Developments Ltd)

Decision:

Application **GRANTED** conditionally.

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

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

**84.5 39 MERAFIELD ROAD, PLYMOUTH. 11/01822/OUT**

(Dr Kathryn Woolaway)

Decision:

Application **REFUSED**.

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

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

**85. OBJECTION TO TREE PRESERVATION ORDER NO.481: LEGACY INTERNATIONAL HOTEL, MARSH MILLS, PLYMOUTH**

The Committee considered the report of the Director for Place.

Agreed that the order be confirmed without modification.

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

**86. OBJECTION TO TREE PRESERVATION ORDER NO.482: CULVER CLOSE (2), PLYMOUTH.**

The Committee considered the report of the Director for Place.

Agreed that the order be confirmed without modification.

**87. PLANNING APPLICATION DECISIONS ISSUED**

The Committee received a report of the Assistant Director of Development (Planning Services) on decisions issued for the period 6 December 2011 to 2 January 2012, including -

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



88. **APPEAL DECISIONS**

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

89. **EXEMPT BUSINESS**

There were no items of exempt business.

**SCHEDULE OF VOTING**

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

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

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## PLANNING COMMITTEE – 12 January 2012

## SCHEDULE OF VOTING

Minute number and Application	Voting for	Voting against	Abstained	Absent due to interest declared	Absent
81 Minutes  Amendment as proposed by Councillor Stevens	Councillors Lock, Browne, Churchill, Delbridge, Mrs Foster, Mrs Nicholson, Stevens, Tuohy, Vincent, Wheeler and Wildy		Councillor Mrs Bowyer		
84.1 Former Tennis Courts, Hoe Road-Pier Street, Plymouth 11/01874/FUL  Amendment as proposed by Councillor Stevens  Officer's recommendation	Councillors Stevens, Tuohy, Vincent, Wheeler and Wildy  Councillors Lock, Mrs Bowyer, Browne, Churchill, Delbridge, Mrs Foster and Mrs Nicholson	Councillors Lock, Mrs Bowyer, Browne, Churchill, Delbridge, Mrs Foster and Mrs Nicholson  Councillors Stevens, Tuohy, Vincent, Wheeler and Wildy			
84.2 Land at Barton Road, Hooe Lake, Plymstock, 11/01250/FUL  Amendment as proposed by Councillor Wheeler	Councillors Lock, Browne, Churchill, Delbridge, Mrs Foster, Mrs Nicholson, Stevens, Tuohy, Vincent and Wheeler		Councillors Mrs Bowyer and Wildy		
84.3 Land at 1-56 Raglan Road, Plymouth 11/01603/FUL	Councillors Lock, Mrs Bowyer, Browne, Churchill, Delbridge, Mrs Foster, Tuohy, Vincent, Wheeler and Wildy	Councillors Mrs Nicholson and Stevens			
84.4 Land to Rear of 7-11 Underwood Road, Plymouth 11/01651/OUT	Unanimous				Councillor Wildy

Minute number and Application	Voting for	Voting against	Abstained	Absent due to interest declared	Absent
84.5 39 Merafield Road, Plymouth 11/01822/OUT	Unanimous				Councillor Wildy
85 Objection to Tree Preservation Order No. 481: Legacy International Hotel, Marsh Mills, Plymouth	Unanimous				Councillors Delbridge and Wildy
86 Objection to Tree Preservation Order No. 482: Culver Close (2), Plymouth	Unanimous				Councillors Delbridge, Wheeler and Wildy

## 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.

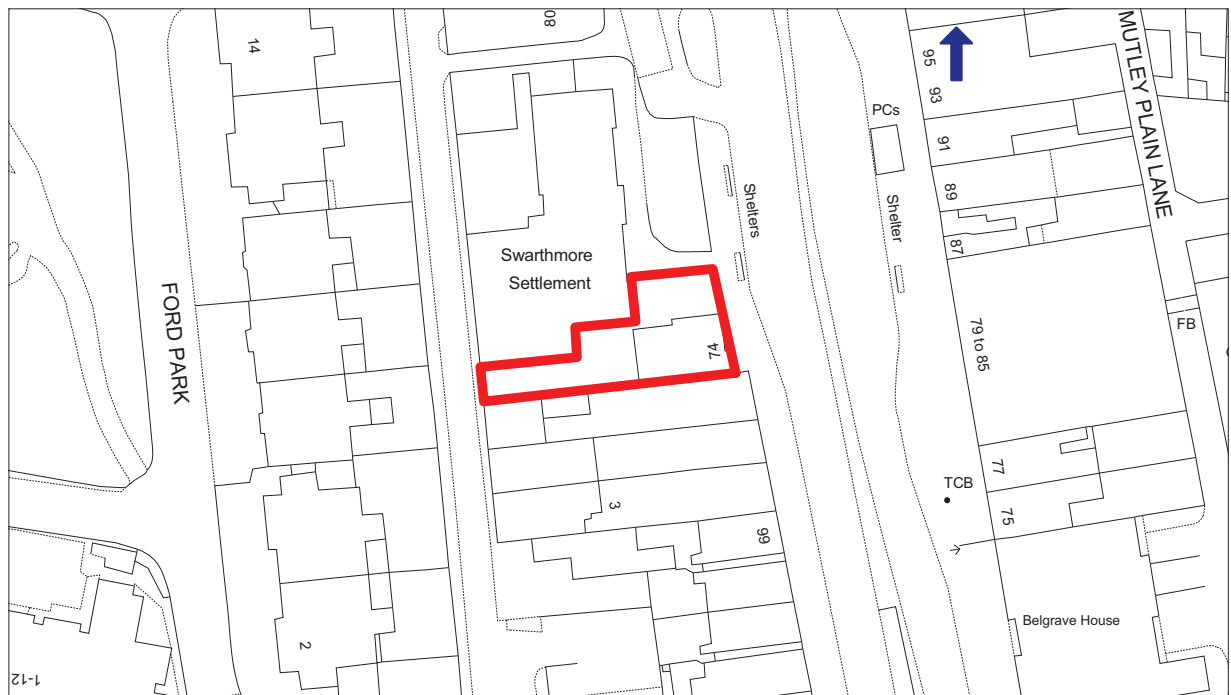
Where necessary Officers will advise Members of any other relevant planning issues to assist them with their decision.

# PLANNING APPLICATION REPORT



**ITEM: 01**

<b>Application Number:</b>	11/01817/FUL
<b>Applicant:</b>	Quaker House Outreach Centre
<b>Description of Application:</b>	Alterations and raising roof of existing lean to extension
<b>Type of Application:</b>	Full Application
<b>Site Address:</b>	74 MUTLEY PLAIN PLYMOUTH
<b>Ward:</b>	Compton
<b>Valid Date of Application:</b>	21/12/2011
<b>8/13 Week Date:</b>	<b>15/02/2012</b>
<b>Decision Category:</b>	Member/PCC Employee
<b>Case Officer :</b>	Mike Stone
<b>Recommendation:</b>	Grant Conditionally
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



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**This planning application is reported to the Planning Committee because the agent is related to a City Council employee.**

### **Site Description**

Quaker House Outreach Centre, 74 Mutley Plain, is an end terrace property. From the street it appears to be a two storey building with accommodation space in the dual pitched roof. However, thanks to changes in levels here it also incorporates a basement level that has side and rear windows. The building includes a reception area, a number of meeting rooms, a kitchen and storage space. It is located in the Mutley and Greenbank neighbourhood. To the rear are a number of grade II listed buildings belonging to Plymouth College.

### **Proposal Description**

To raise the height of a side extension by 1.7 metres and alterations to the entrance.

### **Relevant Planning History**

00/01294/FUL - Demolition of shop and erection of a Quaker house and community outreach centre - Grant Conditionally.

### **Pre-application Advice**

None.

### **Consultation Responses**

None.

### **Representations**

None received.

### **Analysis**

The application turns upon policies CS02 (Design) and CS34 (Planning application considerations) of the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021 and the aims of the Council's Development Guidelines Supplementary Planning Document (2010), as well as taking account (with appropriate weight attached) of the Draft National Planning Policy Framework. The primary planning consideration in this case is the impact on the character and appearance of the area.

On the side of the property at the basement level is a small side extension 4 metres wide with a mono pitch roof. The proposal is to increase the height of this basement extension by 1.7 metres taking it above the adjoining boundary wall and making it visible from the street. The visible section will be 1.5 metres deep and 1.5 metres high at its peak falling to 1 metre and will be located 1.7 metres from the wall. This new space will allow for the replacement of an existing staircase with a new basement store and ground floor office. Additionally, paving leading to the front doors will be ramped up to 125mm for easier access for disabled users of the centre. The intention behind the alterations is to provide step free access from the pavement, through the main entrance and to all of the ground floor.



Impact on the character and appearance of the area.

The property is located at the northern end of Mutley Plain, a busy retail and commercial street and one of the city's principal thoroughfares. The outreach centre is finished in painted render with a slate roof, the dominant architectural form of the area, and it is proposed that the new extension will be finished to match this. Additionally, the frontages in this part of the street are progressively stepped back as the pavement narrows to accommodate a bus bay and the set back extension would follow this pattern of development.

Because of the presence of existing development between them it is not felt that the proposed scheme would have any impact on the listed buildings near by.

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

### **Section 106 Obligations**

Not applicable.

### **Equalities & Diversities issues**

The proposals will improve the access for mobility impaired and disabled people to the centre.

### **Conclusions**

The proposed scheme would not have an adverse impact on the character and appearance of the area and is recommended for approval.

### **Recommendation**

In respect of the application dated **21/12/2011** and the submitted drawings 594/N3, 594/N1, 594/X1, 594/N2, 594/X2, and accompanying design and access statement, it is recommended to: **Grant Conditionally**

### **Conditions**

#### **DEVELOPMENT TO COMMENCE WITHIN 3 YEARS**

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

Reason:

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

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 594/N3, 594/N1, 594/X1, 594/N2, 594/X2.

Reason:

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

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

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

CS34 - Planning Application Consideration

CS02 - Design

SPD1 - Development Guidelines

NPPF - Draft National Planning Policy Framework 2011

# PLANNING APPLICATION REPORT



**ITEM: 02**

**Application Number:** 11/01250/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

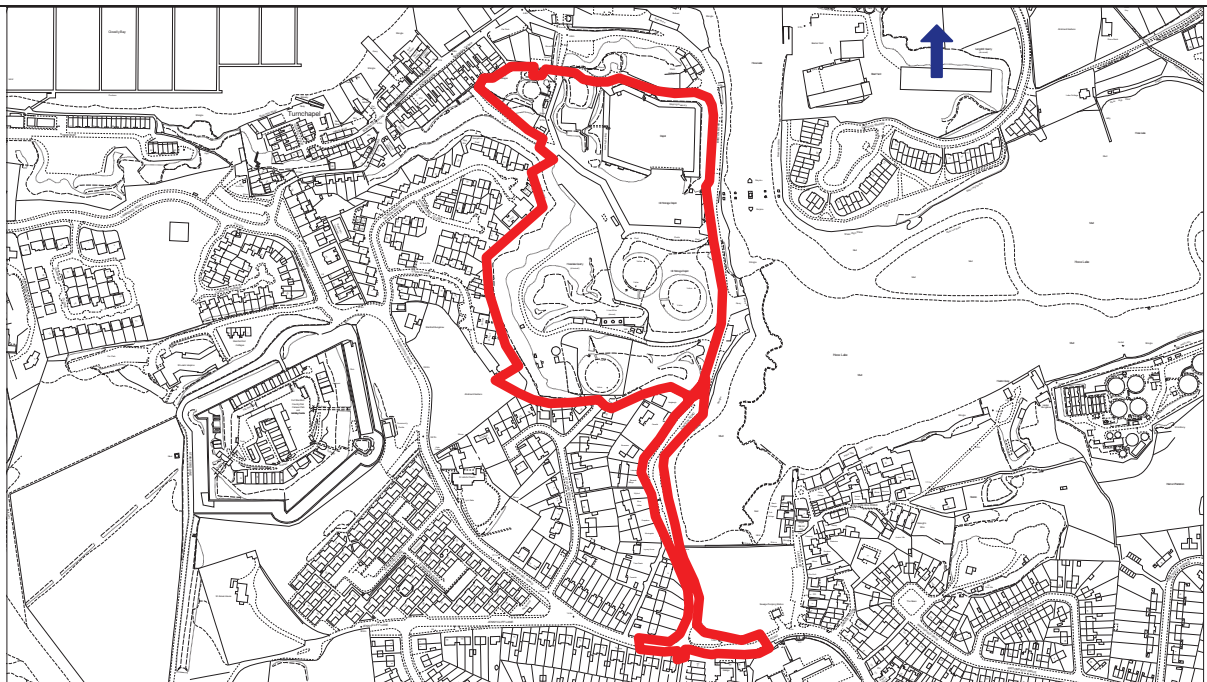
**8/13 Week Date:** **08/11/2011**

**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 09<sup>th</sup> June 2012

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## Update

This application was deferred at the Planning Committee on the 12<sup>th</sup> January for the following reasons:

- the requirements of the ecological and mitigation impact assessment for the proposed new road scheme at Barton Road;
- the requirements for sewage;
- further negotiations with the developer over the S106 contribution;
- highway mitigation measures along Hooe Road, including public transport.

Since then further discussion has taken place with the applicants and additional information has been provided. With regards to the reasons for deferral listed above, the following information is reported:

### Ecological mitigation impact assessment for new road scheme at Barton Road

At the previous committee meeting it was recommended verbally that a condition be added seeking an Ecological Mitigation and Enhancement Strategy for the area of land adjacent to Hooe Lake that might be affected by the proposed works necessary to upgrade Barton Road. This was as a result of Natural England confirming verbally on the morning of the committee meeting that they would withdraw their objection subject to the additional condition mentioned above. Since then Natural England have provided an updated consultation response in the form of a letter dated the 25<sup>th</sup> January 2012, which states that:

*'Natural England has no objection to the proposed development. Our response is based upon the provision of additional information that provides clarification of impacts and corresponding mitigation from the proposed development on the interest features associated with Plymouth Sound & Estuaries SAC. Further, we are satisfied that there will be no disturbance of protected species. We do, however, seek further assurances that the proposals will secure the delivery of biodiversity gain..... The delivery of biodiversity gain will need to be secured in perpetuity by your authority through an appropriate planning condition/obligation. Integral to this commitment will be the inclusion of up-to-date Ecological Management Plan, Ecological Mitigation and Enhancement Strategy, Bat Mitigation Strategy, CEMP (details provided in previous consultations), and Landscape & Ecological Management Plan as referred to in Matt Cowley's letter (25<sup>th</sup> January 2012).'*

A further condition has thus been added to the report (condition no.41), seeking further information in the form of an Ecological Mitigation and Enhancement Strategy for the works required to upgrade Barton Road, in order to deliver a net biodiversity gain at the site.

### Sewerage Requirments

The issue of sewerage disposal was raised at the last committee meeting, and more information was requested on this subject. In order to ensure that issues of foul water drainage and the disposal of sewerage are properly dealt with at the site, strict conditions are imposed (condition no.s 33, 34 and 35) requiring details of the

provision to be made for foul water drainage and the disposal of sewage from the site and of improvements needed to the public sewage disposal facilities to accommodate the development.

These conditions were attached following negotiations with South West Water, who have stated that they have no objection to the development subject to the conditions referred to. Following the deferral on the 12<sup>th</sup> January South West Water submitted the following information as a result of the committees decision to seek further information on the requirement for sewerage at the site:

*'Barratt Homes approached South West Water prior to submitting the application and it was determined that capacity within the public foul sewer network was insufficient to accept the development without improvements which we will require to be funded by the applicant/developer prior to development commencing.*

*We have subsequently at the expense of Barratt Homes carried out an investigation to establish what improvements are required and established that the public sewer to which the development will connect would be sufficient subject to its prior improvement.*

*We are finalising the detailed investigation to allow us to inform Barratt Homes of the improvements costs.'*

The applicant/developer is required to fully fund the sewerage improvements prior to development commencing, through an agreement with South West Water.

### Section 106 Contributions

As stated in the original report, the applicant is accompanied by a viability report which states that the development incurs abnormal development costs that significantly impact upon its viability and capacity to deliver the required contributions in accordance with the Adopted Planning Obligations and Affordable Housing SPD.

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, there is significant mitigation required with regards to ecology and substantial abnormal costs with regards to upgrading Barton Road to an adoptable standard.

Whilst discussions are ongoing with regards to the 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. This is reflected in the head of terms set out in the Section 106 section of this report.

Issues raised at the previous committee regarding the amount of contributions required for mitigating the impact of the development on local schools and the possibility of the development funding the implementation of a 20mph road scheme near to Hooe Primary School will be addressed in an addendum report.

### Highway Mitigation Measures along Hooe Road and Public Transport

Since the previous committee, clarification has been received relating to the junction at Barton Road/Hooe Road and its impact on the existing bus stop.

It has been confirmed that (as agreed with the Councils Transport Officer) the bus stop will be located on the carriageway rather than in a layby, which is acceptable common practice, and officers within the Council's Public Transport Team are happy with this proposal. The design will include a bus boarder and also a central island with a keep left bollard on Hooe Road adjacent to the bus stop, meaning that once a bus has stopped, following vehicles will not be able to overtake on the approach to the roundabout. This will act as a further traffic calming and highway safety feature. The west bound bus stop will not be as busy for passengers boarding and buying tickets as the east bound bus stop, and so delays to vehicles following a west bound bus will be minimal.

The report below is the original report presented to the committee on the 12<sup>th</sup> January 2012.

### **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 ratio at the site (dph) 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 27<sup>th</sup> 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

PPSI 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.

It is considered 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 Councils 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.

It is considered 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 Councils 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.

It is considered 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 80<sup>th</sup> 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's Nature Conservation Officer.

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

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 EclA (Ecological Impact Assessment) 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 EMES.

### 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) have 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. They have considered impacts from noise, air quality and contaminated land.

Although potential adverse impacts have been identified, PPS have 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 have 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 are 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 Housing Strategy team 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 have considered the application and would not support 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 their letter of the 23<sup>rd</sup> November 2011 that they do 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 junctions at Dean Cross and Horn Cross 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 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. £6, 100 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 pedestrian facilities at the existing junctions in the vicinity of Dean Cross 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 £863,950.

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 9<sup>th</sup> June 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, Design Codes, 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, and accompanying Design and Access Statement, it is recommended to: **Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 09<sup>th</sup> June 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) 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) 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 in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### 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.

#### 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 before a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- (a) details of the drainage during the construction phase;
- (b) details of the final sustainable drainage scheme;

- (c) provision for exceedance pathways and overland flow routes;
- (d) a timetable of construction;
- (e) a construction quality control procedure; and
- (f) a plan for the future maintenance and management of the system and overland flow routes.

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

**Reason:**

To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development, in accordance with policies CS21, CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

**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:

- A) A preliminary risk assessment which has identified:
  - (a) all previous uses;
  - (b) potential contaminants associated with those uses;
  - (c) a conceptual model of the site indicating sources, pathways and receptors; and
  - (d) potentially unacceptable risks arising from contamination at the site.
- B) A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- C) The results of the site investigation and detailed risk assessment referred to in (B) 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.
- D) 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 (C) 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, in accordance with policies CS21, CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### 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, in accordance with policies CS21, CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### 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 paladin 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 infrastructure 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.

EXISTING TREE/HEDGEROWS TO BE RETAINED

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

(a) Notwithstanding the details shown on drawing no. 100L\*, no existing tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with BS 3998: 2010 Tree Work Recommendations.

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

(c) The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with Section 9 of BS 5837:2005 (Guide for Trees in relation to construction) before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground areas within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

To ensure that trees 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.

#### TREE PROTECTION DURING CONSTRUCTION

(38) The existing trees and hedgerows shown on the approved plans shall be properly protected with appropriate fencing during construction works. The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with Section 9 of BS 5837:2005 (Trees in relation to construction - recommendations) before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall an excavation be made, without the written consent of the local planning authority.

Reason:

To ensure that any trees or hedgerows to be retained are protected during construction work in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### PROVISION FOR TREE PLANTING

(39) 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.

#### TREE REPLACEMENT

(40) If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core

Strategy (2006-2021) 2007 are subsequently properly maintained, if necessary by replacement.

#### ECOLOGICAL MITIGATION AND ENHANCEMENT STRATEGY

(41) Prior to development on site commencing, an Ecological Mitigation and Enhancement Strategy for the highway improvement works required to upgrade Barton Road adjacent to Hooe Lake, shall be submitted to and approved in writing by the Local Planning Authority. This shall be based upon the Hooe Lake CWS Ecological Impact Assessment (EIA) (January 2012) and shall deliver a net biodiversity gain.

#### 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.

#### 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 2011

# PLANNING APPLICATION REPORT



**ITEM: 03**

**Application Number:** I1/01742/FUL

**Applicant:** Sarsen Housing Association

**Description of Application:** Redevelop site by erection of affordable housing development containing 18 apartments and 7 dwellings with associated parking and landscaping

**Type of Application:** Full Application

**Site Address:** FORMER ROYAL MARINE PUB SITE, TORRIDGE WAY  
PLYMOUTH

**Ward:** Efford & Lipson

**Valid Date of Application:** 08/12/2011

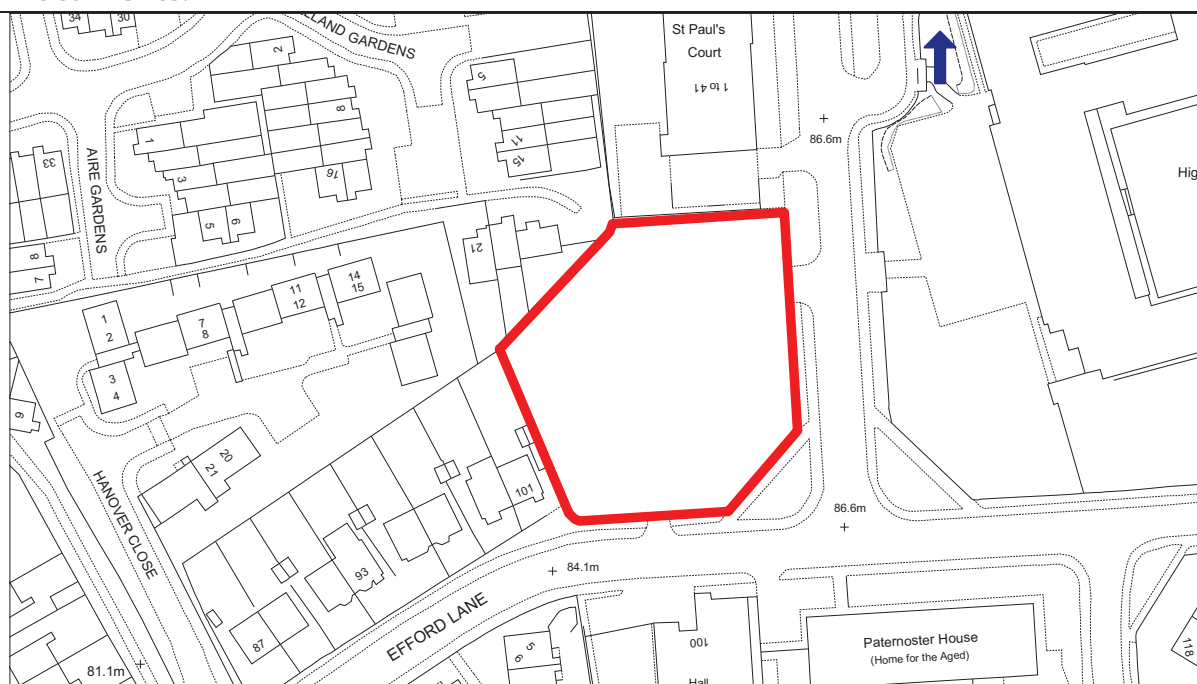
**8/13 Week Date:** **08/03/2012**

**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 01 March 2012

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



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## Site Description

The site is located at the corner of Torridge Way and Efford Lane, in the residential suburb of Efford. It was formerly occupied by the Royal Marine Public House, which has now been demolished. The site has been cleared and is relatively flat, sloping away gently from Torridge Way in a westerly direction. The site measures 0.025 of a hectare in area.

Surrounding development is mainly residential. Efford is predominantly characterised by post war Local Authority housing development and has a high percentage of social housing. Directly opposite the site to the east (across Torridge Way) is the recently redeveloped Highfield Junior School and to the north of the site further along Torridge Way is a local centre providing amenities such as a convenience store, takeaways and a local library. Access to the site is currently gained from 2 points, an existing vehicular access off Efford Lane, on the southern boundary of the site and another vehicular access from Torridge Way on the eastern boundary.

## Proposal Description

This application proposes to redevelop the site by providing a total of 25 new residential units. This includes an extension of the existing building adjacent to the northern boundary of the site (St Pauls Court Extra Care Scheme) on Torridge Way to provide 3 wheelchair friendly units at ground floor and 11 extra care flats above that have an internal link to the existing extra care scheme building at 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floors.

Adjoining the new 14 unit extra care building it is proposed to erect three 3 storey dwellings that will also front onto Torridge Way. At the corner of Torridge Road and Efford Lane a small apartment block containing 4 flats is proposed with a further 4 dwellings adjoining this and facing south onto Efford Lane. This creates an 'L' shaped development that provides a street frontage onto both Efford Lane and Torridge Way, with the 2 existing access points reinstated as footways and a new vehicular access created at the north west corner of the site from Efford Lane.

Car parking is proposed to the rear of the development and within the site, with a total of 18 car parking spaces proposed for the 7 dwellings and 4 flats; the 3 bed dwellings have 2 spaces per dwelling with 12 spaces remaining for the four flats and 4 houses (which equates to 1.5 spaces per unit). The proposed 14 extra care units have a total of 7 car parking spaces including 2 disabled bays. Each of the proposed dwellings has a small back garden that contains a shed, with enclosed refuse storage being provided to the front of the dwellings. The 4 flats and 14 extra care facility units have shared amenity space and external refuse storage.

## Relevant History

03/01748/FUL – Demolition of public house and erection of 24 flats. PERMITTED.

## **Consultation Responses**

### Highway Officer

No objections subject to conditions.

### Public Protection Service

No objections subject to conditions.

## **Representations**

One letter of representation received, objecting to the application on the following grounds:

- Removal of a hedgerow within the development.

## **Analysis**

As stated above, this application proposes a residential development containing 7 houses, 4 flats and 14 extra care flats, at a site formerly occupied by the Royal Marine pub in Efford. The application is made by Sarsen Housing Association and all of the proposed dwellings will be affordable homes and managed by Sarsen, who are a Registered Social Landlord.

### Pre-application discussions

The applicant made a formal pre-application submission using the Council's Development Enquiry Service in April 2011, under reference MA/226/PRE. Discussions have taken place since then and the application has been made in accordance with officers' advice at pre-application stage.

### Main Issues

It is considered that the main issues in the determination of this application are the principle of the proposed development; the impact that it will have on the character and appearance of the area; impact upon nearby properties residential amenities and impact upon the surrounding highway network. These issues will now be addressed in turn:

### Principle of Development and Density

The site is located within an established residential area and is not constrained by any restrictive planning policies. It does not lie within a Conservation Area and there are no protected trees on the site. The site was formerly occupied by a now demolished public house and is thus considered to be brownfield land. It is considered that this proposal will ensure that a previously used but now redundant site is developed for a use that is compatible with the surrounding development, which is mainly residential.

With regards to planning policy, paragraph 10.25 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) states that *'In order to optimise the use of available sites and to reduce the pressure on Greenfield sites, the Government has set minimum density targets of between 30 and 50 dwellings per hectare. The priority will be on the re-use of previously developed sites'* and goes on to state that *'City Centre or*

*urban sites can achieve quality development with densities significantly above the upper target level, as such sites would normally consist of flats and apartments*’. The proposal is considered to achieve these requirements and the development would ensure that a previously used but now redundant site is developed for a use that is compatible with the surrounding development, which is mainly residential.

Concerning issues of density, 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.

Proposed density levels at the site are consistent with the density levels in the immediate vicinity. Given the sustainable location of the site and 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 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. Policy CS34 refers to siting, layout, orientation, local context and character. New development proposals are required to take account of the existing context and the criteria referred to.

The layout of the proposed development is reflective of the existing built form in the area by providing a street frontage to both Torridge Way and Efford Lane. This is consistent with the existing pattern of development in the area, which is characterised by a traditional layout with dwellings fronting onto the public highway.

The existing building line on Torridge Way, established by the properties adjacent to the north of the site, is respected, with the proposed development (in this case the extension block of 14 extra care flats) appearing as a continuation of the existing block of flats, with an east-west axis. A row of 3 dwellings adjoins the proposed



flats, providing a continual street frontage to Torridge Way, with the corner of Torridge Way and Efford Lane being denoted by a 4 storey block containing 4 flats. This helps to turn the corner and provides a localised increase in height, whilst visually presenting the proposed development with a focal point. The remaining 4 dwellings adjoin the corner block and front onto Efford Way, being oriented to have a north-south axis. This is reflective of the existing development on Efford Lane, which faces south on this side of the street, over looking the road.

The proposed car parking areas are to the rear of the site and will not be visible from either Torridage Way or Efford Lane, with access being controlled by a motorised gate. They will be well overlooked by the proposed development but also located safely within the site so as not to encourage on street parking. The proposed refuse and cycle storage areas are communal and easily accessible to future occupants.

The scale of the proposed development has been designed to reflect the surrounding buildings on Torridge Way and Efford Lane. The extension to St Pauls Court (the existing extra care facility) is 4 storeys to match the existing building, with the adjoining houses being 3 storeys, before the corner block rises to 4 storeys to signify the corner, with the proposed dwellings on Efford Lane being traditional 2 storey to respect the existing dwellings on this road.

The layout of the site and the scale and orientation of the proposed dwellings is considered to be a sensitive response to the character of the existing townscape in the area, also creating overlooking of the street and public highway and ensuring there is clear definition between public and private space. The layout of the proposed development and orientation of the dwellings ensures that the established pattern of development in the area is respected and that there is good natural surveillance of all areas at the site that are not private. The Councils Architectural Liaison Officer has stated support for the application and 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.

Concerning issues of building design, the external appearance of the proposed apartment blocks (extension to existing St Pauls building and new corner block) is contemporary, respecting the existing St Pauls Court on Torridge Way, which also has a modern design. The proposed development references the fenestration details of the existing extra care flats, providing similar proportioning and floor to ceiling heights and a contemporary design with feature entrance and complimentary materials palette comprising white render, copper cladding, timber cladding and standing seam metal.

The proposed St Pauls extension continues the building line of the adjoining extra care flats to the north and shows a consistent roofscape, with photovoltaic cells concealed behind the parapet in order to meet the requirements of Policy CS20 Sustainable Resource Use). The 4 storey corner block gives the development a presence in the streetscene, using a copper clad entrance and staircase to denote this important feature, with the use of copper being used as a consistent facet throughout the development.

The proposed dwellings on Efford Lane are traditional 2 storey to match the nearest existing dwellings but also have a contemporary appearance, to ensure that they are clearly part of the new development. This is also evident through use of materials. The different dwelling types and flat blocks follow the same design form and contain some similar features that ensure that the scheme has balance and a considered design approach, through subtle repetition of features and materials.

The contemporary form of the proposal and proportioning of openings and features such as the entrance and Juliet balcony windows ensures that the evolving modern character, identity and context of the surrounding and closest existing townscape is respected. The overall design of the proposed development and use of a varied materials palette is considered positive, ensuring an acceptable balance between the introduction of contemporary features and materials whilst also ensuring compatibility with the existing townscape and local context.

The proposed layout of the site and design of the proposed apartments is thus considered acceptable. In summary, it is considered that the application will provide a positive addition to the streetscene and help to improve local visual amenity. It is therefore compliant with Policies CS02 (Design) and CS34 (Planning Application Consideration) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

### Residential amenity

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

The closest development to the site is St Pauls Court, the existing extra care flat development on the northern boundary of the site. The proposed development in the northern part of the site will adjoin St Pauls Court (providing an extension of this building) and will have an almost identical footprint and will be the same height as the existing building. The buildings will be orientated to face the same way and they will appear as a continual terrace in the streetscene. There will thus be no impact from the proposed development upon the outlook that the existing residents enjoy from this building, and there will no loss of light or overlooking created. The proposed development will not therefore cause significant harm to the occupiers of St Pauls Courts residential amenities. There are no other buildings close enough to the site to be affected by the proposed development, with regards to amenity impacts.

The layout of the site has been arranged so that the relationships between the proposed dwellings within the site is not unacceptable and 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. With regards to residential amenity standards, all of the proposed dwellings have private amenity space that in terms of area is in accordance with 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.

#### Highways Issues

Vehicular access to the site for the proposed houses and the corner flat block is from Efford Lane, on the southern boundary of the site. This access is located between the existing dwellings on the northern side of Efford Lane and the proposed dwellings that will front onto Efford Lane, along the southern boundary of the site. It provides access to a parking court with 12 car parking spaces and to the 6 curtilage parking spaces proposed to the rear of the 3 proposed houses located on the eastern boundary of the site between the proposed extra care flat block and corner flat block.

With regards to the new access, the Councils Highways Officer has stated that *'parking for the 11 dwellings (7 houses and 4 flats) intended for affordable and shared ownership housing would be within the new rear parking court accessed from Efford Lane, where a new (private drive type) drop-kerb vehicular entrance would need to be formed, and the old existing vehicle entrance to the former pub reinstated as footway. Likewise a redundant vehicle entrance in Torridge Way would also need to be reinstated as footway, and appropriate white-line carriage way markings put down to complete the existing hatching in the carriageway as required. The proposed access into the rear parking court from Efford Lane is indicated as 4.8 metres wide which would allow two cars to safely pass one another when entering and leaving the parking court.'*

The car parking area for the proposed extension to the St Pauls extra care apartments is to the rear of the building and will be accessed via the existing undercroft access that serves the existing parking on the ground floor of the adjoining St Pauls building. This is acceptable and utilises an existing access to serve the proposed parking area that provides a total of 7 car parking spaces, 2 of which are disabled bays.

The level of car parking provision proposed at the site is considered acceptable. The Highways Officer has stated that *'the three-bedroom houses would have two parking spaces per dwelling accessed from the private parking court, set out in tandem one behind the other within the curtilage of the property. Parking would be provided within the parking court for the remaining family housing comprising of, four houses, and four flats, at a ratio of one and a half parking spaces per unit, served by 12 parking spaces. It is considered that the development would provide a satisfactory level of off-street car parking, although since the parking court would be secure and gated, careful attention would be needed to ensure the access mechanism, swipe card, key pad etc, would be convenient in its use and encourage residents to use the parking court. The details of the secure access mechanism into the car park have not been provided but should be submitted for approval in writing by the Local Planning authority.'*

Cycle parking provision is provided within garden sheds for the proposed houses and within storerooms for the flats which are accessed from the communal staircase on the ground floor. This ensures cycle storage at the site is secure and enclosed.

### Affordable Housing

As already stated in this report, the development proposed is entirely for affordable housing. The applicant, Sarsen Housing Association, is one of the Councils Plymouth Housing Development Partners, with an excellent track record of delivering good quality Affordable Housing within Plymouth City. There is a need for the delivery of affordable housing in the Plymouth which is much greater than the total annual housing provision. Affordable Housing provision is specified as one of the top priorities for Plymouth City Council.

The Councils Housing Strategy team has provided the following comments on the application

*'We fully support this proposal which will deliver much needed Affordable dwellings (at Code 3 building standards). The range of accommodation will provide valuable affordable accommodation for clients in need of extra care housing, accommodation for disabled clients and general needs affordable housing for families. At this stage we would request that details of the proposed tenure of the Affordable housing units remain flexible – with affordable tenure to be secured, by agreement, with a clause in the s106. Flexibility is required for Affordable Housing tenure options which will be subject to the terms of Homes and Communities Agency affordable housing funding assessments/ contracts and negotiations with the Housing enabling team.'*

### Other Issues

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

In order to meet the requirement of Policy CS20 it is proposed to have Photovoltaic Panels and Solar Thermal Evacuated Tubes installed on the roofs of the proposed dwellings. These will be almost flush with the roofline of the proposed dwellings or behind the parapet of the proposed apartment block and extension to existing St Pauls building, so will only have a very minimal visual impact. Photovoltaic Panels generate electricity from light and their energy source is therefore sunlight, meaning that they do not require fuel to operate and produce no air pollution or hazardous waste.

Solar water heating has been used for many years on a small scale and has recently been developed for a wider market with pressurised systems. Solar Panels require no grid connection as the surplus energy is stored in hot water. Solar panels used for heating water have a long record of use, although the scale of energy saving to be achieved is less than for a PV installation generating electricity. The capital costs for equipment and installation are less than for Photovoltaic (PV) cells and the technology is fairly simple, with a choice between vented, drain back and pressurised systems.

The use of Photovoltaic Panels and Solar Thermal Evacuated Tubes is more than adequate to meet the 15% energy saving and the application is therefore compliant with Policy CS20.

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. They provide accessible and adaptable accommodation for everyone, from young families to older people and individuals with a temporary or permanent physical impairment.

Whilst only 5 units would need to be provided as Lifetime Homes to comply with policy CS15 (4), all of the units within the proposed development have been designed to meet the lifetime homes criteria. This will accord with policy CS15 (4) and contribute to the schemes assessment under the Code for Sustainable Homes. The provision of Lifetime Homes at the site is proposed to be secured by condition, requiring a minimum of 5 units to be constructed to the lifetime homes standard.

The applicants have submitted an Extended Phase I Habitat Survey Report. This has identified that the site is of low ecological value, there are no habitats of nature conservation importance at the site, no rare or protected plants, no evidence of badgers and no buildings or other features capable of supporting roosting bats. There are minimal hedge and trees at the site which could be capable of supporting nesting birds but the report has acknowledged that there is only a low to moderate chance of the limited trees housing nesting birds. The Councils Nature Conservation Area is in agreement with the findings of the report and stated that the provision of 6 swift bricks would be enough to achieve a net gain in biodiversity at the site, in accordance with Policy CS19 (Wildlife) of the Core Strategy. A condition is therefore attached requiring a Mitigation and Enhancement Strategy, which will secure the bird bricks referred to and ensure the development achieves a net gain in biodiversity.

One letter of representation has been received, objecting to the application due to the removal of a hedgerow at the site. This is necessary to facilitate the development and does not result in any adverse impacts at the site, the small existing trees and hedgerow are of minimal value and the proposed planting at the site compensates for the small loss of shrubs proposed.

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

### **Equalities and Diversities Issues**

The application provides a range of house types, to be delivered by a Residential Social Landlord and provided as affordable housing. All of the proposed dwellings are proposed to be built to Lifetime Homes standards and will be suitable for people with disabilities and the elderly and frail. The application therefore does not have any adverse impacts on any equality groups.

### **Section 106 Obligations**

The applicant is a Registered Social Landlord and the development is for 25 affordable residential units. A Section 106 Agreement is necessary to secure the proposed development as affordable housing, to be managed by a Residential Social Landlord (in this case the applicant).

The application 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. No financial contributions are required in this case.

### **Conclusion**

This application will provide 25 new affordable dwellings, including 14 extra care units, on a site that has been vacant for a number of years. It is located within an established residential area and proposes a good standard of accommodation that will sit neatly within the existing streetscene, improving visual amenity and the character and appearance of the area.

Access and parking levels are acceptable and the development does not impact upon the residential amenities of any of the surrounding properties. The application is therefore recommended for approval subject to conditions and the completion of a Section 106 Agreement within 3 weeks of the date of the planning committee, with delegated authority to refuse sought if the S106 is not completed within this timescale.

### **Recommendation**

In respect of the application dated **08/12/2011** and the submitted drawings 001/A, 002, 003/L, 004/J, 005/J, 006/J, 007/J, 008/H, 009/F, 011/F, 012, 013, 014, 015 and accompanying Design and Access Statement, Ecology Report, Energy Report, Geotechnical Investigation and Contamination Assessment Report and Floor 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 01 March 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.

DETAILS OF NEW JUNCTION

(2) 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.

REINSTATEMENT OF FOOTWAY

(3) No dwelling shall be occupied until details showing the two existing footway crossings (now redundant) removed and the footway reinstated have been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken and completed in accordance with the approved details.

Reason:

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.

COMMUNAL CAR PARKING PROVISION

(4) No dwelling shall be occupied until space has been laid out within the site in accordance with MA12753-003 Rev 'L' for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.

Reason:

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

CYCLE STORAGE

(5) The secure area for storing cycles shown on the approved plans 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

(6) No development shall commence on site until the proposed access and details of improvements to the existing highway comprising of; extension of the white line hatching in the carriageway of Torridge Way to cover the now redundant vehicle access point; along with provision of bollards in the footway along the frontage of the development in Efford Lane to prevent vehicles parking on the footway, have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed as approved.

#### 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.

#### FURTHER DETAILS

(7) 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:-

details of an access control mechanism into the private gated parking court.

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.

#### CODE OF PRACTICE DURING CONSTRUCTION

(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.

#### DETAILS OF BOUNDARY TREATMENT

(9) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before first occupation of the first dwelling. 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.



#### SUSTAINABLE RESOURCE USE

(10) Unless otherwise agreed in writing with the Local Planning Authority, the on-site renewable energy production methods listed in the Energy Statement (dated December 2011) 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.

#### BIODIVERSITY

(11) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Extended Phase 1 Habitat Survey Report by Green Ecology (2011). In addition, a Biodiversity Enhancement and Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority, providing:

- a minimum of six swift bird nesting bricks incorporated into the built fabric of the new buildings.

#### 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.

#### NOISE

(12) All buildings should be constructed to meet the Good Room criteria as set out in BS8233:1999 such that bedrooms do not exceed 30dB during the night and living rooms do not exceed Laeq 30dB during the day.

Reason: To provide good quality living spaces to prevent unwanted disturbance from noise to future residents.

#### NOISE VERIFICATION

(13) Prior to occupation of any dwelling suitable tests shall be carried out to verify the dwellings meet the requirements as set out in Condition 12, and a written report detailing the tests shall be submitted to the Local Planning Authority for written approval.

Reason: To verify that suitable standards of noise insulation have been achieved. It is advised that the applicant discuss the testing methodology and numbers prior to submission to prevent any unwarranted expense or delay.

#### EXTERNAL MATERIALS

(14) 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.

#### LIFETIME HOMES

(15) A minimum of 5 Lifetime Homes shall be provided on the application site. Full details of the Lifetime Homes showing how they meet all the criteria for Lifetime Homes shall be submitted to and approved in writing by the local planning authority before work begins on the development hereby permitted.

#### Reason:

To ensure that 20% of the dwellings on site are built to Lifetime Homes standards to comply with policy CS15 of the adopted City of Plymouth Core Strategy Development Plan Document 2007.

#### REPORTING OF UNEXPECTED CONTAMINATION

(16) In the event that contamination or ground conditions are found when carrying out the approved development, that were not previously identified, expected or anticipated; they must be reported in writing immediately to the Local Planning Authority and 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.

### LANDSCAPE DESIGN PROPOSALS

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

### LANDSCAPE WORKS IMPLEMENTATION

(18) 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.

**INFORMATIVE: KERB LOWERING**

(1) Before the access hereby permitted is first brought into use, it will be necessary to secure dropped kerbs and a footway crossing 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: HIGHWAY WORKS**

(2) The necessary Works in the highway shall be carried out in accordance with any grant of planning permission and by way of an Access to Site Permit under Section 171 of the Highways Act 1980; and the procedure and arrangements for the construction of commercial vehicle footway crossings; by arrangement with PCC Highway Operations Section.

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

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

- PPS3 - Housing
- PPS9 - Biodiversity and geological conservation
- PPS1 - Delivering Sustainable Development
- PPS23 - Planning & Pollution Control
- CS28 - Local Transport Consideration
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS18 - Plymouth's Green Space
- CS19 - Wildlife
- CS20 - Resource Use
- CS21 - Flood Risk
- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS15 - Housing Provision
- CS16 - Housing Sites
- SPD2 - Planning Obligations and Affordable Housing
- SPD1 - Development Guidelines
- SPD3 - Design Supplementary Planning Document
- NPPF - Draft National Planning Policy Framework 2011

# PLANNING APPLICATION REPORT



**ITEM: 04**

**Application Number:** 11/01791/FUL

**Applicant:** Amber New Homes and Developments Ltd

**Description of Application:** Continuation of use as 10-bed HMO for student accommodation including alterations to windows at ground and first floor levels, installation of roof windows on front and side roof elevations and dormer windows to rear

**Type of Application:** Full Application

**Site Address:** 64 SALISBURY ROAD PLYMOUTH

**Ward:** Sutton & Mount Gould

**Valid Date of Application:** 18/11/2011

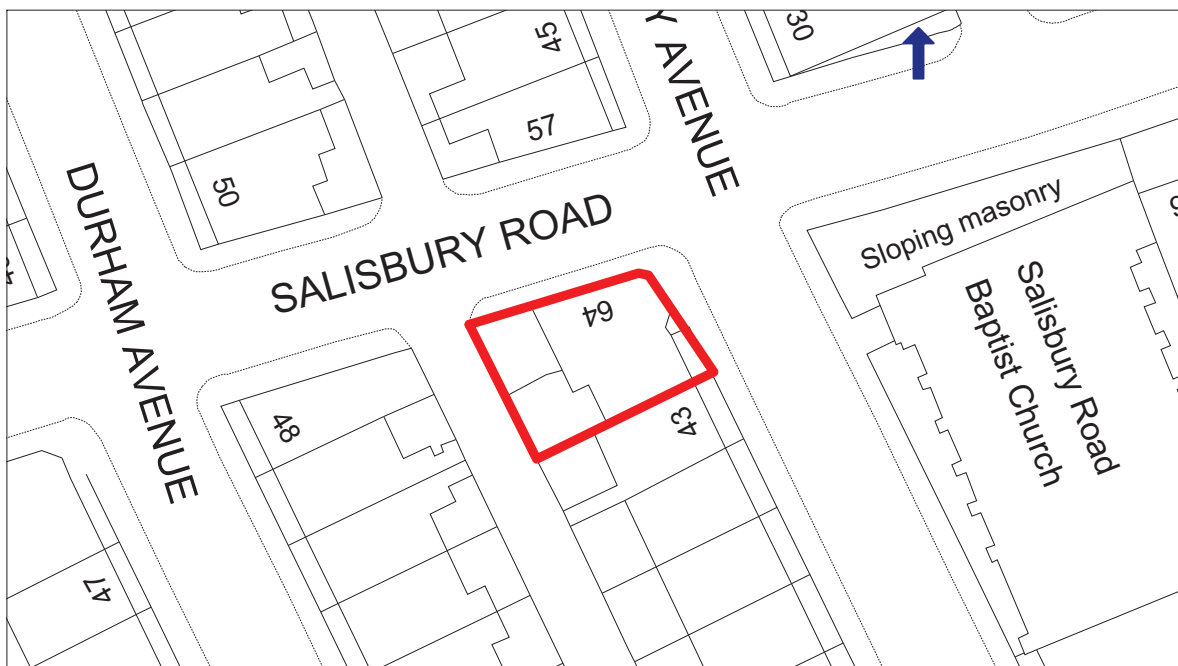
**8/13 Week Date:** **13/01/2012**

**Decision Category:** Member Referral

**Case Officer :** Olivia Wilson

**Recommendation:** Grant Conditionally

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



## OFFICER'S REPORT

### Member Request

This application is being reported to the Planning Committee at the request of Councillor Rennie, who is ward member for this area. He has concerns because planning permission was granted for a previous application, but this permission has been breached and as a result there is public concern.

### Site Description

64 Salisbury Road is an end of terrace property in the Mount Gould area of the city occupying a corner plot on the corner of Salisbury Road and Roseberry Road. The property has a former shop unit at ground floor level, and is located within Salisbury Road Local Centre. The area is characterised by a mix of commercial and residential uses and is opposite a Baptist Church. It backs onto a rear service lane shared with Durham Avenue.

### Proposal Description

Continuation of use as 10-bed HMO for student accommodation including alterations to windows at ground and first floor levels, installation of roof windows on front and side roof elevations and dormer window to rear.

### Relevant Planning History

04/01313/FUL Change of use and conversion of lower ground floor from retail store to residential flat, with erection of porch - refused

10/00976/FUL Change of use, conversion and alterations, from retail and residential to create four flats, with single-storey rear extension at ground-floor level, three off-street parking spaces, and associated cycle storage and bin storage – withdrawn

10/01984/FUL Change of use, conversion and alterations from retail unit and three flats to form two self-contained four- bedroom maisonettes, and formation of room in roofspace with dormer - permitted

No pre-application advice has been requested by the applicant for this application.

### Consultation Responses

Highways and Transport Service initially objected to the application on the grounds of insufficient parking, insufficient cycle parking and insufficient bin storage. In response to a revised car parking and cycle parking layout, it has revised its response. It still objects on the grounds of insufficient off-street parking spaces, and consequent detriment to highway safety and existing car parking amenity of local residents. It supports the provision of 5 secure cycle spaces but is concerned that insufficient bin storage is provided.

Environmental Protection Service has no objection to the application.

Waste and Street Scene Service notes that 6 bins are required for a 10-bed HMO.

## **Representations**

46 Durham Avenue - raises concern about the fact that the owner has breached the planning permission that was granted in 2010 for two maisonettes.

50 Durham Avenue – is also concerned about the fact that the owner has breached the planning permission that was granted in 2010 for two maisonettes.

Councillor Nelder objects to the proposal on the following grounds:

- lack of parking and resultant pressure on on-street parking
- lack of cycle storage and bin storage
- the fact that the property has been converted to an HMO without prior planning permission
- impact of this and other HMOs on the community.

Councillor Aspinall objects to the proposal for the following reasons:

- The ground floor windows open directly onto the pavement, causing a hazard to pedestrians, especially the visually impaired.
- The development has gone ahead without planning permission
- The community is concerned about the changing nature of the area.

A petition has been received with 14 signatures from residents of Durham Avenue and Roseberry Avenue setting out their concerns regarding the fact that the application is retrospective and that the owner has not complied with the original planning permission that was granted.

## **Analysis**

This application arises from an enforcement case and is therefore a retrospective application for an existing 10-bed HMO.

The previous (approved) application was for change of use, conversion and alterations from a retail unit and three flats to form two self-contained four-bedroom maisonettes, and formation of room in roofspace with dormer. This change of use was never implemented, however, although the approved external alterations have been implemented. Instead, the property has been converted to a 10-bed student HMO.

The internal layout has, as a result, changed to create 2 additional en suite bedrooms. The basement floor contains a communal kitchen/ lounge area (with 2 entrance doors from the rear yard). The ground floor contains 4 en suite bedrooms with a rear access door. The first floor also has 4 en suite bedrooms while the loft space has 2 en suite bedrooms.

This application raises the following planning issues which require consideration:

1. The principle of the development and its impact upon the character and appearance of the area
2. The impact of the development on the amenities of nearby residential properties
3. Standard of accommodation provided
4. The impact of the development on the surrounding highway network and highway safety.
5. The principle of a retrospective application

**The principle of the development and its impact upon the character and appearance of the area**

The Development Guidelines SPD states that HMOs can reduce the local stock of family dwellings and change the character of the neighbourhood. The degree of impact depends on the location and nature of the housing stock.

In this case, the proposal is within the proposed 'Article 4 Direction' area where it is proposed by the Council to introduce special rules to control the conversion of dwellings into HMOs (removing permitted development rights for C3 to C4 uses). If the Direction is confirmed, it will be introduced in September 2012. The fact that the area has been identified as part of the Article 4 Direction indicates that there is a concern about the number of properties being converted into HMOs.

In this particular location, the evidence suggests that currently less than 10% of housing stock is student housing, which is a relatively small proportion in comparison to areas closer to the City Centre and University. Salisbury Road has a mixed use character, although the side roads are more residential in character. The property was a former shop unit with residential above and therefore would have been associated with a certain amount of commercial activity in the past.

Given the mixed use character of the area, the former commercial use of the property and the relatively low proportion of student HMOs in the area, it is not considered that an HMO in this location will be detrimental enough to the stock of housing in the area and the character of the area to warrant refusal.

The external changes that were approved with the previous application have been implemented with minor changes. At ground floor level, there is only one entrance door at the rear compared to 2 proposed with the previous application. Additional rooflights have been constructed – 2 on the front elevation and 1 on the rear. The main ground floor window on the east elevation has additional glazing bars. It is considered that these are minor changes and are not detrimental to the street-scene.

Only one parking space has been provided compared to 2 that were proposed with the previous application. This issue is discussed in relation to parking and highways (below).

While it is unfortunate that the relationship of the property with the street-scene is awkward due to the entrance door being to the rear and therefore hidden to public view, this change was approved previously. It is not considered therefore that this can be objected to with this application.

**The impact of the development on the amenities of nearby residential properties**

HMOs can give rise to concerns over on-street parking, unsightly rubbish bins and noise. On the Officer's site visit, 4 bins were seen to the rear of the property on the service lane and 2 in the off-street parking area. It is considered that a proper bin storage area should be provided to serve the property for a total of 6 bins. Revised



plans have been received showing enclosed bin storage for 4 bins within the rear yard area. A condition can be attached requesting that enclosed provision for 6 bins is made.

An HMO of this size is likely to give rise to more noise and disturbance than a flat or house due to the number of occupants who are likely to come and go at different times. The fact that it appears to be relatively isolated from the main student housing area, however, means that there is less danger of detrimental cumulative impact from this development. It is also considered that its location on a corner plot on a relatively busy road makes less impact than if it was located within one of the residential side streets. No objections have been received from local residents regarding noise and disturbance.

It is noted that the tenancy agreement for this property requires the tenant to sign an anti-social behaviour code and there are restrictions on noise. It is considered that the property is managed in a way to minimise disturbance to neighbours.

A concern has been raised that the ground floor windows along the elevation fronting Salisbury Road open outwards over the footpath, and cause an obstacle to passing pedestrians, especially visually impaired persons. It is considered that a condition can be attached to require window opening restrictors to be attached to prevent the ground floor windows on this elevation from opening outwards.

### **Standard of accommodation provided**

The Council has issued an HMO licence for 5 years for this property to authorise the occupation of the property by 10 persons.

It is considered that the standard of accommodation provided is satisfactory for student accommodation. Each bedroom has an en suite bathroom and meets the minimum size requirement of 6.5 sq m; the smallest proposed bedroom measures approximately 9 sq m, including the en-suite. The bedrooms on the ground and first floors all have a window to allow in natural light. The 2 bedrooms in the loft area have roof lights. One of the bedrooms has a window in the rear dormer, but the other two dormer windows serve the stairwell and are obscure glazed. There is a communal lounge and kitchen in the basement area. While these are lit by only small windows to the rear, it is considered that they provide adequate accommodation for this purpose.

A condition can be applied stating that the property should be occupied by full time students only.

### **The impact of the development on parking and highway safety.**

The Development Guidelines SPD states that the requirements for car parking can be reduced if the HMO is located within easy walking distance of shops and services and public transport.

Salisbury Road is a busy street characterised by mixed residential/ commercial uses. There is a demand for on-street parking arising from local shops as well as residents. Currently, there are no parking restrictions operating in this area.

It is considered that the property is in a relatively sustainable location, with a regular bus service along Beaumont Road (No. 23 bus), local shops within easy walking distance and it is about 1.3 km from the University which is a walkable/ easy cycling distance. It would be suited to occupiers without a car.

The 10-bed HMO is likely to intensify the volume of cars parking on Salisbury Road and Roseberry Avenue at certain times, however, especially when occupants are moving in or out of the accommodation, giving rise to concerns over additional pressure on on-street parking.

The application states that 2 off-street car parking spaces will be provided. However, the originally submitted plans only showed space for one car to park on a hardstanding to the rear of the property. The lower rear amenity space was shown as an amenity space and storage area, although it was proposed as a parking space in the previous approved application. The application also states that space is provided for the storage of 5 cycles although this was not shown on the originally submitted plans.

In response to these concerns, a revised plan has been received showing the lower rear amenity space converted to a second parking space, and an enclosed bike store area with space for 5 cycles to park provided adjacent to the upper parking space.

Transport and Highways has raised concerns that the provision of an additional parking space is still insufficient to serve a 10-bed HMO; the applicant has not provided evidence to justify the lower provision of parking spaces and has not provided wheel tracking plans to demonstrate that vehicles could use the parking spaces safely. It is also concerned that insufficient bin storage is provided to enable bins to be stored safely off the highway.

While recognising these concerns, it is considered that on balance a reduction in car parking spaces is reasonable in this location and for this use for the following reasons:

1. The use is for full-time students who are unlikely to need a car if they study at the University or College of Art (or other central location within the city).
2. The property is reasonably located in terms of sustainable transport options (public transport, walking and cycling).
3. There are local shops nearby for convenience items.

It is noted that the revised plan only shows enclosed bin storage for 4 bins, but it is considered that this can be addressed through a condition so that space for 6 bins is provided. Conditions can be placed requiring the additional parking space and cycle parking area to be provided within 3 months of the decision, and requiring the area to be kept clear for parking.

### **Retrospective application**

Several objections have been received regarding the fact that this application is retrospective and that the applicant did not seek planning permission for this use before converting the property.

When considering retrospective applications the Council must still consider the application against material planning considerations. The fact that the application is retrospective is not a material consideration. In this case, following consideration of the planning considerations above, it is concluded that on balance the use is satisfactory and that therefore a refusal of planning permission is not justified.

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**

It is not appropriate to require a tariff contribution for this development as the previous use cancels out the impacts arising from the HMO use.

### **Equalities & Diversities issues**

This application will provide accommodation for students in full time education and therefore will support their housing needs.

### **Conclusions**

On the basis that the use is acceptable on the grounds of impact on the character of the area, the amenity of residents, standard of accommodation, and on balance highway safety and parking, it is recommended to grant conditional approval.

### **Recommendation**

In respect of the application dated **18/11/2011** and the submitted drawings Site location plan, AL01 Proposed and existing east elevations, AL02 proposed and existing north elevations, AL03 proposed and existing west elevations, AL04 Proposed Lower Ground Floor Plan; AL05 Proposed Ground Floor Plan, AL06 Proposed First Floor Plan, AL07 Proposed Second Floor Plan, AL09 Existing Ground Floor Plan, AL12 Proposed parking, bin and cycle storage, and accompanying Design and Access Statement, it is recommended to: **Grant Conditionally**

### **Conditions**

#### **APPROVED PLANS**

(1) This permission relates to the following approved plans: Site location plan, AL01 Proposed and existing east elevations, AL02 proposed and existing north elevations, AL03 proposed and existing west elevations, AL04 Proposed Lower Ground Floor Plan; AL05 Proposed Ground Floor Plan, AL06 Proposed First Floor Plan, AL07 Proposed Second Floor Plan, AL09 Existing Ground Floor Plan, AL12 Proposed parking, bin and cycle storage.

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.

**CYCLE PROVISION - 5 SPACES**

(2) Within 3 months of this permission, a secure cycle shelter space shall be constructed in accordance with the approved plan for 5 bicycles to be parked securely and under cover.

Reason:

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

**CYCLE STORAGE**

(3) 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.

**CAR PARKING PROVISION**

(4) Within 3 months of this permission, the 2 car parking spaces shown on the approved plans shall be levelled, drained, surfaced and made available for car parking, and that area shall not thereafter 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.

**BIN STORAGE**

(5) Notwithstanding the submitted plans showing provision for 4 bins to be stored, within 3 months of this permission, enclosed bin stores shall be provided for the storage of 6 bins.

Reason:

To protect the amenity of occupiers of 64 Salisbury Road by providing an enclosed store and to provide a dedicate bin storage area within the property in the interests of highway safety in accordance with policies CS34 and CS28 of the Plymouth Local Development Framework Core Strategy (2006 - 2021) adopted 2007.

#### OCCUPATION BY STUDENTS

(6) The property at 67 Salisbury Road shall be occupied by bone fide students in full-time education only and shall not be occupied by any other persons at any time.

##### Reason:

The size and layout of the property is considered appropriate for use by students but would be inappropriate for other, non-student purposes and other residential uses would require a higher level of off-street car parking provision, in accordance with policies CS15, CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007 and Development Guidelines Supplementary Planning Document.

#### WINDOW OPENING RESTRICTERS

(7) The ground floor windows on the north elevation of the property fronting Salisbury Road shall within 1 month of this decision, unless a longer period is otherwise agreed in writing with the Local Planning Authority, be fitted with opening restricters which shall thereafter be retained and maintained.

##### Reason:

To prevent obstruction of the highway and protect public safety in accordance with Policy CS34 of the Plymouth Local Development Framework adopted Core Strategy 2007 (2006 - 2021).

#### **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 the development and its impact upon the character and appearance of the area, the impact of the development on the amenities of nearby residential properties, standard of accommodation provided, the impact of the development on the surrounding highway network and highway safety, the development is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

CS28 - Local Transport Consideration

CS34 - Planning Application Consideration

CS22 - Pollution

CS15 - Housing Provision

SPD1 - Development Guidelines

NPPF - Draft National Planning Policy Framework 2011

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**Subject:** Proposal to amend the existing 106 Agreement in relation to Drakes Circus (99/0707) and make available funds to help delivery a children's play area in Plymouth City Centre.

**Committee:** Planning

**Date:** 9<sup>th</sup> February 2012

**Cabinet Member:** Councillor Fry

**CMT Member:** Director of Development and Regeneration

**Author:** Richard Bara, Urban Planning Co-ordinator, Development Planning.

**Contact:** Tel: (01752 (30)7848  
e-mail: richard.bara@plymouth.gov.uk

**Ref:** rb/11006, rpt, drakes circus deed of variation

**Part:** I

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### **Executive Summary:**

This report seeks Members approval to amend details of the current 106 Agreement relating to the Drakes Circus Shopping Development, planning reference 99/0707. The proposed amendment would allow the Council the ability to use the community benefits collected by this agreement to deliver with its partners a new children's play area within the city centre's public realm, redirecting the original sum of £50K which was collected expressly for childcare facilities.

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### **Corporate Plan 2011-2014**

This action is compatible with all four priorities of the Corporate Plan: It supports the principle of delivering growth in the city centre, providing improved public facilities which embrace the vision for the city centre as set out in the City Centre Area Action Plan. It will help to raise the public's aspirations for the city centre's public realm, invigorating civic pride and care for our city centre. This action will also help address the current shortfalls of children's play facilities in this locality, reducing inequalities, and overall will allow the Council to make the most creative use of available resources to deliver much needed facilities along with its partners.

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### **Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land**

This action would enhance facilities available within the city's primary retail centre, supporting family shopping experiences, and thus make the city centre more attractive as a competing retail venue in the south west.

The final delivery of a new children's play area in the city centre will assist in improving the management and maintenance issues currently experienced within the city centre.

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**Other Implications: e.g. Section 17 Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.**

The provision of improved children's play facilities within the city centre will directly improve conditions for the public and in particular facilities for children, and families and carers with children within the city centre public realm. It would at the same time resolve some of the current issues of health & safety and management with the outdated public realm, play facilities and ornamental landscaping that currently exist in the city centre.

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**Recommendations & Reasons for recommended action:**

It is recommended that Planning Committee:

- 1 To instruct the Assistant Director for Planning Services to undertake a deed of variation which amends clause 9 of the existing 106 Agreement as discussed in this report, changing the subject of the obligation from childcare facilities to the provision of children's play and allowing the Council five years from the date of this decision for its expenditure.

**Reason:** To enable the Council to use the existing contribution of £50K towards children's play facilities within Plymouth city centre public realm, and allowing it sufficient time to act accordingly.

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**Alternative options considered and reasons for recommended action:**

The Council could attempt to develop ideas for delivering "Childcare Facilities" as originally envisaged within the original 106 Agreement provisions, however this would be difficult to achieve and sustain for the Council without a substantial partner investor such as British Land (Drakes Circus current owner), given the relatively small financial contributions provided by this agreement set against the high start up and revenue costs such professional childcare uses require.

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**Background papers:**

Planning consent 99/0707 and related 106 agreements and supplemental agreement dated 12.12.2000 and 2.7.2003 respectively.

Minutes of the Council's Planning Committee of 3.12.1999, when planning consent 99/0707 was granted.

Plymouth's Local Development Framework, Planning Obligations & Affordable Housing Supplementary Planning Document, first review 2010.

New Policy Document for Planning Obligations, Consultation Draft, March 2010 DCLG .

Circular 05/2005 Planning Obligations, ODPM.

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**Sign off:** comment must be sought from those whose area of responsibility may be affected by the decision, as follows (insert initials of Finance and Legal reps, and of Heads of HR, IT and Strat. Proc.):



Head of Fin	SG/DevF1 1120051.2 50112	Head of Leg	13836. (AC)	Head of HR	N/A		Head of IT	N/A	Head of Strat Proc	N/A
Originating CMF Member Paul Barnard, Assistant Director of Development (Planning Services)										

## 1.0 BACKGROUND

- 1.1 Planning consent was granted for Drakes Circus Shopping Mall on 3<sup>rd</sup> December 1999, and officers were instructed to conclude a 106 agreement which was duly completed on 12 December 2000, between the Council, P&O Estates and Laing's PLC. This agreement was then subject to a supplementary agreement on 2<sup>nd</sup> July 2003 when the development site came under the control of new owners Leanora Estates solely. The agreement has since passed with the property to the new owners British Land.
- 1.2 Clause 9 of the agreement stated that the developer was to provide if it deemed it practical, a shopper's crèche within the Drakes Circus development. However if in the event the developer did not consider this provision practical it was to pay the Council a sum of £50K towards the provision of childcare facilities within 500 metres of the development boundary.
- 1.3 On completion of Drakes Circus in 2007 the original developer confirmed that it was not practical to deliver the shopper's crèche and subsequently paid the Council the required contribution of £50K in compliance with the agreement.
- 1.4 As of the date of this report the Council has no plans of action to expend the sum it has collected for childcare facilities in proximity to this development as set out in the current legal agreement.
- 1.5 Given the relatively high start up and revenue costs involved in professional childcare facilities of this nature such as a shoppers crèche, these facilities generally are delivered solely by large retail providers as an attractor to their development rather than local authorities. The sums provided by this agreement are considered to be too small to deliver and sustain such professional childcare facilities.

## 2.0 THE OPPORTUNITY FOR A NEW CHILDREN'S PLAY FACILITY.

- 2.1 The City Centre public realm currently has only one small formal children's play facility; this is located within New George Street East. This play facility is composed of several wooden animals set on a raised area of hard-standing with safety surfacing adjacent to the Tesco's food store. It is considered that this facility has limited play value for children, given its size and note that it is compromised by service vehicles which have to manoeuvre within it to reach other facilities in the city centre.
- 2.2 For a city the size of Plymouth with it's aspirations to become one of "Europe's Finest Waterfront Cities", this current play facility contributes little to the support of that vision.
- 2.3 It is considered that a better city centre location would be one centrally located within Armada Way between British home Stores and the new street café's operated by Barista Brothers and Starbucks, just north of the main public toilets.

Here more space is readily available and where modern, imaginative and engaging children's play facilities could more successfully meet the public's needs.

- 2.4 This location is within 500 metres of Drakes circus as the original Agreement clause required.
- 2.5 The provision of a new play facility in this manner would meet the Council's aspirations set out in it's Adopted City Centre and University Area Action Plan (AAP), where within Strategic Objective 2, Place Making in the City, it seeks a high quality, attractive and enlivening public realm, with a range of public spaces, enriching activities and sights to generate interest. And this action would be compliant with the AAP's public realm Policy CC03, item 4 which seeks places for all ages, including spaces and activities for children's play and for young people.
- 2.6 If this action is approved a scheme for the provision of a new children's play facilities shall be devised with partners and brought before planning committee for approval in the near future.

### **3.0 NEGOTIATIONS**

- 3.1 The current owner of Drakes Circus, "British Land", have confirmed that in principle they are happy for the existing planning agreement to be altered in the manner outlined in this report and for the Council to work with its partners including it's City Centre Company to deliver the new children's play area.

### **4.0 CONCLUSIONS**

- 4.1 A new and well designed children's play area set within Armada Way which related well to surrounding retail uses would be a welcome asset to the City Centre. It would compliment the use of existing street cafés and activities in Armada Way. Designed with care it would re-invigorate a portion of the tired 1980s pedestrians, ornamental landscape layout that the public and visitors currently experience and would provide a more manageable solution for the Council and its City Centre Company to maintain.
- 4.2 The provision of this play facility would support family shopping experiences, and support carers with young children who visit the city centre. It would encourage active parenting and allow parents and guardians of children more opportunities to use the city's primary retail centre. Overall such development is likely to enhance the attractiveness of Plymouth's city centre against other competing retail venues in the South West.

## PLYMOUTH CITY COUNCIL

Subject: Public Path Extinguishment Order – Ridgeway School  
Committee: Planning Committee  
Date: 09 February 2012  
Cabinet Member: Councillor Wigen, Cabinet Member for Transport  
CMT Member: Director for Development and Regeneration  
Author: Robin Pearce, Public Rights of Way Officer  
Contact: Tel: 01752 304233  
Email: robin.pearce@plymouth.gov.uk  
Ref: HAE.002  
Key Decision: No  
Part: I

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## Executive Summary:

This report presents to Members an opposed Special Extinguishment Order (SEO) for consideration. The Order was applied for by Ridgeway School, Plympton, Plymouth and seeks to extinguish a public right of way (known locally as Geasons Lane) which runs through the school grounds. The relevant legislation is Section 118B Highways Act 1980. This report sets out the legal criteria to be met and provides members with all relevant evidence.

Members will note a similar report was presented to them at the Planning Committee Meeting of 20 October 2011 where it was resolved to refer the Order to the Secretary of State for the Environment, Food and Rural Affairs. Following that resolution a decision issued by the Planning Inspectorate highlighted the fact that, uniquely to S.118b Orders, alternative routes are required to be shown on the Order plan. This information was missing from the Order Members previously considered which prevented the Order from being confirmed. The Order has since been corrected to show the alternative routes and has been re-advertised. This report has been updated to reflect the consultation response and requests authority to refer the corrected Order to the Secretary of State.

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Corporate Plan 2011 – 2014:

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Implications for Medium Term Financial Plan and Resource Implications:  
Including finance, human, IT and land

Should the Order be referred a public inquiry is likely to be called which will require external legal support. Estimated costs are £10,000 - £12,000 which will be shared 50/50 with the school. Funding would be met from existing revenue budgets.

The school recently became an Academy and the land is subject to a long term lease. This lease would need to react to any changes to public highways within the land subject to the lease.

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Other Implications: e.g. Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:

Community safety – promoting the ethos of our schools being a safe and secure environment for the education of children.

Crime reduction – to reduce the high levels of criminal and anti-social behaviour within Ridgeway school grounds.

Health and Safety – to reduce the risk posed to the staff and pupils of Ridgeway School.

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Recommendations & Reasons for recommended action:

That the Order be referred to the Secretary of State for determination by public inquiry.

Reason - The recommendation is made on the basis that the legal tests set out by the Highways Act 1980 have clearly been met and, given there have been objections to closure, that a full and open public inquiry would be the most transparent and fair way to progress the matter further.

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Alternative options considered and reasons for recommended action:

Abandonment of the application. This option is not recommended because the legal tests have been met therefore the correct course of action is referral to an external decision maker. Abandonment would fail to help the school deal with the quite serious health and safety issues it faces and deny both the school and the public the opportunity to have their opinions aired.

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Background papers:

- Appendix 1:** A copy of the application made by the school
- Appendix 2:** Letters of Representation (Statutory Undertakers)
- Appendix 3:** Letters of Representation (Supporters)
- Appendix 4:** Letters of Representation (Objectors)
- Appendix 5:** Police Crime Statistics – 1 July 2010 – 30 June 2011
- Appendix 6:** Pedestrian Count
- Appendix 7:** School Incident Log and Plan

All background papers are available online at [www.plymouth.gov.uk/pporidgewayschool](http://www.plymouth.gov.uk/pporidgewayschool)

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Sign off:

Fin	Dev F11 120 032	Leg	JAR /128 52A	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											

## **1.0 Introduction**

- 1.1 The committee has before it a Public Path (Special) Extinguishment Order which seeks to extinguish a public right of way which runs through the grounds of Ridgeway School, Plympton, Plymouth.
- 1.2 This application falls under section 118B of the Highways Act 1980 which allows for a public right of way to be extinguished if it meets specific criteria. Whilst this report will explain in some details those tests which must be met, for the purposes of an introduction Members should be aware that s.118B is a unique power for the extinguishment of a public right of way through school grounds.
- 1.3 This report sets out the schools application for closure, the legal tests Members are asked to measure the application against and advice as to whether, and to what degree, those tests have been met.

## **2.0 Legal Context and Legislative Background**

- 2.1 This application falls under section 118B(1)(b) of the Highways Act 1980 which provides that a special extinguishment Order may be made:

(1) ...where it appears to a council...

(b) that, as respects any relevant highway for which they are the highway authority and which crosses land occupied for the purposes of a school, it is expedient, for the purpose of protecting the pupils or staff from –

- (i) violence
- (ii) harassment
- (iii) alarm or distress arising from unlawful activity; or
- (iv) any other risk to health and safety arising from such activity,

...that the highway should be stopped up.

2.2 In order to fall within section 118B the following criteria must therefore be established:

- (i) Is the route in question a relevant highway?
- (ii) Does the route cross land occupied for the purposes of a school?
- (iii) Is it expedient for the purposes of protecting the pupils or staff from one or more of the specified activities?

2.3 The decision as to whether or not an Order should be made is currently delegated to the Director of Development and Regeneration who, taking advice from *Hockerill College, R (on the application of) v Hertfordshire County Council [2008] EWHC 2060 (Admin)* considers the question of expediency. The process thereafter dictates that the fact that an Order has been made be advertised and representations invited. If the Order attracts objections the matter goes before the appropriate decision making body of the authority who decide its future, if not the Order may be confirmed as an unopposed Order.

2.4 As objections have been received Plymouth City Council no longer has the authority to confirm the Order, this power now lies with the relevant Secretary of State. The options open to Members today is to either abandon the Order or refer the Order to the Minister. Irrelevant of who considers the Orders confirmation the legislation specifies they must have regard to all the circumstances but in particular the matters set out in 118B(8) those being:

- (a) any other measures that have been or could be taken for improving or maintaining the security of the school,
- (b) whether it is likely that the coming into operation of the Order will result in a substantial improvement to that security,
- (c) the availability of a reasonably convenient alternative route, or, if no reasonably convenient alternative route is available, whether it would be reasonably practicable to divert the highway,
- (d) the effect upon land served by the highway.

2.5 Unlike the matters at 118B(1) which MUST be satisfied before the Order can be considered capable of confirmation the matters at 118B(8) are matters that simply have to be taken into account in forming the overall judgement as to whether the confirming of the Order was expedient. Thus it clearly follows some or all of the matters at 118B(8) might not necessarily be made out and yet it could still be concluded that the Order was none the less expedient to be confirmed.

2.6 The tests that would be applied by the Secretary of State if Members authorised the referral of this Order are quite clear. As such this report will proceed to guide Members through those tests.

### **3.0 Procedural Matters – 118B(1)**

3.1 Is the route in question a relevant highway?

3.1.1 Section 118B(2) defines a relevant highway to include footpaths, bridleways and restricted byways. The definition includes BOATS but excludes trunk roads and other special roads.

3.1.2 The footpath subject to this application has sat on the City of Plymouth Definitive Map since 2006 and was recorded on a range of preceding maps including the original parish surveys of Plympton carried out in the 1950's by the rural district authority of the time. There has never been a challenge to its status as a public right of way and no application has been made seeking to correct any error on the definitive map. Furthermore, no objector to the Order has questioned the status of the way nor claimed it does not meet the criteria for 118B(1)(b). Accordingly Ridgeway School relies upon s.118B(2)(a) in that the footpath meets the criteria of being "any footpath, bridleway or restricted byway" and the Order therefore meets this test.

3.2 Does the route cross land occupied for the purposes of a school?

3.2.1 Ridgeway School is an Academy (DfE number: 4178) within the meaning of section 482 of the Education Act 1996 (as amended by the Education Act 2010) and the Academies Act 2010. It transferred from the control of the Local Education Authority on 1 April 2011. There is no dispute within the local education authority and no suggestion by objectors that the land either side of the footpath is not used and occupied by the

school as part of its school premises and grounds. The school use the highway as a means of access to the school site and as a means of ingress and egress between school sites. The footpath splits the school site and if it were not for the existence of the public highway the land would most sensibly be enclosed within the school grounds. This test is therefore considered met.

3.3 Is it expedient for the purposes of protecting the pupils or staff from one or more of the specified activities?

3.3.1 The statute does not say that there has to be actual violence or actual harassment but rather it has to be expedient to protect staff or pupils from such activities. Therefore even if there were no incidents of violence or harassment at all the Order is still supportable under this test.

3.3.2 Rather there is only a requirement for a clear evidential basis to conclude that the making of the Order is expedient to protect staff and pupils from one or more of the specified activities. If one can properly conclude on the basis of the evidence that there is a real threat of one of the specified events occurring and that it is expedient to close the path to protect staff or pupils from that event then this test can be met.

3.3.3 The applicant for the Order has, as part of their application, submitted a range of supporting evidence. Primarily they include a school security audit carried out by an accredited third party professional security consultancy (included in appendix I to this report) and a log of incidents, both police reportable incidents and incidents of anti-social non-criminal behaviour (Included in appendix I to this report with an updated version in Appendix 7). The school security audit is strongly worded to the effect that the footpath facilitates the occurrence of the specified activities and identifies closure as a remedy to the situation. The incident log is supported by the police both in terms of the incidents that occur, most notably the written comments of the local policing team who provide numerous examples of specified activities and from a policy perspective via the police Architectural Liaison Officer and the references to 'Secured By Design' (see Appendix 2). On the basis of that evidence, it is clear that there have been numerous incidents of actual violence against both staff and the children in their care, there has been the threat of violence, there has been harassment and alarm and distress caused and there is a threat to the health and safety of the staff and pupils of



Ridgeway School. There is evidence that the footpath lies at the heart of that activity, that the footpath facilitates a means of entry and escape and it therefore follows that if the footpath remains open then there is an overwhelming likelihood of the reoccurrence of such activities. Taking the information available into account, the evidence indicates that there is violence or the threat of violence, harassment, alarm or distress arising from unlawful activity and other risks to the health or safety of pupils or staff as a result. It is therefore considered that the closure of the footpath would be expedient for the purpose of protecting the pupils and staff of Ridgeway School from those activities. The test is therefore considered met.

#### **4.0 Procedural Matters – 118B(8)**

4.1 Given the assessment of the initial tests of 118B(1) above, the resolution of this case comes down to a straightforward balance between whether the problems that occur and the problems that will be prevented are sufficient to warrant the impact upon the amenity of current users of the path. This topic can be conveniently dealt with by considering the tests of 118B(8). These are the statutory tests which the Inspector at any subsequent public inquiry will consider.

4.2 Any other measures that have been or could be taken for improving or maintaining the security of the school.

4.2.1 For a number of years Ridgeway School seems to have taken professional advice as to what should be done to protect its staff and pupils from the behaviour presented to this committee. Evidence suggests that it would be wrong to say that the school have done nothing save pursue headlong a desire to close the footpath. The school have, over a period of years sought advice from a range of bodies including DEFRA, Plymouth City Council, Devon and Cornwall Police, Devon and Somerset Fire and Rescue Service, security consultants, Health and Safety consultants, OFSTED, disabled access consultants and Natural England.

4.2.2 Throughout this period the school appear to have listened to the advice they have received and acted upon the recommendations given which were not dependant upon footpath closure such as staff training, installing Intruder Detection Systems (IDS), key management systems and “lockdown” routines, a visitor pass system, robust incident

logging and installation of CCTV (of which there are 14 digital cameras 6 being on and around the public footpath and sports hall). As time has progressed however the school (and police crime logs – see Appendix 5) say the level of crime and disorder has continued.

4.2.3 The security measures the school have so far taken are under constant review and will have cost the school tens of thousands of pounds. The school take the view that, at present, their spending money on such measures is akin to putting secure fencing around ones home and leaving the front and back doors wide open 24/7. The evidence put forward by the school suggests that security is taken seriously. They have implemented a wide range of additional security measures on the back of independent professional advice over an extended period. They have provided evidence of their external security audits which support this view.

4.2.4 In terms of the comments of objectors (see appendix 4) the only issues raised regarding security measures relate to fencing, both around the school perimeter and adjacent to the path. As the situation currently stands the public footpath is partially fenced with a number of sizable gaps in the fencing. Objectors state that this does little to help school security, that the school should reinstate the fencing and that doing so would improve the situation. The school disagree. They say that at the start and end of each day, at each break, at each lunch and at each lesson changeover some 1200 pupils and 170 staff cross between the various school buildings using the public footpath. The gaps in the fencing are the only means of ingress and egress across the path to move between various school buildings. Further to this the schools emergency evacuation point is on the school playing field. Therefore should the school be required to evacuate in an emergency those 1200 pupils would need to pass through those gaps in a short period of time. The School say the effect of these gaps as they stand today is to create a shocking pinch point of great concern to the school.

4.2.5 Devon and Somerset Fire and Rescue Service have previously advised and as part of our consultation on this order have advised again that the fencing be removed in its entirety to reduce the pressure caused to the movements of crowds of people however the school say they feel forced into ignoring that advice in the knowledge that objectors would take that as the school worsening school security. The gaps in the fence are the absolute minimum recommended by the fire service as being

sufficient to allow the safe evacuation of the school but the recommendation is to remove the entire length of the fencing.

4.2.6 The Fire Service have been consulted as part of this process and have made a number of pertinent observations. Their comments are in evidence (see Appendix 2) but the relevant points can be summarised as:

- There are no alternative options available as an emergency evacuation point other than the current location on the school field. The school therefore cannot assemble at any other location which would avoid having to cross the path. These gaps in the fence are therefore absolutely essential to allow the school to evacuate safely and so must not be closed or restricted any further.
- The gaps at present are sufficient in terms of evacuation but the situation would be improved by the full removal of the railings.
- If the whole area were open plan it would allow for faster and safer evacuation to the specified muster point.
- Full removal of the railings would be considered positive in terms of access to the site by fire Service personal and equipment. In fact it is specifically noted that the existing railings are rusted and pointed and from the operational perspective of the fire Service their removal is preferred.

4.2.7 Ultimately the issue seems a moot point. There is little that the school could do with this fencing that would improve the situation. The school could erect high fencing either side of the path which would undermine the safe evacuation of its pupils, it could leave the situation as it stands today and the catalogue of incidents may continue, it could remove the fencing entirely which would improve its evacuation procedures but make intruder detection all the more difficult or it could erect new fencing of the same height which would not change the situation in the slightest. Any action taken is of no benefit whilst the footpath exists because crucially those gaps absolutely must remain and so any member of the public may still enter into the heart

of the school at any time and therefore there is a strong likelihood of one or more of the specified activities occurring.

- 4.2.8 In terms of the perimeter fencing the situation is similar. Whilst on the face of it one might suggest that the lack of robust perimeter fencing detracts from a secure school environment the advice the school has received consistently states that there is little point securing the perimeter whilst the footpath remains open. The professional advice from several sources states the existence of the footpath undermines all other attempts the school might make to address its security. To reuse the schools previous analogy, the school spending money on the considerable expense of erecting perimeter fencing is entirely pointless whilst their front and back doors are wide open 24/7 and when it is entirely likely that the criminal element would rather enter the school site using the footpath where they can escape detection for longer than to trespass upon the school at other points along the perimeter.
- 4.2.9 A recent decision issued by the Planning Inspectorate addresses this very issue. This decision relates to an application for the extinguishment of a public footpath through the grounds of a school in Buckinghamshire similar in many ways to this case and the decision was issued in February 2010. In his decision report the Inspector, Mr. Martin Elliot, states...

*“In my view the school has taken certain steps to improve the security of the premises. However, in respect of the fencing of the perimeter of the school I do not think that the fencing [as it currently stands] as a whole is particularly effective. In cross examination Mr Forrester [Bursar and Clerk to the Governors] accepted that it will be a number of years, possibly five to ten, before secondary hedge planting will become effective. Mr Forrester also accepted that the panel fencing adjacent to the Boss Lane entrance to the school needed to be raised and that other fencing is not as robust as it ought to be.....At the inquiry it was suggested that additional measures could be taken to improve the security. It was suggested that the footpath could be fenced either on one or both sides with an additional security gate on the main drive where it is crossed by the footpath. The Council submitted that this measure could be implemented but regard would need to be given as to the costs involved. In my view whilst these measures could be implemented, the overall costs of any additional gate and fencing would be*

*considerable, nevertheless Mr Forrester indicated that it would be possible to find the cost from the school budget. As regards the fencing of the way, as suggested by P.C. Gilbert, this would turn the footpath into a tunnel, particularly if the path is fenced on both sides, and therefore increase the fear of crime to walkers. On balance, whilst the provision of an additional gate and fencing would have benefits to the security of the school, given the additional costs and the practical difficulties a gate may present I do not think that this is a reasonable option.”*

4.2.10 The Inspector in this case noted that the school had a distinct lack of secure perimeter fencing but concluded that the cost and practicalities were so prohibitive as to remove it as a basis for the rebuttal of the test. The Inspector also displays a clear disdain for the fencing of the edges of the path.

4.2.11 This is a view supported via another credible source. In the case of *Hockerill College, R (on the application of) v Hertfordshire County Council [2008] EWHC 2060 (Admin)* LJ Mackie QC was caused to consider an appeal against the decision of Hertfordshire County Council not to make a Special Extinguishment Order. One of the reasons given by the Council for not making the Order was “*further security works were required to make the college premises more secure and that a Footpath Extinguishment Order on its own would not provide the total solution at the present time*” This was based on the condition of the schools perimeter fencing which although explained in detailed can be summarised as lacking. There were gates which were incapable of being locked and the fencing was not continuous. On this topic LJ Mackie stated in his judgement

*“most security measures, as a matter of commonsense, need to be evaluated at the time the potential stopping up order would come into effect. It would be daft for the school to spend public money on taking measures now unless a SEO was to come into force. It would be wrong to expect this school to spend money on security steps which will be useless unless a SEO is made”*

4.2.12 Whilst each case should be judged on its merits the decisions above, applied to the Ridgeway case and when combined with the views of the police and the independent security audit commissioned by the school seems to present the view that perimeter fencing would be best employed as part of a package of measures that the school would implement should full closure eventually be granted rather than as an expensive

and likely ineffective pre-requisite to extinguishment. The public right of way facilitates lawful public access to the heart of the school site and the security measures that the act is worded to consider should look to reduce the risk. Perimeter fencing simply cannot do that, it can only become effective once extinguishment is secured and so should be looked at in that light rather than as a solution to the problems the school experiences.

4.2.13 It is suggested that the school have taken all reasonable steps to secure the school site and so this test is considered to be met.

4.3 Whether it is likely that the coming into operation of the Order will result in a substantial improvement to that security.

4.3.1 On the basis of the evidence submitted by the school and the police and in consideration of the professional advice received and the comments of supporters to the Order it would be difficult to suggest that Ridgeway School has suffered anything other than an unacceptable level of unacceptable behaviour over many years. It would be similarly difficult to state that the footpath does anything other than contribute significantly to the level of criminal and anti-social activity that Ridgeway School has suffered. The following incidents given as examples by the local policing team (see Appendix 2) are worthy of note:

- At 20:10hrs on Friday 1 April 2011 a report was made to police that approximately 12 youths aged 15/16 yrs were throwing fireworks around on the site of Ridgeway School in the area behind the sports hall that is adjacent to Geasons Lane.
- At 08:09hrs on 10 March 2011 a report was made to police expressing concerns about a male that had been seen hanging around school taking photos of children.
- At 05:18hrs on 17 October 2010 a motor cycle was stolen from an address in Geasons Lane, pushed up Geasons Lane onto school premises where it was parked up against the school sports hall building adjacent to Geasons Lane and set light to. The bike was completely burnt out and damage was caused to the sports hall building.

- On 21 February two suspects for a serious assault were seen hanging around Geasons Lane trying to intimidate witnesses to that assault who were students at Ridgeway School. One of these males was later arrested nearby and when searched by Police Officers was found to be in possession of a knife. An offence for which the male was later imprisoned.

4.3.2 The school have over an extended period of time recorded all incidents which take place on the school grounds. They plot the location of those incidents on a plan of the school. Where the incident is a criminal offence it is reported to the police and the crime reference number is recorded on that list. That plan is attached to this report as Appendix 7. This creates something of a scatter graph which shows the distribution of both criminal and non-criminal incidents within the school grounds.

4.3.3 What is immediately apparent is that there are a disproportionate number of incidents taking place on or around the public footpath. This is not unexpected as those who commit crime will wish to act in a way which is ostensibly lawful for as long as possible in order to minimise the likelihood of detection. An opportunistic criminal is unlikely to expose themselves to the risk of detection by acting as a trespasser to enter the school site when they can walk in the metaphorical front door as of right. It is clear from this plan that the footpath facilitates criminal and anti-social behaviour both opportunistic and premeditated. It therefore follows that the threat of the reoccurrence of such behaviour is overwhelmingly likely.

4.3.4 During discussions with the school it became clear that they are not so naive as to believe that if the footpath closes the school grounds will become a crime free utopia, self evidently it will not. However it does mean that those with nefarious intent will no longer have a lawful right to enter into the heart of the school unchallenged either with a view to committing a crime or causing trouble or with a mindset that they would be prepared to take advantage of any opportunity to commit a crime or cause trouble.

4.3.5 The school therefore have a considerable evidential basis to say that the footpath facilitates the persistent commissioning of specified events and that closure would result in a substantial improvement to school security.

- 4.3.6 It is important to note that this is not simply the uncorroborated opinion of the school but the result, over a period of many years, of advice they have taken from a wide range of reputable sources. To quote a number of those sources.....

*“As a result of the footpath being open, the school is unable to secure its boundaries. The open access to the school via Geasons Lane currently prevents the school from securing the site” - PCSO 30068 Elaine Hesketh*

*“There should be no public footpath through the school ground’s – Paul Shepard, Architectural Liaison Officer, Devon and Cornwall Police.*

*“The lane and footpath is a crime hotspot, the frequency of casual and deliberate crime is disproportionate. The footpath enables easy access into the School area which has escalated trespass and criminal activity over a period of time. Teachers and pupils are regularly subjected to verbal abuse and threatening behaviour. During our survey many acts of vandalism were noted. Access through the Footpath should be curtailed so that the boundary of the School can be clearly defined.” – Noble Security consultants*

*“The single most significant security problem affecting the Ridgeway School is the footpath and all of the crime and misbehaviour it brings into the area of the School, without it a large central area of the School from which a great deal of trouble radiates would become a safer and less hostile place almost immediately.” – Noble Security consultants*

- 4.3.7 It is suggested that closure of the public footpath would allow the school the opportunity to implement a package of robust security improvements that, whilst the footpath remains, would otherwise be an expensive and pointless exercise. Primarily closure of the footpath could be met with secure perimeter fencing which would affect an immediate closure of all access points to the school site. This would mean that the school would have the ability to detect and challenge unauthorised access. The security measures already in place (i.e. visitor pass system, CCTV, staff training etc) and the school staffs already keen awareness of school security would mean that there would be an almost immediate relief offered to the school. The only way into the



school would be via manned reception areas where visitor passes would be issued and staff are trained and well familiar with the practise of challenging people on the school site who do not display such a pass. These measures will result in a clear, immediate and substantial improvement to school security.

4.3.8 This test is therefore considered to be met.

4.4 The availability of a reasonably convenient alternative route, or, if no reasonably convenient alternative route is available, whether it would be reasonably practicable to divert the highway.

4.4.1 In assessing the reasonableness of an alternative route it is not sufficient to simply consider the means of getting from one end of the path to the other. This sort of assessment is of little if any use in considering the convenience of an alternative. Instead the conclusion must be reached that the aim is to understand the trips being taken by the public in using the right of way and for what purpose the public are using the path, i.e. where they are coming from and where it is they intend to reach. Only by understanding the nature of the journey being undertaken may objective consideration be given to the reasonableness of any proposed alternative.

4.4.2 When the public objected to the Order some of them stated that they used the footpath to access various local services and facilities and that the footpath is their preferred route. To better understand the journey those people were making the locations of objectors who lived within 500 metres of the school were plotted. This is shown in fig 1.1 below. It is important to recognise that, in order to avoid pinpointing objectors houses, for the purpose of this report, the centroid of the post code area for the objector was used not the street and house number so the locations only show the general area of the source of the objection.

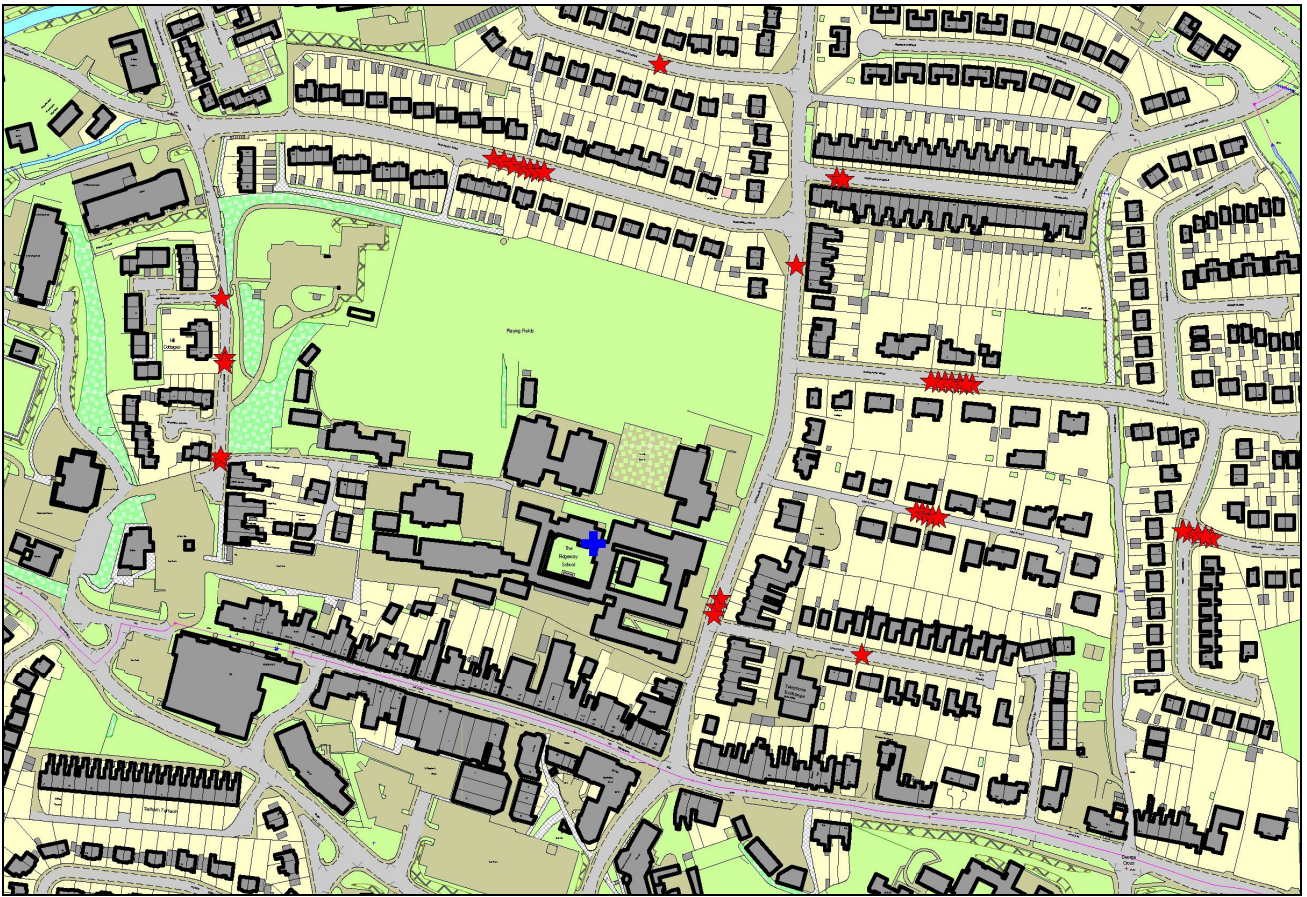


Fig 1.1 – Source Locations of Objections

4.4.3 Based on this data it was possible to identify a number of points where users had a choice of different routes. For the purposes of the assessment those points were identified as shown in fig 1.2. These locations gave measuring points which allowed comparisons to be made between the different routes available to users. Whilst these start points don't allow a direct and precise comparison between each individual objector they do provide sufficient accuracy to make a general comparison for a particular group of objectors. So for example, all the objectors residing in Ridge Park would need to walk to point 4 before a choice of route could be made.



Fig: 1.2 – Starting points for comparison of alternative routes.

4.4.4 With the starting points for trips established the destinations objectors referred to were identified. 4 separate locations were identified marked A – D in fig 1.3 below. These 4 areas cover all the destinations referred to by objectors as the end point of their trips.

**Area A:** covers the eastern end of the Ridgeway shopping centre.

**Area B:** covers the western end of the Ridgeway shopping centre.

**Area C:** covers the tennis courts, bowling green, Harewood House and the library.

**Area D:** covers Plympton swimming Pool.

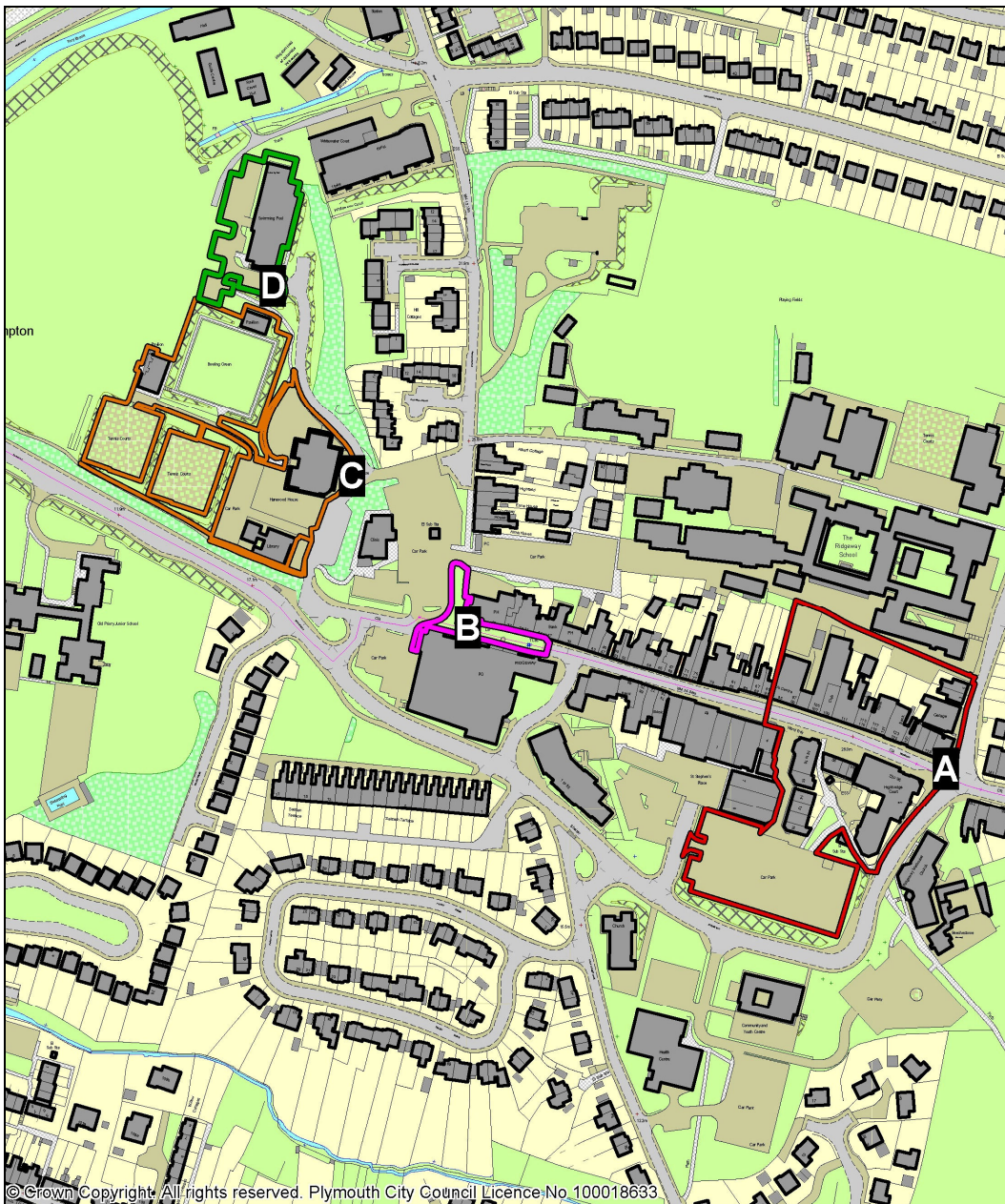


Fig: 1.3 – Destination areas

4.4.5 With this data in place the distances between each start point and each destination were measured and collated as shown in Table I.1. This provides the means to compare the distances between the various routes. Using this table the distance in metres from each of the starting points can be compared with each of the alternatives including the use of the public right of way. The blue cells indicate the distance using the public right of way subject to this application. Certain routes have been disregarded as the route would not be used, for example it is extremely unlikely that someone would walk from Point 6 to destination B via Moorland Road or that someone would walk from Point 5 to destination A via Geasons Lane. However only routes that seem nonsensical have been removed, point 4 to destination C via station Road for example has been included because although it is unlikely someone would use that route it is not altogether unlikely.

	<b>Starting Points</b>					
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
<b>A</b>						
Station Road Route						
Moorland Rd/Ridgeway Route	454	303	230	168	78	357
Geasons Lane Route						413
<b>B</b>						
Station Road Route	465	610	680	742		97
Ridgeway Route	830	559	487	425	339	
Geasons Lane Route	720	565	498	436	434	
<b>C</b>						
Station Road Route	412	561	632	694		56
Ridgeway Route	817	666	593	531	443	
Geasons Lane Route	674	524	452	390	393	
<b>D</b>						
Station Road Route	528	675	746	808		172
Ridgeway Route	929	780	707	645	557	
Geasons Lane Route	787	638	566	504	507	

Table: 1.1 – Comparison of routes in metres

4.4.6 To aid members table 1.2 takes analysis of the alternative routes a step further in that it shows the difference in distance travelled between Geasons Lane and the available alternatives. The conditional formatting makes the differences visual using the following criteria: -

- An equal or shorter distance than if the right of way were to be used – Green.
- A longer distance than if the right of way were to be used – Red.

## Difference Between Geasons Lane

	<b>Starting Points</b>					
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
<b>A</b>						
Station Road Route						
Moorland Rd/Ridgeway Route	0	0	0	0	0	-56
Geasons Lane Route						413
<b>B</b>						
Station Road Route	-255	45	182	306		97
Ridgeway Route	110	-6	-11	-11	-95	
Geasons Lane Route	720	565	498	436	434	
<b>C</b>						
Station Road Route	-262	37	180	304		56
Ridgeway Route	143	142	141	141	50	
Geasons Lane Route	674	524	452	390	393	
<b>D</b>						
Station Road Route	-259	37	180	304		172
Ridgeway Route	142	142	141	141	50	
Geasons Lane Route	787	638	566	504	507	

Table: 1.2 – Difference in length (metres) of alternative routes over Geasons Lane

4.4.7 Table 1.2 shows that there are 13 journeys which are shorter if the right of way is not used and 23 which are longer. It was noted that a number of objectors stated that due to the gradient of Station Road they preferred, or indeed were incapable, of using it therefore table 1.3 below shows the situation were the Station Road route removed.

Without Station Road						
Starting Points						
	1	2	3	4	5	6
<b>A</b>						
Moorland Rd/Ridgeway Route	0	0	0	0	0	-56
Geasons Lane Route						413
<b>B</b>						
Ridgeway Route	110	-6	-11	-11	-95	
Geasons Lane Route	720	565	498	436	434	
<b>C</b>						
Ridgeway Route	143	142	141	141	50	
Geasons Lane Route	674	524	452	390	393	
<b>D</b>						
Ridgeway Route	142	142	141	141	50	
Geasons Lane Route	787	638	566	504	507	

Table: 1.3 - Difference in length (metres) of alternative routes over Geasons Lane without Station Road

4.4.8 As can be seen if users were to avoid using Station Road the numbers change leading to 10 journeys being the same as or shorter than using the right of way and 11 trips being longer. This is likely as a result of the fact that although a number of journeys included Station Road as an alternative the fact of the matter is that the majority of users are unlikely to use it due to the gradient.

4.4.9 The variations in the distances travelled are only one of a range of factors to be considered when determining the convenience of alternative routes. Safety and accessibility should also be given consideration.

4.4.10 As a narrow pedestrian only route it must firstly be noted there are no mechanically propelled vehicles travelling along the right of way. This would seem to be an attractive option in terms of public safety. However it must also be noted that use of the public right of way comes only with the need to travel along Geasons Lane. The public right of way leads onto Geasons Lane which is an adopted public highway which, although providing vehicular access to the school may be considered a “dead end” which serves only the purposes of access to properties adjacent to it. It is not a through route and nor is it known to suffer excessive speeds. The public right of way runs directly onto the public footway lying adjacent to the vehicular highway. The pedestrian footway however lies only to the northern extent of Geasons Lane and it is

noted that the available width of that footway narrows considerably after the end of the right of way to around 50cm wide. This narrowing will certainly force users onto the road and it would not be possible for two pedestrians travelling in opposite directions to pass without one moving off of the footway which is undesirable. It is also impossible for prams, pushchairs, wheelchairs and other mobility vehicles to use the pedestrian footway and so they would be forced to travel along the road for its entire length.

- 4.4.11 In the alternative, Moorland Road is a public vehicular highway which runs north to south along the eastern edge of the school site. Moorland Road has pedestrian only footways to either side and is well lit by street lightening. There are a number of road safety features aimed at providing a more “pedestrian friendly” environment. These include a pedestrian crossing point, safety railings, bollards, tactile surfacing and road markings preventing obstructive parking. Although there does appear to be a narrowing of the pedestrian footway at one point the remainder of the footways either side are more than sufficient for users travelling in opposite directions to pass without the need for one to step onto the road.
- 4.4.12 Earlsmill Road is a public vehicular highway which runs east to west along the northern border of the school site between Moorland Road and Station Road. It has public pedestrian footways to either side and has street lighting. Walking from the Moorland Road end to Station Road it has a gentle downhill slope and appears to be a very quiet road through a largely residential area. It has a more than satisfactory width available for use and two users travelling in opposite directions could pass with ease.
- 4.4.13 The Ridgeway is a public vehicular highway which runs east to west along the southern border of the school site from junction with Moorland Road. The western end of the Ridgeway is a pedestrian only zone and at that point the vehicular highway deviates to the south onto Mudge Way. To a large extent the Ridgeway is very pedestrian friendly. As well as the pedestrian only area to the western end the public footway is largely separated from the vehicular highway to the extent that the two separate uses are at different levels and separated by a brick wall. The Ridgeway currently has extensive public use as it constitutes the commercial centre of the area. Whilst it has been stated by objectors that the Ridgeway is narrow two users are more than able to pass each other without need for either to step foot onto the road and in any case the width available is still significantly greater than the width of the public right of way.



4.4.14 As part of the making of their application Ridgeway School commissioned a disabled persons Accessibility Study which is available in Appendix I to this report and which concludes that the public footpath is not a suitable route for disabled people and that disabled people, especially wheelchair users and the visually impaired, use the public right of way at their own risk.

4.4.15 In conclusion my opinion is that for those law abiding members of the public who habitually use the footpath as a short cut that there will be an impact upon their amenity. However when assessing the question as to whether there are alternative routes available which are reasonably convenient it is important to note three points.

- Firstly for every destination for which one might use the footpath there are at least 2 alternative routes that can be taken;
- Secondly whilst those routes might involve travel along pavements adjacent to roads they are on perfectly acceptable footways which are designed to accommodate pedestrians and which however narrow they might be at points they are wider than the public footpath; and
- Thirdly whilst for some walkers there may be an additional distance to walk, when one examines the totality of the routes the additional journey length is very modest. In fact in absolute terms the furthest additional distance is a matter of 143 metres if, as objectors state, Station Road is not considered a feasible option.

4.4.16 Accordingly, whilst the footpath is no doubt an attractive option for many people, for most the alternative is at least as convenient and for the minority of people whose journey lengths are marginally extended the alternatives will be only marginally less convenient. As the test only recommends the consideration of diversion where there are no reasonable convenient alternative routes no consideration has been given to diversion.

4.5 The effect upon land served by the highway.

4.5.1 This matter can be dealt with directly – there is no such land served.

## 5. Representations to the Order

5.1 The fact that an Order was made was advertised in accordance with the statutory requirements. As a result 53 letters of objection and 262 letters of support were received. Responses from statutory undertakers were also received. Copies of all representations to the Order can be found in appendices 2, 3 & 4.

5.2 A summary of the letters of objection and support have been provided in the table below. It should be noted that many people who submitted representation stated multiple grounds.

<b>Grounds for Objection</b>	<b>No.</b>
The path provides a shortcut to local services and facilities or is a preferred route	37
The school have not taken sufficient steps to secure the school site	24
The school built over the footpath / the path was there before the school	15
The historic merits of the footpath	15
There is no suitable alternative	7
Closure will not improve school security	10
Public use of the path improves school security	4
The school has a hidden agenda/wants to develop the site	8
The school have no evidence to support their case	2
We should be encouraging people to walk	2
The school have exaggerated the scale of the problem	9
The police/Neighborhood watch should deal with the issues	0
Closure will cause congestion	3
The school is moving to Chaddlewood	0
The procedure has not been open or transparent	0
The Order should be referred to the Secretary of State	2
The Order fails to comply with Highways Act 1980 S.118B(8)[a]-[d]	0
The effect of extinguishment on land served by the path	0
No reason given	0
Crime statistics are falsified/spurious	2
Council Officers attempted to influence the opinions of individuals	1
Cost to the public purse	2
The effect on utility companies apparatus	1
The Order fails to comply with the Highway Act 1980, Section 118B Para 8 (a) to (d)	1
The procedure used in the making of the Extinguishment Order was neither open nor transparent	1

Table 1.4 – Summary of objections to the Order

<b>Grounds for Support</b>	<b>No.</b>
It is necessary to protect the staff and pupils of Ridgeway from unnecessary danger	<b>260</b>
The safeguarding of children is more important than the convenience of a small number of people	<b>21</b>
I have been involved in incidents on the path	<b>15</b>
There are suitable alternatives	<b>10</b>
Dog(s)(mess) on the school field is unacceptable	<b>8</b>
My child has told me he/she feels unsafe at school	<b>4</b>
It was a problem when I went to Ridgeway XX years ago	<b>2</b>
The path causes parents to think twice about sending their child to this school	<b>2</b>
The school should not be spending so much money on repairing vandalism	<b>2</b>
I don't like to use the lane, its not safe, too many hiding places.	<b>1</b>
The footpath is not widely used	<b>1</b>
The footpath is hazardous for disabled people	<b>1</b>

Table 1.5 – Summary of letters in support of the Order

## 6. Officer Recommendation

- 6.1 The legislation gives the council a series of clear tests to weigh applications against. It is incumbent on the school to make every effort to demonstrate how those tests have been met and the law allows for the application to be abandoned where the council feel those tests have not been met. The law also allows for the council to exercise its discretion in considering other matters outside of those matters prescribed by 118B(8) if it so wishes.
- 6.2 It is suggested that the matters set out in 118B(1) and 118B(8) have not only been met but that they have been met by a considerable margin and that none of the objections received have raised any further issues which Officers consider relevant. With the benefit of more time and sight of the schools full case that would be made available should the matter be referred to inquiry then those objections might well become more refined and therefore become more compelling than at present.
- 6.3 The issue at hand is a deeply complex and contentious one. As Members will be aware this committee can not dedicate the time required to give all aspects of the matter the detailed consideration it needs. The Planning Inspectorate however will spend days or if necessary weeks to ensure any person who has a view might be heard and to present their evidence in support of their particular views. On this basis it is suggested that the school only need make out a *prima facie* case for extinguishment for the council to be confident that referral of the application is the correct course of action.

- 6.4 The recommendation of Officers is that committee authorise the referral of the Order to the Secretary of State and allow the confirmation of the Order to be consider by public inquiry. This is the only way to ensure a full and open public debate of each sides views and for the evidence for both sides to be thoroughly tested.

## **7. Alternative Options**

- 7.1 The alternative option open to the committee is to abandon the application. This option is not advised for the following reasons: -

- This is a matter which relates directly to the safeguarding of children and young people and the Council are committed to a joint agency approach via the Plymouth Children and Young People Plan 2011 - 2014. The council is a key partner in identifying ways to work with our schools and their other stakeholders to make them safer places for our children. Referring the application would support council priorities relating to the safeguarding of children.
  
- The school has gone to considerable expense in making their application and the public have gone to the effort of submitting their considered representations, not only in this scenario but for in excess of 30 years whilst the various proprietors of Ridgeway School have sought to close the footpath. It would seem to be in the public interest to bring this matter to a final conclusion and allow the open debate both sides want to be had.

**PLANNING COMMITTEE**

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Decisions issued for the following period: 3 January 2012 to 29 January 2012

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**Note - This list includes:**

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

**Item No 1**

**Application Number:** 11/01281/FUL **Applicant:** Mr B Soloman  
**Application Type:** Full Application  
**Description of Development:** Change of use and conversion from offices to house in multiple occupation (9 rooms)  
**Site Address** 1 ADDISON ROAD PLYMOUTH  
**Case Officer:** Simon Osborne  
**Decision Date:** 10/01/2012  
**Decision:** Grant Conditionally

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**Item No 2**

**Application Number:** 11/01552/FUL **Applicant:** Barratt Homes Exeter  
**Application Type:** Full Application  
**Description of Development:** Amendments to slab and finished floor levels of plots 040-058, 069-074, 077-082, 091, 092, for units 003 and 037 from previously approved scheme (application number 10/02026)  
**Site Address** WOODHEY ROAD PLYMOUTH  
**Case Officer:** Carly Kirk  
**Decision Date:** 11/01/2012  
**Decision:** Grant Conditionally

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**Item No**        **3**

**Application Number:**        11/01559/FUL    **Applicant:** Taylor Wimpey (Exeter) UK LTd  
**Application Type:**            Full Application  
**Description of Development:** Erection of 58 dwellings comprising 44 houses and 14 flats,  
access road, parking and landscaping  
**Site Address**                    LAND AT TAVISTOCK ROAD PLYMOUTH  
**Case Officer:**                 Robert McMillan  
**Decision Date:**                05/01/2012  
**Decision:**                        Grant Subject to S106 Obligation - Full

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**Item No**        **4**

**Application Number:**        11/01568/FUL    **Applicant:** Mr Alan Varcoe  
**Application Type:**            Full Application  
**Description of Development:** Develop land by erection of detached dormer bungalow with  
detached double private motor garage  
**Site Address**                    3 WOODFORD ROAD GLENHOLT PLYMOUTH  
**Case Officer:**                 Janine Warne  
**Decision Date:**                24/01/2012  
**Decision:**                        Grant Conditionally

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**Item No**        **5**

**Application Number:**        11/01572/FUL    **Applicant:** Mrs Toni Stokes  
**Application Type:**            Full Application  
**Description of Development:** Development of site by erection of 4 dwellings, with new  
access road and improvements to existing highway and  
protection and enhancement of surrounding landscapes as a  
biodiversity site  
**Site Address**                    NORMANDY HILL PLYMOUTH  
**Case Officer:**                 Carly Kirk  
**Decision Date:**                24/01/2012  
**Decision:**                        Grant Conditionally

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**Item No**        **6**

**Application Number:**        11/01577/ADV    **Applicant:** Plymouth College of Art  
**Application Type:**            Advertisement  
**Description of Development:** Wall-mounted banners, five 6m high flagpoles and one projected image onto wall  
**Site Address**                    PLYMOUTH COLLEGE OF ART, TAVISTOCK PLACE  
   PLYMOUTH  
**Case Officer:**                 Olivia Wilson  
**Decision Date:**                26/01/2012  
**Decision:**                        Grant Conditionally

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**Item No**        **7**

**Application Number:**        11/01580/FUL    **Applicant:** Mr Jonathan Wilson  
**Application Type:**            Full Application  
**Description of Development:** Change of use from dwellinghouse to 8-bedroom house in multiple occupation  
**Site Address**                    4 CONNAUGHT AVENUE    PLYMOUTH  
**Case Officer:**                 Simon Osborne  
**Decision Date:**                17/01/2012  
**Decision:**                        Grant Conditionally

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**Item No**        **8**

**Application Number:**        11/01584/TPO    **Applicant:** Mr E James  
**Application Type:**            Tree Preservation  
**Description of Development:** Beech - crown lift to 5m above ground level, reduce sides, front and back by 1.5m  
**Site Address**                    BETWEEN 6 AND 7 BROMHEAD COURT OFF WIDEY LANE PLYMOUTH  
**Case Officer:**                 Chris Knapman  
**Decision Date:**                13/01/2012  
**Decision:**                        Refuse

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**Item No 9**

**Application Number:** 11/01601/FUL **Applicant:** Green Form Design  
**Application Type:** Full Application  
**Description of Development:** Demolition of existing apartment and erection of 4 new apartments above Pixieland nursery, together with new car parking, cycle storage shed and recycling area.  
**Site Address** 10 SPRINGFIELD DRIVE PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 09/01/2012  
**Decision:** Application Withdrawn

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**Item No 10**

**Application Number:** 11/01619/FUL **Applicant:** Mr & Mrs S O'Higgins  
**Application Type:** Full Application  
**Description of Development:** Demolition of greenhouse, erection of detached dwellinghouse with garage and installation of non-mains drainage system  
**Site Address** 50 VINERY LANE PLYMOUTH  
**Case Officer:** Simon Osborne  
**Decision Date:** 20/01/2012  
**Decision:** Grant Conditionally

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**Item No 11**

**Application Number:** 11/01651/OU **Applicant:** South-West Property Developm  
**Application Type:** Outline Application  
**Description of Development:** Outline application to develop land by erection of two 4-bedroom 100sqm floor area detached dwellinghouses  
**Site Address** LAND TO REAR OF 7-11 UNDERWOOD ROAD PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 13/01/2012  
**Decision:** Grant Conditionally

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**Item No 12**

**Application Number:** 11/01663/FUL **Applicant:**  
**Application Type:** Full Application  
**Description of Development:** Single-storey rear extension to ground floor flat  
**Site Address** 125 WOLSELEY ROAD PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 24/01/2012  
**Decision:** Grant Conditionally

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**Item No 13**

**Application Number:** 11/01664/LBC **Applicant:** Ministry of Defence  
**Application Type:** Listed Building  
**Description of Development:** Installation of central post to support internal timber cantilever staircase within Archway Block North  
**Site Address** STONEHOUSE BARRACKS, DURNFORD STREET  
PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 25/01/2012  
**Decision:** Grant Conditionally

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**Item No 14**

**Application Number:** 11/01666/FUL **Applicant:** Mr Joseph Radmore  
**Application Type:** Full Application  
**Description of Development:** Refurbishment of dwelling including enlargement of existing balcony, replacement of balcony screen and window alterations  
**Site Address** DRIFT COTTAGE, BORINGDON ROAD TURNCHAPEL  
PLYMOUTH  
**Case Officer:** Simon Osborne  
**Decision Date:** 17/01/2012  
**Decision:** Grant Conditionally

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**Item No 15**

**Application Number:** 11/01686/FUL **Applicant:** Devon and Somerset Fire and R  
**Application Type:** Full Application  
**Description of Development:** Two-storey temporary building for training purposes  
**Site Address** CAMELS HEAD FIRE STATION, FERNDALE ROAD  
PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 05/01/2012  
**Decision:** Grant Conditionally

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**Item No 16**

**Application Number:** 11/01708/FUL **Applicant:** Miss Yvonne Harding  
**Application Type:** Full Application  
**Description of Development:** Retrospective application for fence and railings around property  
**Site Address** 1 PRINCESS AVENUE PLYMSTOCK PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 05/01/2012  
**Decision:** Refuse

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**Item No 17**

**Application Number:** 11/01727/FUL **Applicant:** Plymouth Garden Centre Limite  
**Application Type:** Full Application  
**Description of Development:** Alterations and extension to existing coffee shop building  
**Site Address** PLYMOUTH GARDEN CENTRE, FORT AUSTIN AVENUE  
PLYMOUTH  
**Case Officer:** Janine Warne  
**Decision Date:** 27/01/2012  
**Decision:** Grant Conditionally

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**Item No 18**

**Application Number:** 11/01729/FUL **Applicant:** Mr Allen McCloud  
**Application Type:** Full Application  
**Description of Development:** Refurbishment, alteration and extension of main house and ancillary accommodation in the existing coach house, including new garages and new access to site  
**Site Address** HOLTWOOD, PLYMBRIDGE ROAD PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 04/01/2012  
**Decision:** Grant Conditionally

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**Item No 19**

**Application Number:** 11/01753/FUL **Applicant:** Mr Kevin Buckley  
**Application Type:** Full Application  
**Description of Development:** Variation of condition 2 of planning permission 11/00388 to allow substitution of approved drawings : the main revised proposals to include replacement of timber windows and doors with timber effect uPVC windows and doors; alterations to windows in south elevation; removal of french doors; extension to outside paving; provision of steps to allow for change in level (instead of ramp); relocation of bin store and boundary walls to be solid block and piers instead of timber fence  
**Site Address** LAND TO THE REAR OF 42-46 COLESDOWN HILL PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 06/01/2012  
**Decision:** Application Withdrawn

---

**Item No 20**

**Application Number:** 11/01768/FUL **Applicant:** Tamar River Sailing Club  
**Application Type:** Full Application  
**Description of Development:** Extension to outbuilding  
**Site Address** TAMAR RIVER SAILING CLUB, 883 WOLSELEY ROAD ST BUDEAUX PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 24/01/2012  
**Decision:** Grant Conditionally

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**Item No 21**

**Application Number:** 11/01772/FUL **Applicant:** Brook Contractors Ltd  
**Application Type:** Full Application  
**Description of Development:** Erection of 3x 2 bed dwellings with integral garages  
**Site Address** 240 JAMES STREET DEVONPORT PLYMOUTH  
**Case Officer:** Jeremy Guise  
**Decision Date:** 10/01/2012  
**Decision:** Grant Conditionally

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**Item No 22**

**Application Number:** 11/01785/FUL **Applicant:** Mr Arthur Quirke  
**Application Type:** Full Application  
**Description of Development:** Two-storey rear extension, rear decking, boundary fence and gate  
**Site Address** 1 ELAINE CLOSE PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 12/01/2012  
**Decision:** Refuse

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**Item No 23**

**Application Number:** 11/01790/FUL **Applicant:** Plymouth Community Homes  
**Application Type:** Full Application  
**Description of Development:** Change of use to social housing drop in centre  
**Site Address** 16-18 FRANKFORT GATE PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 27/01/2012  
**Decision:** Grant Conditionally

---

**Item No 24**

**Application Number:** 11/01808/FUL **Applicant:** Whitbread  
**Application Type:** Full Application  
**Description of Development:** Installation of solar panels on south elevation of roof  
**Site Address** PREMIER INN, LOCKYERS QUAY PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 05/01/2012  
**Decision:** Grant Conditionally

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**Item No 25**

**Application Number:** 11/01814/FUL **Applicant:** Mr D Davies  
**Application Type:** Full Application  
**Description of Development:** Two-storey rear extension  
**Site Address** 172 PIKE ROAD PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 05/01/2012  
**Decision:** Grant Conditionally

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**Item No 26**

**Application Number:** 11/01815/PR **Applicant:** Mr King and Mr Powell  
**Application Type:** LDC Proposed Develop  
**Description of Development:** Single storey rear extension  
**Site Address** 54 PLYMOUTH ROAD PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 06/01/2012  
**Decision:** Issue Certificate - Lawful Use

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**Item No 27**

**Application Number:** 11/01818/FUL **Applicant:** Northside Properties Ltd  
**Application Type:** Full Application  
**Description of Development:** Change of use from A1 to A3  
**Site Address** 37 SOUTHSIDE STREET PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 12/01/2012  
**Decision:** Grant Conditionally

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**Item No 28**

**Application Number:** 11/01819/FUL **Applicant:** Mr Ron Barber  
**Application Type:** Full Application  
**Description of Development:** Detached dwelling with integral garage (and private drive linking with Casasilva/Mellstock drives)  
**Site Address** LAND TO REAR OF CASASILVA, MILFORD LANE  
WHITLEIGH PLYMOUTH  
**Case Officer:** Janine Warne  
**Decision Date:** 06/01/2012  
**Decision:** Refuse

---

**Item No 29**

**Application Number:** 11/01820/FUL **Applicant:** Mr A Wise  
**Application Type:** Full Application  
**Description of Development:** Two storey rear extension (resubmission of previously approved application 11/00290/FUL) including rear balcony  
**Site Address** 20 ST BRIDGET AVENUE PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 06/01/2012  
**Decision:** Grant Conditionally

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**Item No 30**

**Application Number:** 11/01821/FUL **Applicant:** AXA P&C  
**Application Type:** Full Application  
**Description of Development:** Full planning permission sought for 301sqm extension to proposed Block B retail warehouse unit together with variation of condition 2 (list of approved plans of planning permission ref 11/00804/FUL) to allow relocated new store entrances reduction in extent of sales area and redistribution of proposed mezzanine floorspace  
**Site Address** BLOCK B FRIARY PARK, EXETER STREET PLYMOUTH  
**Case Officer:** Jeremy Guise  
**Decision Date:** 06/01/2012  
**Decision:** Grant Conditionally

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**Item No 31**

**Application Number:** 11/01822/OU **Applicant:** Dr Kathryn Woolaway  
**Application Type:** Outline Application  
**Description of Development:** Outline application for erection of single-storey dwelling and attached garage  
**Site Address** 39 MERAFIELD ROAD PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 13/01/2012  
**Decision:** Refuse

---

**Item No 32**

**Application Number:** 11/01823/FUL **Applicant:** Mr Darren Davies  
**Application Type:** Full Application  
**Description of Development:** Single storey rear extension  
**Site Address** 21 MEADOW VIEW ROAD PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 04/01/2012  
**Decision:** Grant Conditionally

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**Item No 33**

**Application Number:** 11/01824/FUL **Applicant:** RW (Plymouth) Ltd  
**Application Type:** Full Application  
**Description of Development:** Change of use from visitor centre (Class D1) to restaurant and ancillary bar (Class A3) and shop (Class A1) on first floor and wedding facilities/banqueting hall/conference centre (Suis Generis Use) on ground floor together with alterations to façade of building (additional windows)  
**Site Address** THE DOME, HOE ROAD PLYMOUTH  
**Case Officer:** Mark Evans  
**Decision Date:** 06/01/2012  
**Decision:** Grant Conditionally

---

**Item No 34**

**Application Number:** 11/01828/FUL **Applicant:** Mr Smith  
**Application Type:** Full Application  
**Description of Development:** Rear lean-to conservatory  
**Site Address** 86 SEVERN PLACE PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 05/01/2012  
**Decision:** Grant Conditionally

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**Item No 35**

**Application Number:** 11/01829/FUL **Applicant:** Mr Trevor Miller  
**Application Type:** Full Application  
**Description of Development:** Increase in height and alterations to roof to form living space  
**Site Address** 3 BLACKBERRY LANE PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 04/01/2012  
**Decision:** Grant Conditionally

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**Item No 36**

**Application Number:** 11/01834/FUL **Applicant:** Mannamead Care Centre Ltd  
**Application Type:** Full Application  
**Description of Development:** Demolition of store and construction of staff accommodation block  
**Site Address** 69 - 73 MANNAMEAD ROAD PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 09/01/2012  
**Decision:** Refuse

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**Item No 37**

**Application Number:** 11/01836/CA **Applicant:** Mannamead Care Centre Ltd  
**Application Type:** Conservation Area  
**Description of Development:** Demolition of store building  
**Site Address** 69 - 73 MANNAMEAD ROAD PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 09/01/2012  
**Decision:** Refuse

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**Item No 38**

**Application Number:** 11/01837/FUL **Applicant:** Mrs Molly Webb  
**Application Type:** Full Application  
**Description of Development:** Single storey rear extension  
**Site Address** 28 BURNISTON CLOSE PLYMPTON PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 04/01/2012  
**Decision:** Grant Conditionally

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**Item No 39**

**Application Number:** 11/01838/ADV **Applicant:** TUI UK Retail Ltd  
**Application Type:** Advertisement  
**Description of Development:** Fascia and projecting (illuminated) signs  
**Site Address** FIRST CHOICE TRAVEL 14 THE BROADWAY PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 04/01/2012  
**Decision:** Grant Conditionally

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**Item No 40**

**Application Number:** 11/01840/FUL **Applicant:** Sanctuary Housing Association  
**Application Type:** Full Application  
**Description of Development:** New canopy to existing main entrance  
**Site Address** FURZEHATT CARE HOME, 59 FURZEHATT ROAD  
PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 04/01/2012  
**Decision:** Grant Conditionally

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**Item No 41**

**Application Number:** 11/01841/FUL **Applicant:** Mr Robert Pepper  
**Application Type:** Full Application  
**Description of Development:** construction of single storey garden lounge & associated works  
**Site Address** 106 DURNFORD STREET PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 17/01/2012  
**Decision:** Refuse

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**Item No 42**

**Application Number:** 11/01844/FUL **Applicant:** Mr & Mrs Margison  
**Application Type:** Full Application  
**Description of Development:** Detached double garage at front of property  
**Site Address** 37 POWISLAND DRIVE PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 05/01/2012  
**Decision:** Grant Conditionally

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**Item No 43**

**Application Number:** 11/01846/FUL **Applicant:** Mr J & Mrs B Marker  
**Application Type:** Full Application  
**Description of Development:** Extension to dwelling to provide new garage (existing garage to be converted to accommodation)  
**Site Address** 39 DEAN HILL PLYMSTOCK PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 04/01/2012  
**Decision:** Grant Conditionally

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**Item No 44**

**Application Number:** 11/01847/FUL **Applicant:** Mrs S Ball  
**Application Type:** Full Application  
**Description of Development:** Retrospective application for boundary fence and decking  
**Site Address** 10 COLERIDGE ROAD PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 05/01/2012  
**Decision:** Grant Conditionally

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**Item No 45**

**Application Number:** 11/01849/FUL **Applicant:** Salt Dog Limited  
**Application Type:** Full Application  
**Description of Development:** Change of use of commercial boat stores (units 3 and 4) to provide commercial store/washing/preparation room and w.c. facilities ancillary to existing restaurant/café/takeaway use in unit 2  
**Site Address** 3 - 4 COMMERCIAL WHARF, MADEIRA ROAD COXSIDE PLYMOUTH  
**Case Officer:** Mark Evans  
**Decision Date:** 06/01/2012  
**Decision:** Grant Conditionally

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**Item No 46**

**Application Number:** 11/01850/FUL **Applicant:** Mrs V Gould  
**Application Type:** Full Application  
**Description of Development:** Disabled parking bay to front of property including wheelchair lift steps  
**Site Address** 112 PEMROS ROAD ST BUDEAUX PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 06/01/2012  
**Decision:** Grant Conditionally

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**Item No 47**

**Application Number:** 11/01851/FUL **Applicant:** Ms Erika Pilkington  
**Application Type:** Full Application  
**Description of Development:** Application for a new planning permission to replace the extant planning permission 08/01817/FUL (part single-storey, part two-storey rear extension), to extend the time limit for implementation  
**Site Address** 3 COLLEGE PARK PLACE PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 04/01/2012  
**Decision:** Grant Conditionally

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**Item No 48**

**Application Number:** 11/01859/FUL **Applicant:** Premier Health Limited  
**Application Type:** Full Application  
**Description of Development:** Extension to provide laundry and staff room  
**Site Address** HARTLEY PARK CARE HOME, HARTLEY ROAD  
PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 27/01/2012  
**Decision:** Grant Conditionally

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**Item No 49**

**Application Number:** 11/01860/FUL **Applicant:** TKW Properties  
**Application Type:** Full Application  
**Description of Development:** Change of use from care home (C2) to dwellinghouse (C3)  
**Site Address** 5 NELSON GARDENS PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 11/01/2012  
**Decision:** Grant Conditionally

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**Item No 50**

**Application Number:** 11/01862/FUL **Applicant:** Mr James Brophy  
**Application Type:** Full Application  
**Description of Development:** Two-storey extension with single-storey extension to its rear, with removal of conditions(2) and(3) of planning permission 06/00697/FUL to allow hedgrows at side of property to be removed prior to expiration of 5 years from date of commencement of works, without the need to plant a replacement hedge  
**Site Address** 24 SHERFORD ROAD PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 05/01/2012  
**Decision:** Grant Conditionally

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**Item No 51**

**Application Number:** 11/01863/FUL **Applicant:** Vital Homes  
**Application Type:** Full Application  
**Description of Development:** Development of site by erection of 5 terraced dwellinghouses, with 5 off street parking spaces and new footpath  
**Site Address** FORMER BLUE MONKEY SITE 538 CROWNHILL ROAD PLYMOUTH  
**Case Officer:** Carly Kirk  
**Decision Date:** 11/01/2012  
**Decision:** Refuse

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**Item No 52**

**Application Number:** 11/01864/FUL **Applicant:** Edwards Adams Ltd  
**Application Type:** Full Application  
**Description of Development:** Two storey rear extension  
**Site Address** 6 TRESLUGGAN ROAD PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 06/01/2012  
**Decision:** Grant Conditionally

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**Item No 53**

**Application Number:** 11/01866/TPO **Applicant:** Penninsula Care Homes  
**Application Type:** Tree Preservation  
**Description of Development:** Beech - crown raise to give 5m clearance from ground  
2 Horse Chesnut - reduce branches overhanging neighbours gardens by 5m  
**Site Address** PENINSULA CARE HOMES PLYMBRIDGE HOUSE, 3 PLYMBRIDGE ROAD PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 10/01/2012  
**Decision:** Grant Conditionally

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**Item No 54**

**Application Number:** 11/01870/FUL **Applicant:** Mr T Mellor  
**Application Type:** Full Application  
**Description of Development:** First floor rear extension, rear dormer, alterations to front roof and replacement of front porch  
**Site Address** 80 BEARSDOWN ROAD EGGBUCKLAND PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 13/01/2012  
**Decision:** Refuse

---

**Item No 55**

**Application Number:** 11/01871/FUL **Applicant:** Mr Mason  
**Application Type:** Full Application  
**Description of Development:** Front porch with extension to garage and pitched roof over  
**Site Address** 15 RHODES CLOSE PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 09/01/2012  
**Decision:** Grant Conditionally

---

**Item No 56**

**Application Number:** 11/01872/FUL **Applicant:** The Royal Bank of Scotland  
**Application Type:** Full Application  
**Description of Development:** Installation of ATM machine to front of property  
**Site Address** 38 MORSHEAD ROAD PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 04/01/2012  
**Decision:** Grant Conditionally

---

**Item No 57**

**Application Number:** 11/01875/CA **Applicant:** Pier Street Limited

**Application Type:** Conservation Area

**Description of Development:** Demolition of boundary walls

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

**Case Officer:** Mark Evans

**Decision Date:** 03/01/2012

**Decision:** Grant Conditionally

---

**Item No 58**

**Application Number:** 11/01876/FUL **Applicant:** The Veterinary Hospital Group

**Application Type:** Full Application

**Description of Development:** Single storey extension and alterations to existing veterinary hospital building and construction of new staff car park (revision to planning permission 10/01669/FUL)

**Site Address** THE VETERINARY HOSPITAL GROUP, COLWILL ROAD  
PLYMOUTH

**Case Officer:** Adam Williams

**Decision Date:** 11/01/2012

**Decision:** Grant Conditionally

---

**Item No 59**

**Application Number:** 11/01878/TPO **Applicant:** Mrs Sue Bristow

**Application Type:** Tree Preservation

**Description of Development:** Evergreen Oak - reduce by 6 metres

**Site Address** CANN HOUSE, TAMERTON FOLIOT ROAD PLYMOUTH

**Case Officer:** Chris Knapman

**Decision Date:** 12/01/2012

**Decision:** Grant Conditionally

---

**Item No 60**

**Application Number:** 11/01879/FUL **Applicant:** Mr and Mrs P Edwards  
**Application Type:** Full Application  
**Description of Development:** Develop part of rear garden by erection of three-storey, detached dwellinghouse with vehicular access from Billacombe Road  
**Site Address** 95 HOWARD ROAD PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 18/01/2012  
**Decision:** Refuse

---

**Item No 61**

**Application Number:** 11/01881/FUL **Applicant:** NSPCC  
**Application Type:** Full Application  
**Description of Development:** Installation of 3 external wall-mounted air conditioning condenser units  
**Site Address** BAIN CLARKSON HOUSE, 1 BRUNSWICK ROAD PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 05/01/2012  
**Decision:** Grant Conditionally

---

**Item No 62**

**Application Number:** 11/01883/FUL **Applicant:** TKW Properties  
**Application Type:** Full Application  
**Description of Development:** Change of use from care home (C2) to hotel (C1)  
**Site Address** 5 NELSON GARDENS PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 18/01/2012  
**Decision:** Refuse

---



**Item No 63**

**Application Number:** 11/01885/FUL **Applicant:** Sound Crusing Ltd  
**Application Type:** Full Application  
**Description of Development:** Change of use of commercial wharf boat store to ticket office, café and waiting area and associated alterations  
**Site Address** 1 COMMERCIAL WHARF, MADEIRA ROAD PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 17/01/2012  
**Decision:** Grant Conditionally

---

**Item No 64**

**Application Number:** 11/01886/TPO **Applicant:** Mr Brian Lambert  
**Application Type:** Tree Preservation  
**Description of Development:** Oak tree - reduce by 1 metre average  
**Site Address** 20 WALLACE ROAD PLYMOUTH  
**Case Officer:** Chris Knapman  
**Decision Date:** 13/01/2012  
**Decision:** Grant Conditionally

---

**Item No 65**

**Application Number:** 11/01889/CA **Applicant:** Mount Wise Devon Ltd  
**Application Type:** Conservation Area  
**Description of Development:** Demolition of the pavilion  
**Site Address** CRICKET PAVILION MOUNT WISE GARRISON,  
CUMBERLAND ROAD PLYMOUTH  
**Case Officer:** Robert McMillan  
**Decision Date:** 12/01/2012  
**Decision:** Grant Conditionally

---

**Item No** 66

**Application Number:** 11/01890/FUL **Applicant:** Mr & Mrs P Connors  
**Application Type:** Full Application  
**Description of Development:** Removal of existing conservatory, construction of new ground floor rear extension  
**Site Address** 65 BUDSHEAD ROAD PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 13/01/2012  
**Decision:** Grant Conditionally

---

**Item No** 67

**Application Number:** 11/01892/FUL **Applicant:** Mr & Mrs Neil Haley  
**Application Type:** Full Application  
**Description of Development:** Single storey extension  
**Site Address** 18 BAINBRIDGE AVENUE PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 04/01/2012  
**Decision:** Grant Conditionally

---

**Item No** 68

**Application Number:** 11/01893/LBC **Applicant:** Ms Caroline Thomas  
**Application Type:** Listed Building  
**Description of Development:** Installation of new timber sash window and paving to terraced area at first floor level  
**Site Address** 41 STILLMAN STREET PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 12/01/2012  
**Decision:** Grant Conditionally

---

**Item No 69**

**Application Number:** 11/01897/TC **Applicant:** Miss A Ward  
**Application Type:** Trees in Cons Area  
**Description of Development:** 10 Leylandii - Remove  
**Site Address** 7 ILBERT COTTAGES, DARK STREET LANE PLYMPTON  
PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 03/01/2012  
**Decision:** Grant Conditionally

---

**Item No 70**

**Application Number:** 11/01899/FUL **Applicant:** Mr S Jones  
**Application Type:** Full Application  
**Description of Development:** Change of use from Amusement Centre/Arcade to shop  
**Site Address** 141 KING STREET PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 04/01/2012  
**Decision:** Grant Conditionally

---

**Item No 71**

**Application Number:** 11/01901/FUL **Applicant:** Miss Wendy Stephens  
**Application Type:** Full Application  
**Description of Development:** Two storey extension  
**Site Address** 59 MOOR LANE PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 05/01/2012  
**Decision:** Grant Conditionally

---

**Item No 72**

**Application Number:** 11/01902/PR **Applicant:** Mr and Mrs P Connors  
**Application Type:** LDC Proposed Develop  
**Description of Development:** Loft conversion including two dormer windows  
**Site Address** 65 BUDSHEAD ROAD PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 06/01/2012  
**Decision:** Issue Certificate - Lawful Use

---

**Item No 73**

**Application Number:** 11/01909/FUL **Applicant:** Mrs Vanessa Woods  
**Application Type:** Full Application  
**Description of Development:** Retention of rear decking in amended form  
**Site Address** 123 SPRINGFIELD ROAD PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 20/01/2012  
**Decision:** Grant Conditionally

---

**Item No 74**

**Application Number:** 11/01910/FUL **Applicant:** Miss L M Lilley  
**Application Type:** Full Application  
**Description of Development:** Part single storey/part two storey rear extension (garage to be removed)  
**Site Address** 10 MANOR ROAD PLYMSTOCK PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 05/01/2012  
**Decision:** Grant Conditionally

---

**Item No 75**

**Application Number:** 11/01911/FUL **Applicant:** Mr & Mrs Phelan  
**Application Type:** Full Application  
**Description of Development:** Part two-storey, part single-storey rear extension (existing rear extensions to be removed) and single-storey side extension  
**Site Address** 127 PLYMSTOCK ROAD PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 20/01/2012  
**Decision:** Grant Conditionally

---

**Item No 76**

**Application Number:** 11/01912/FUL **Applicant:** Whitbread  
**Application Type:** Full Application  
**Description of Development:** Installation of solar panels on south-west elevation of roof  
**Site Address** PREMIER INN,28 SUTTON ROAD PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 05/01/2012  
**Decision:** Grant Conditionally

---

**Item No 77**

**Application Number:** 11/01917/PR **Applicant:** Mr & Mrs N Morton  
**Application Type:** LDC Proposed Develop  
**Description of Development:** Formation of hip to gable and rear dormer  
**Site Address** 29 PARKER ROAD PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 06/01/2012  
**Decision:** Issue Certificate - Lawful Use

---

**Item No 78**

**Application Number:** 11/01919/FUL **Applicant:** Mr & Mrs K Page  
**Application Type:** Full Application  
**Description of Development:** First floor rear extension  
**Site Address** 20 ORESTON ROAD PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 20/01/2012  
**Decision:** Grant Conditionally

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**Item No 79**

**Application Number:** 11/01920/24 **Applicant:** Harlequin Ltd  
**Application Type:** GPDO PT24  
**Description of Development:** Openreach broadband cabinet  
**Site Address** S-O 55 BRETONSIDE PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 16/01/2012  
**Decision:** Prior approval not req PT24

---

**Item No 80**

**Application Number:** 11/01928/FUL **Applicant:** Mr and Mrs J Francis  
**Application Type:** Full Application  
**Description of Development:** Proposed first-floor side extension  
**Site Address** 142 BRIDWELL ROAD PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 23/01/2012  
**Decision:** Grant Conditionally

---

**Item No 81**

**Application Number:** 11/01929/FUL **Applicant:** Mr Raymond Reilly  
**Application Type:** Full Application  
**Description of Development:** Retention of aerial  
**Site Address** 29 BURWELL CLOSE PLYMOUTH  
**Case Officer:** Janine Warne  
**Decision Date:** 23/01/2012  
**Decision:** Refuse

---

**Item No 82**

**Application Number:** 11/01930/FUL **Applicant:** Prime Delux Ltd  
**Application Type:** Full Application  
**Description of Development:** Change of use of storage facility (Use Class B8) and associated office space to external skatepark (forming an extension to the existing indoor skatepark at 21A Commercial Road) and ancillary office space and access and parking area  
**Site Address** 21A AND 23 COMMERCIAL ROAD PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 23/01/2012  
**Decision:** Grant Conditionally

---

**Item No 83**

**Application Number:** 11/01931/FUL **Applicant:** Mr Barry Eddy  
**Application Type:** Full Application  
**Description of Development:** Retrospective application for 3 amateur radio aerials in rear garden  
**Site Address** 58 MEADOW WAY PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 11/01/2012  
**Decision:** Grant Conditionally

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**Item No 84**

**Application Number:** 11/01932/FUL **Applicant:** Mr Trevor Worth  
**Application Type:** Full Application  
**Description of Development:** Two storey rear extension  
**Site Address** 10 KINGFISHER WAY ORESTON PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 20/01/2012  
**Decision:** Grant Conditionally

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**Item No 85**

**Application Number:** 11/01933/TPO **Applicant:** Mr Chris Bunney  
**Application Type:** Tree Preservation  
**Description of Development:** (T1) Beech - remove  
(T2) Poplar - remove  
**Site Address** 80 LYNWOOD AVENUE PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 17/01/2012  
**Decision:** Grant Conditionally

---

**Item No 86**

**Application Number:** 11/01934/FUL **Applicant:** Mr Paul Kalas  
**Application Type:** Full Application  
**Description of Development:** Retrospective application for 10 metre high pole in rear garden, supporting a radio antenna wire  
**Site Address** 110A UNDERLANE PLYMPTON PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 12/01/2012  
**Decision:** Grant Conditionally

---

**Item No 87**

**Application Number:** 11/01935/FUL **Applicant:** Mr Godfrey Dawson  
**Application Type:** Full Application  
**Description of Development:** Detached private motor garage  
**Site Address** BERRYCROFT,303 DEAN CROSS ROAD PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 23/01/2012  
**Decision:** Grant Conditionally

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**Item No 88**

**Application Number:** 11/01938/FUL **Applicant:** Dominos Pizza Group Ltd  
**Application Type:** Full Application  
**Description of Development:** Change of use from A1 to A5, erection of new shop front and installation of extraction equipment and air compressors  
**Site Address** 65 EXETER STREET PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 27/01/2012  
**Decision:** Refuse

---

**Item No 89**

**Application Number:** 11/01942/LBC **Applicant:** Guinness Hermitage  
**Application Type:** Listed Building  
**Description of Development:** Boiler and flue replacement  
**Site Address** 118, 120 AND 122 DURNFORD STREET PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 12/01/2012  
**Decision:** Grant Conditionally

---

**Item No 90**

**Application Number:** 11/01943/TPO **Applicant:** Mr Alan Pearson  
**Application Type:** Tree Preservation  
**Description of Development:** Fir Reduce in height by 40%  
**Site Address** 131 LOOSELEIGH LANE PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 25/01/2012  
**Decision:** Grant Conditionally

---

**Item No 91**

**Application Number:** 11/01945/ADV **Applicant:** Lidl UK  
**Application Type:** Advertisement  
**Description of Development:** 2 Billboard signs  
**Site Address** LIDL, UNION STREET PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 24/01/2012  
**Decision:** Grant Conditionally

---

**Item No 92**

**Application Number:** 11/01947/FUL **Applicant:** Mr Charles Bush  
**Application Type:** Full Application  
**Description of Development:** Installation of two piles along the walkway to provide additional support and to reduce the load of existing piles  
**Site Address** MAYFLOWER MARINA, RICHMOND WALK PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 27/01/2012  
**Decision:** Grant Conditionally

---

**Item No 93**

**Application Number:** 11/01948/TPO **Applicant:** Mr & Mrs Flood  
**Application Type:** Tree Preservation  
**Description of Development:** Reduce sycamore tree by 4 metres  
**Site Address** 25 BARLOW GARDENS PLYMOUTH  
**Case Officer:** Chris Knapman  
**Decision Date:** 19/01/2012  
**Decision:** Refuse

---

**Item No 94**

**Application Number:** 11/01949/FUL **Applicant:** Mr & Mrs M Grant  
**Application Type:** Full Application  
**Description of Development:** Alterations to internal layout, extension to rear entrance lobby and replacement of flat roof with pitched roof complete with roof lights  
**Site Address** 5 BOWDEN PARK ROAD PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 13/01/2012  
**Decision:** Grant Conditionally

---

**Item No 95**

**Application Number:** 11/01950/LBC **Applicant:** Morgans Bar & Brasserie  
**Application Type:** Listed Building  
**Description of Development:** (Retrospective) Installation of metal grease trap  
**Site Address** MORGANS BAR & BRASSERIE, BERKLEY SQUARE 19  
PRINCESS STREET PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 17/01/2012  
**Decision:** Refuse

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**Item No 96**

**Application Number:** 11/01956/FUL **Applicant:** Mr & Mrs A Olliman  
**Application Type:** Full Application  
**Description of Development:** Rear conservatory  
**Site Address** 27 WEMBURY ROAD PLYMOUTH  
**Case Officer:** Liz Wells  
**Decision Date:** 24/01/2012  
**Decision:** Application Withdrawn

---

**Item No 97**

**Application Number:** 11/01958/LBC **Applicant:** The National Trust  
**Application Type:** Listed Building  
**Description of Development:** Installation of LPG central heating system to first floor flat  
**Site Address** STABLE HOUSE, SALTRAM, MERAFIELD ROAD  
PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 23/01/2012  
**Decision:** Grant Conditionally

---

**Item No 98**

**Application Number:** 11/01959/LBC **Applicant:** Mr Peter Yates  
**Application Type:** Listed Building  
**Description of Development:** Internal alterations to first floor flat  
**Site Address** FLAT 3, 4 THE ESPLANADE PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 27/01/2012  
**Decision:** Grant Conditionally

---

**Item No 99**

**Application Number:** 11/01963/TPO **Applicant:** Plymouth Senior/Prep College  
**Application Type:** Tree Preservation  
**Description of Development:** Various Tree Management Works  
**Site Address** PLYMOUTH COLLEGE, FORD PARK PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 17/01/2012  
**Decision:** Grant Conditionally

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**Item No 100**

**Application Number:** 11/01964/TC **Applicant:** Mr & Mrs Patterson  
**Application Type:** Trees in Cons Area  
**Description of Development:** Mimosa - pollard  
**Site Address** RAVENSWELL, FERNLEIGH ROAD PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 16/01/2012  
**Decision:** Grant Conditionally

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**Item No 101**

**Application Number:** 11/01965/FUL **Applicant:** Mr & Mrs R Adams  
**Application Type:** Full Application  
**Description of Development:** Front porch and single-storey side extension  
**Site Address** 2 BLACKSTONE CLOSE PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 13/01/2012  
**Decision:** Grant Conditionally

---

**Item No 102**

**Application Number:** 11/01966/FUL **Applicant:** Mrs Susan Mayne  
**Application Type:** Full Application  
**Description of Development:** Completion of garage and single storey store  
**Site Address** 19 DURRIS CLOSE PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 27/01/2012  
**Decision:** Grant Conditionally

---

**Item No 103**

**Application Number:** 11/01969/FUL **Applicant:** Plymouth Community Homes  
**Application Type:** Full Application  
**Description of Development:** Change of use of 2 flats to 1 dwelling. Internal alterations to plan layout only  
**Site Address** 66A and 66B DUNCOMBE AVENUE PLYMOUTH  
**Case Officer:** Liz Wells  
**Decision Date:** 24/01/2012  
**Decision:** Grant Conditionally

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**Item No 104**

**Application Number:** 11/01978/FUL **Applicant:** Mr & Mrs G Dare  
**Application Type:** Full Application  
**Description of Development:** Single-storey rear extension to provide garden room (existing conservatory to be removed)  
**Site Address** 27 BROOKWOOD ROAD ELBURTON PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 24/01/2012  
**Decision:** Grant Conditionally

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**Item No 105**

**Application Number:** 11/01981/TC **Applicant:** Plymouth Senior/Prep College  
**Application Type:** Trees in Cons Area  
**Description of Development:** Various tree management works  
**Site Address** PLYMOUTH COLLEGE PREPARATORY SCHOOL,99  
CRAIGIE DRIVE PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 16/01/2012  
**Decision:** Grant Conditionally

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**Item No 106**

**Application Number:** 11/01982/FUL **Applicant:** Mr and Mrs P Sim  
**Application Type:** Full Application  
**Description of Development:** Single storey rear extension  
**Site Address** 11 GOWER RIDGE ROAD PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 20/01/2012  
**Decision:** Grant Conditionally

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**Item No 107**

**Application Number:** 11/01987/FUL **Applicant:** Plymouth City Council  
**Application Type:** Full Application  
**Description of Development:** Installation of play equipment to create a play park  
**Site Address** JAMES STREET DEVONPORT PLYMOUTH  
**Case Officer:** Robert McMillan  
**Decision Date:** 26/01/2012  
**Decision:** Grant Conditionally

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**Item No 108**

**Application Number:** 11/01995/FUL **Applicant:** Mrs Susan Williams  
**Application Type:** Full Application  
**Description of Development:** Side extension (existing garden room to be removed) and formation of rooms in roofspace  
**Site Address** 18 FLETCHER CRESCENT PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 24/01/2012  
**Decision:** Grant Conditionally

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**Item No 109**

**Application Number:** 11/02002/FUL **Applicant:** Mr David Tilley  
**Application Type:** Full Application  
**Description of Development:** Extension to south east elevation  
**Site Address** BLACK HALL BARN, 28 STADDISCOMBE ROAD  
PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 24/01/2012  
**Decision:** Grant Conditionally

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**Item No 110**

**Application Number:** 11/02009/FUL **Applicant:** Mr Paul Butler  
**Application Type:** Full Application  
**Description of Development:** Two-storey side and rear extension  
**Site Address** STENTAWAY COTTAGE, 62 STENTAWAY ROAD  
PLYMOUTH  
**Case Officer:** Liz Wells  
**Decision Date:** 20/01/2012  
**Decision:** Application Withdrawn

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**Item No 111**

**Application Number:** 11/02017/PR **Applicant:** Mr & Mrs D Gill  
**Application Type:** LDC Proposed Develop  
**Description of Development:** Single storey rear extension  
**Site Address** 34 FISHER ROAD PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 06/01/2012  
**Decision:** Issue Certificate - Lawful Use

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**Item No 112**

**Application Number:** 12/00064/FUL **Applicant:** Knightsbridge Student Housing  
**Application Type:** Full Application  
**Description of Development:** Addition of new condition to planning condition 10/01608/FUL listing approved plan numbers (non material minor amendment)  
**Site Address** HOE CENTRE, NOTTE STREET PLYMOUTH  
**Case Officer:** Mark Evans  
**Decision Date:** 19/01/2012  
**Decision:** Grant Conditionally

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

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

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

Awarded To

Appeal Synopsis

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

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

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

Application Number      **11/00192/FUL**  
Appeal Site                **4 NETTLEHAYES PLYMOUTH**  
Appeal Proposal          Develop part of rear garden by erection of detached two-storey dwelling and attached single private motor garage plus basement private motor garage and ground source heat pump plant  
Case Officer                Mike Stone

Appeal Category  
Appeal Type                Written Representations  
Appeal Decision          Dismissed  
Appeal Decision Date    16/12/2011  
Conditions  
Award of Costs

Awarded To

Appeal Synopsis

The Inspector agreed that the size, scale and contemporary design would be out of character and appearance in the area, and that the massing and proximity of the building to No.6 Nettlehayes would be overbearing and dominant harm the outlook from that property, and that it would also dominate the outlook from 3 Pepper Lane (although he didn't mention the pattern of windows contributing to the impact on No.6).

Application Number **11/00713/FUL**  
 Appeal Site **14 WINDSOR PLACE PLYMOUTH**  
 Appeal Proposal Installation of solar panels on rear roof  
 Case Officer Olivia Wilson

Appeal Category  
 Appeal Type Written Representations  
 Appeal Decision Allowed  
 Appeal Decision Date 16/11/2011  
 Conditions  
 Award of Costs Awarded To

Appeal Synopsis

The inspector considers that the elevation where the solar panels would be installed would be reasonably enclosed and screened by trees in the park. When viewed from the Hoe, the dwelling forms only a small part of a much larger vista, and there is no overriding pattern or dominant form of architecture. The installation of solar panels would not appear to be prominent or incongruous in this context and their form would have no harmful effect on the character and appearance of the Hoe Conservation Area and will help to promote sustainable energy.

Application Number **11/00789/FUL**  
 Appeal Site **WHITLEIGH PENTECOSTAL CHURCH, 391-397 BUDSHEAD ROAD PLYMOUTH**  
 Appeal Proposal Change of use and conversion of church into private members club  
 Case Officer Janine Warne

Appeal Category  
 Appeal Type Written Representations  
 Appeal Decision Dismissed  
 Appeal Decision Date 17/01/2012  
 Conditions  
 Award of Costs Awarded To

Appeal Synopsis

The Inspector agreed with the refusal reasons given by the Council. Firstly, with specific reference to noise, the Inspector concluded that, in light of the very close relationship and potential impact on nearby properties, the proposed social club could not operate without materially harming the living conditions of the occupiers of neighbouring dwellings. Secondly, with specific reference to Transport considerations, the Inspector was not satisfied that the proposal could operate without a material increase in traffic and parking on the local road network and therefore this would be detrimental to the safe and free flow of traffic. The appeal was therefore dismissed.

Application Number **11/00886/ADV**  
 Appeal Site **SALT QUAY HOUSE PLYMOUTH**  
 Appeal Proposal Internally illuminated fascia sign (sign A) - approved, Two internally illuminated fascia signs (signs B and C) - refused  
 Case Officer Katie Beesley

Appeal Category  
 Appeal Type Written Representations  
 Appeal Decision Dismissed  
 Appeal Decision Date 17/01/2012  
 Conditions  
 Award of Costs Awarded To

Appeal Synopsis

The inspector supported the Core Strategy policies used but said that the main considerations should have been the advertising regulations and the requirement that decisions be made in the interests of amenity and public safety. The inspector agreed that the red background would be out of keeping with the area and that the signs would conflict with the subtle architecture of the building and would appear intrusive. He added that commercial need can not be a consideration in determining applications or appeals.

Application Number **11/01124/FUL**  
Appeal Site **158 UNION STREET PLYMOUTH**  
Appeal Proposal Retrospective demolition of 2 storey structure to rear. Alterations and ext to shop premises, formation of 2 flats above shop. Erection of new 2 storey dwelling in rear yard with associated parking, amenity and refuse area.  
Case Officer Karen Gallacher  
Appeal Category  
Appeal Type Written Representations  
Appeal Decision Split  
Appeal Decision Date 06/12/2011  
Conditions  
Award of Costs Awarded To

## Appeal Synopsis

The application was for the conversion of the property into flats and for a new dwelling to the rear. The application was refused because the new dwelling to the rear was out of character and harmful to the conservation area, and because there was inadequate parking and amenity for this additional dwelling. The inspector split the decision to allow the property to be converted into flats, as this element had not been contested by the LPA. The inspector dismissed the new dwelling because he agreed with the LPA that its design and impact on the conservation area was unacceptable. However, because of the proximity of the city centre and a local park, he did not agree that the proposal would have inadequate parking or amenity.

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