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26 November 2012

PLANNING COMMITTEE

Thursday 6 December 2012
4 pm
Council House, Plymouth (Next to the Civic Centre)

Members:

Councillor Stevens, Chair
Councillor Tuohy, Vice Chair
Councillors Mrs Bowyer, Darcy, Sam Davey, Mrs Foster, Nicholson, John Smith, Stark,
Jon Taylor, Vincent and Wheeler.

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

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Tracey Lee
Chief Executive

PLANNING COMMITTEE

AGENDA

PART I – PUBLIC MEETING

1. APOLOGIES

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

1. DECLARATIONS OF INTEREST

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

3. MINUTES

(Pages 1 - 10)

The Committee will be asked to confirm the minutes of the meeting held on 8 November 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 11 - 12)

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

6.1. PLYM VALLEY, PLYMOUTH. 12/01712/FUL

(Pages 13 - 26)

Applicant:	National Trust
Ward:	Moorview
Recommendation:	Grant Conditionally

- 6.2. 10 THIRD AVENUE, BILLACOMBE, PLYMOUTH. 12/01425/FUL **(Pages 27 - 32)**
- Applicant: Mr P McMullin
Ward: Plymstock Dunstone
Recommendation: Grant Conditionally
- 6.3. 95 TO 99 RIDGEWAY, PLYMOUTH. 12/01780/FUL **(Pages 33 - 44)**
- Applicant: JD Wetherspoon PLC
Ward: Plympton St Mary
Recommendation: Grant Conditionally
- 6.4. 95 TO 99 RIDGEWAY, PLYMOUTH. 12/01781/LBC **(Pages 45 - 52)**
- Applicant: JD Wetherspoon PLC
Ward: Plympton St Mary
Recommendation: Grant Conditionally
- 6.5. DURSTON HOUSE, LONGLANDS ROAD, PLYMOUTH. 12/01894/FUL **(Pages 53 - 66)**
- Applicant: Mr Paul Harte
Ward: Plymstock Radford
Recommendation: Grant Conditionally
- 6.6. WOODVILLE ROAD, PLYMOUTH. 12/01304/FUL **(Pages 67 - 96)**
- Applicant: BDW Trading Limited
Ward: Ham
Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 31 January 2013
- 6.7. DRAKE'S ISLAND, PLYMOUTH. 12/00095/FUL **(Pages 97 - 110)**
- Applicant: Rotolock (Holdings) Ltd
Ward: St Peter & The Waterfront
Recommendation: Refuse
- 6.8. DRAKE'S ISLAND, PLYMOUTH. 12/00099/LBC **(Pages 111 - 118)**
- Applicant: Rotolock (Holdings) Ltd
Ward: St Peter & The Waterfront
Recommendation: Refuse

7. PLANNING APPLICATION DECISIONS ISSUED

(Pages 119 - 150)

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 27 October 2012 to 23 November 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.

8. APPEAL DECISIONS

(Pages 151 - 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.

9. EXEMPT BUSINESS

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) ... of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PART II (PRIVATE MEETING)

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

that under the law, the Panel is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

NIL.

Planning Committee

Thursday 8 November 2012

PRESENT:

Councillor Stevens, in the Chair.

Councillor Tuohy, Vice Chair.

Councillors Mrs Bowyer, Churchill (substitute for Cllr Darcy), Sam Davey, Mrs Foster, Nicholson, John Smith, Stark, Jon Taylor, Vincent and Wheeler.

Apologies for absence: Councillor Darcy.

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

The meeting started at 5.00 pm and finished at 8.00 pm.

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

51. DECLARATIONS OF INTEREST

The following declarations of interest were made in accordance with the code of conduct –

Name	Minute No. and Subject	Reason	Interest
Councillor Nicholson	57.2 21 Dean Road, Plymouth 12/01504/FUL	Ward member having expressed a view on the proposals.	Personal
Councillor Nicholson	58. Compliance of Planning Conditions Imposed upon Planning Ref 11/00750 (for the construction of Energy from Waste Plant in Her Majesty's Naval Base, Devonport)	Employed by Babcock International Group	Personal
Councillor Vincent	56. Objection to Tree Preservation No. 490 – 46 Torridge Road,	Cabinet Member speaking on this issue.	Prejudicial

	Plympton, Plymouth		
Councillor Vincent	58. Compliance of Planning Conditions Imposed upon Planning Ref 11/00750 (for the construction of Energy from Waste Plant in Her Majesty's Naval Base, Devonport)	Cabinet Member.	Prejudicial
Councillor Churchill	57.4 10 Third Avenue, Billacombe, Plymouth 12/01425/FUL	Ward member	Personal

52. **MINUTES**

Agreed the minutes of the meeting held on 18 October 2012 subject to –

- (a) Councillor Mrs Foster being removed from voting FOR the amendment of condition 25 on the Boston's Boat Yard application, 12/01180/FUL;
- (b) Councillor Stark being included as voting FOR the deferral on the 21 Dean Road application, 12/01520/FUL.

53. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

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

The following four questions were received from members of the public, in accordance with paragraph 10 of the Constitution.

Mr S.C.M O'Hara attended the meeting to ask his question and Councillor Stevens, Chair of Planning Committee, responded as set out below:

Question No	Question By	Cabinet Member or Committee Chair	Subject
Q5-12/13	S.C.M O'Hara	Chair of Planning Committee	Energy from Waste Plant
Average (monthly) diffusion tube readings at Camels Head recorded 31.9 µg NO ² /m ³ close to Weston mill primary school, and only 17.4µg NO ² /m ³ at MVV's monitoring station, upwind (500m SW) of the incinerator stack. Why did regulating			

authorities accept annual average NO₂ value from MVV's station as the local baseline concentration?

Response:

These matters are delegated to Officers following the Planning Committee's majority decision of 22 December 2011.

The average diffusion tube readings at Camels Head are well within the national air quality standards.

The baseline measurements are meant to represent what the levels of pollution are at the application site in its current form and these were accepted by the local planning authority and the Environment Agency as appropriate. The Council's Public Protection Service Unit were aware of the applicant's modelling for that area and carried out their own modelling to assess the likely effects of emissions from the stack and from traffic at relevant receptor locations nearby, including Camels Head. The applicants' modelling predictions were validated and there was no sound reason on air quality grounds to militate against the grant of planning permission.

Monitoring of NO₂ undertaken within the air quality study area is summarised within Section 4.5 of Appendix 13.1 to the Environmental Statement, and consisted of:

- measurements at a continuous monitoring station within Devonport, which is representative of background conditions in the vicinity of the site; and
- diffusion tube monitoring at a number of further locations around the development site.

As NO₂ is one of the primary pollutants of concern emitted from road traffic, the diffusion tube survey included monitoring at a number of locations close to main roads to evaluate the variation in concentrations in areas close to road traffic sources. The air quality assessment used baseline concentrations from the diffusion tube survey in the consideration of the combined impact from road traffic and chimney emissions on NO₂ concentrations at selected receptors, including those in the vicinity of the Camel's Head junction.

Mr Kilvington attended the meeting to ask his question and Councillor Stevens, Chair of Planning Committee, responded as set out below:

Question No	Question By	Cabinet Member or Chair	Subject
Q6-12/13	Mr Kilvington	Chair of Planning Committee	Energy from Waste Plant
<p>MVV's Continuous monitoring station is installed at NGR SX444572, 500 metres SW of the incinerator location. Prevailing winds are westerly. Vulnerable local communities lie in an arc from North, through East to Southeast of the incinerator. Why have PCC planners, and the EA, accepted the upwind site?</p>			

Response:

These matters are delegated to Officers following the Planning Committee's majority decision on 22 December 2011.

The Environment Agency approach is based on monitoring of emissions at source from the stack and computer modelling of their dispersion. Their officers assessed the potential air quality impacts by using the worst case scenario i.e. the plant operating at limits and were satisfied with that assessment. The EA view is that the conditions of the permit are robust and will provide protection of human health and the environment. However PCC are interested in monitoring any increased pollution from stack and traffic emissions to validate the predictions. This involves locating diffusion tube monitoring stations over a wider area---including 'downwind'.

Details of the baseline monitoring survey are given in Section 4.5 of Appendix I3.1 to the Environmental Statement. The monitoring site was selected to be representative of underlying baseline conditions in the air quality study area, without the facility in operation. The maximum additional impact of stack emissions within the study area was then predicted within Section 5 of the dispersion modelling assessment.

Mr P O'Hara did not attend the meeting and his question, and the response from Councillor Stevens, Chair of Planning Committee, was circulated to councillors as set out below. The response would be sent to Mr P O'Hara following the meeting.

Question No	Question By	Cabinet Member or Committee Chair	Subject
Q7-12/13	Mr P O'Hara	Chair of Planning Committee	Energy from Waste Plant
<p>What were vehicle emissions factors (g/k Wh, g/km or mg/km) tonnage and speed factors used for modelling the projected impact of the additional 264 incinerator-related HGV movements across the Camels head junction; and was this study completed? Information in the application documents about these factors in unclear?</p>			
<p>Response:</p> <p>1) Yes, the vehicle emission factors used in the road traffic emissions modelling was taken from the Highways Agency emissions factor database, as stated in paragraph 3.5.7 of Appendix I3.1 to the Environmental Statement. The units of the factors used are g/km/s.</p> <p>2) A modelling exercise was undertaken by the Council's Public Protection Service Unit to check the soundness of the applicant's predictions and to understand the likely impacts upon the locality. It was evident that there would only be a minimal increase in NO2 levels at Camels Head Junction.</p>			

Mrs B.D O'Hara did not attend the meeting and her question, and the response from Councillor Stevens, Chair of Planning Committee, was circulated to councillors as set out below. The response would be sent to Mrs B.D O'Hara following the meeting.

Question No	Question By	Cabinet Member or Committee Chair	Subject
Q8-12/13	Mrs B.D O'Hara	Chair of Planning Committee	Energy from Waste Plant
<p>Are there plans to install a full spectrum continuous monitoring station close to Weston Mill Primary School, downwind of the incinerator stack, as this would be more relevant to health protection monitoring, particularly for the school children as well as most of the city, than MVVs cynically located upwind station?</p>			
<p>Response:</p> <p>The Section 106 Agreement, agreed by a majority of the Planning Committee makes provision for further air quality monitoring in the operational phase as follows:</p> <ul style="list-style-type: none"> • the installation of a particulate matter (PM₁₀) monitoring station in the vicinity of the Camel's Head junction to assess concentrations in the five years following commissioning of the facility (particularly from HGV traffic) ; and • Ten years of nitrogen dioxide (NO₂) diffusion tube monitoring at ten locations in the vicinity of the Camel's Head junction and throughout St. Budeaux / King's Tamerton. <p>I fully understand and accept the argument for monitoring at Weston Mill Primary School, these matters are delegated to Officers and their opinion is that the submitted Environment statement contained adequate data to assess the main air quality impacts on the environment (as required by the Town & Country Planning Environmental Impact Assessment Regulations 1999). A modelling exercise was undertaken by the Council's Public Protection Service Unit to check the soundness of the applicant's predictions and to understand the likely impacts upon the locality. The views of the EA and PPS Unit on the relevant air quality matters were considered prior to the determination of the planning application. Some individuals held a different opinion to theirs and their views were reported and considered prior to determination. It was considered that there would not be a significant effect on air quality for school children or for the rest of the city.</p>			

55. **PLANNING APPLICATIONS FOR CONSIDERATION**

The Committee considered the following applications, development proposals by local authorities, and statutory consultations submitted under the Town and Country Planning Act, 1990, and the Planning (Listed Buildings and Conservation Areas) Act, 1990. Addendum reports were submitted in respect of minute numbers 57.1, 57.2 and 57.3.

56. **OBJECTION TO TREE PRESERVATION ORDER NO. 490 - 46
TORRIDGE ROAD, PLYMPTON, PLYMOUTH**

Chris Knapman, Tree Officer, provided the Committee with a report regarding an objection to the making of Tree Preservation Order No. 490, 46 Torridge Road, Plympton, Plymouth.

Agreed to confirm Tree Preservation Order No. 490 without modification.

(This agenda item was moved to enable efficient time management of the meeting)

(Councillor Vincent declared a prejudicial interest in this item and did not take part in the debate).

57.1 89 FLEETWOOD GARDENS, PLYMOUTH

(Mrs G Buckley)

Decision:

Application for issuing a certificate subject to consultation response from Legal
AGREED.

57.2 21 DEAN ROAD, PLYMOUTH

(James Dean and Kerry Everson)

Decision:

Application **GRANTED** conditionally.

(The Committee heard representations against the application from Councillor Nicholson).

(The Committee heard representations against the application).

(The Committee heard representations in support of the application).

(Councillor Nicholson declared a personal interest in this item and did not take part in the debate).

57.3 LAND OFF TOWERFIELD DRIVE, PLYMOUTH

(ConsertoneZed Plymouth Ltd)

Decision:

Application **GRANTED** conditional permission, subject to S106 Obligation, with delegated authority to Assistant Director to refuse if the obligation is not completed by 10 December 2012.

(The Committee heard representations in support of the application).

57.4 10 THIRD AVENUE, BILLACOMBE, PLYMOUTH

(Mr P McMullin)

Decision:

Application **DEFERRED** for a site visit and to allow officers to accurately measure the distance between numbers 10 Third Avenue and, the neighbouring property, 11 Third Avenue, and report back to committee.

(The Committee heard representations against the application from Councillor Churchill).

(The Committee heard representations against the application).

(Councillor Nicholson's proposal to defer the application, having been seconded by Councillor Mrs Foster, was put to the vote and declared carried).

(Councillor Churchill declared a personal interest in this item and did not take part in the debate).

58. **COMPLIANCE WITH PLANNING CONDITIONS AND S106 CLAUSES IMPOSED UPON PLAN REF 11/00750 FOR THE CONSTRUCTION OF ENERGY FROM WASTE PLANT IN HER MAJESTY'S NAVAL BASE, NORTH YARD, DEVONPORT - TRANSPORTATION AND DRAINAGE MATTERS**

The Assistant Director for Planning Services submitted a report on the compliance of planning conditions imposed upon planning permission ref 11/00750 (for the construction of Energy from Waste Plant in Her Majesty's Naval Base, Devonport). Alan Hartridge, Planning Officer, was in attendance to present the report and informed members that –

- (a) the report highlighted the progress being made against the transportation and highways requirements of the conditions and Section 106 clauses and that at this time there was no untoward harm being caused to the safety of people or the environment;
- (b) the Public Protection Service Unit would continue to monitor noise and air quality emission levels as required by Committee resolution throughout the development, and breaches of conditions or S106 agreements that monitoring revealed would need to be dealt with appropriately by the regulating authority.

Agreed that the report is noted.

(Councillor Nicholson declared a personal interest and Councillor Vincent declared a prejudicial interest in the above item and did not take part in the debate).

59. **PLANNING APPLICATION DECISIONS ISSUED**

The Committee received a report from the Assistant Director, Planning Services, on decisions issued for the period 9 October 2012 to 26 October 2012, including –

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

60. **APPEAL DECISIONS**

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

61. **EXEMPT BUSINESS**

There were no items of exempt business.

SCHEDULE OF VOTING (Pages 1 - 2)

PLEASE NOTE

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

SCHEDULE OF VOTING

Minute number and Application	Voting for	Voting against	Abstained	Absent due to interest declared	Absent
OBJECTION TO TREE PRESERVATION ORDER NO.490 – 46 TORRIDGE ROAD, PLYMPTON, PLYMOUTH (Officer's recommendation)	Cllrs Stevens, Tuohy, Mrs Bowyer, Churchill, Sam Davey, Mrs Foster, Nicholson, John Smith, Stark, Jon Taylor and Wheeler.			Councillor Vincent	
89 FLEETWOOD GARDENS, PLYMOUTH (Officer's recommendation)	Unanimous				
21 DEAN ROAD, PLYMOUTH (Officer's recommendation)	Cllrs Stevens, Tuohy, Sam Davey, John Smith, Vincent and Wheeler.	Cllrs Mrs Bowyer, Churchill, Mrs Foster and Stark.	Councillor Jon Taylor	Councillor Nicholson	
<ul style="list-style-type: none"> Motion to Refuse (lost) 	Cllrs Mrs Bowyer, Churchill, Mrs Foster and Stark.	Cllrs Stevens, Tuohy, Sam Davey, John Smith, Jon Taylor, Vincent and Wheeler.		Councillor Nicholson	
LAND OFF TOWERFIELD DRIVE, PLYMOUTH (Officer's recommendation)	Unanimous				
10 THIRD AVENUE, BILLACOMBE, PLYMOUTH (Deferral)	Cllrs Stevens, Tuohy, Mrs Bowyer, Mrs Foster, Nicholson, John Smith, Stark, Jon Taylor, Vincent and Wheeler.	Councillor Sam Davey.		Councillor Churchill	

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PLANNING APPLICATIONS FOR CONSIDERATION

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

Addendums

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

Public speaking at Committee

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

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

- Ward Member
- Objector
- Supporter

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

Committee Request for a Site Visit

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

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

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

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

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

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

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

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

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

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

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

Decisions contrary to Officer recommendation

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

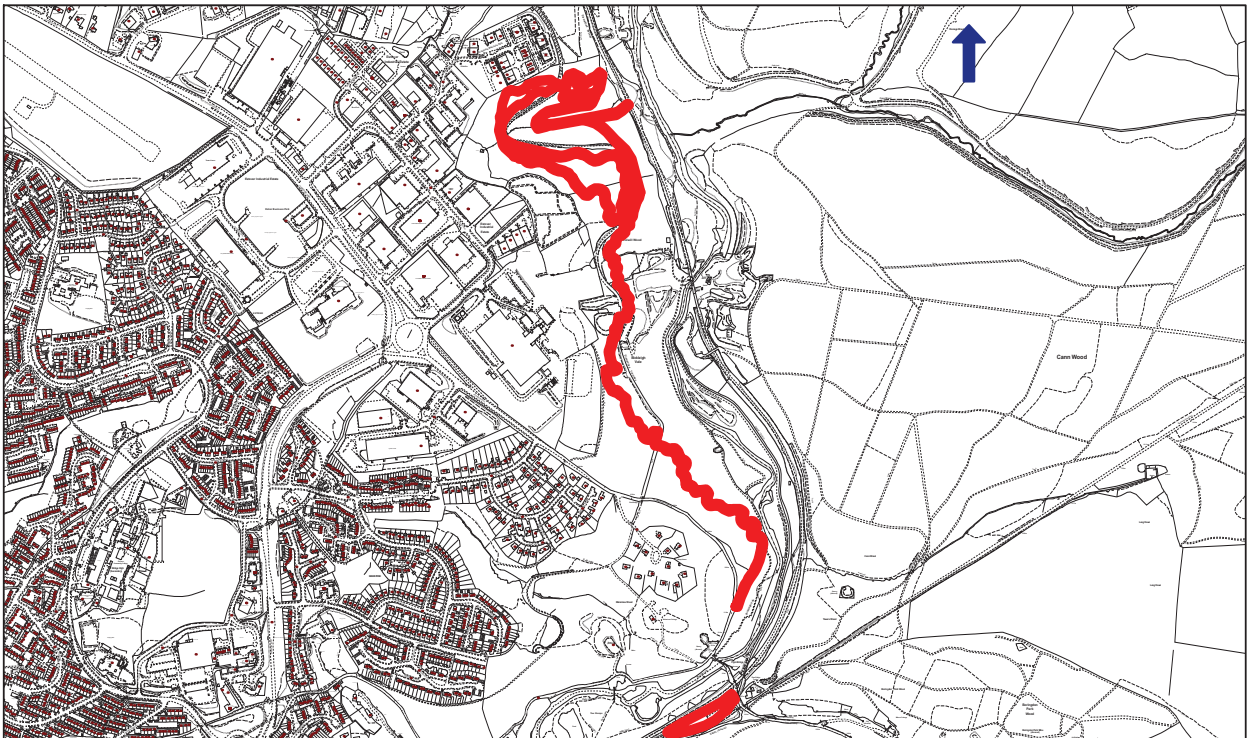
Where necessary Officers will advise Members of any other relevant planning issues to assist them with their decision.

PLANNING APPLICATION REPORT



ITEM: 01

Application Number:	12/01712/FUL
Applicant:	National Trust
Description of Application:	Development of an off road cycle track, re-arrangement and enlargement of car park and use of part of car park for mobile catering
Type of Application:	Full Application
Site Address:	PLYM VALLEY PLYMOUTH
Ward:	Moorview
Valid Date of Application:	28/09/2012
8/13 Week Date:	28/12/2012
Decision Category:	Major - 5 or more Letters of Representation received
Case Officer :	Adam Williams
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



OFFICERS REPORT

Site Description

Plym Valley is an area of woodland located to the North of Plympton and the east of Estover and Mainstone.

The area is predominantly broadleaved woodland with some areas of grassland and meadow. Due to the fact this area is a valley there are steep gradients within the woodland and some parts are difficult to access without following prescribed routes. The area has historically had industrial uses such as quarrying and agriculture taken place.

The valley is owned and managed by the National Trust and is open for public use, predominately by walkers, dog walkers and cyclists. The National Cycle Network (NCN) route 27 runs along the old railway line and viaduct, following the route north leads to Clearbrook and following the route south leads to Coypool. Various formal and informal walking routes can be found throughout the valley.

Proposal Description

The proposal is for a continuous off road cycle track within Plym Valley, a reconfiguration to the existing car park to provide an extra 22 spaces and an area allocated for use for a mobile catering unit.

Pre-application

There was no pre application for this resubmitted application. There was a pre-application on the previous proposals however and the topics included the design and siting of the café/cycle hub and also supporting documentation.

Relevant Planning History

11/01254/FUL - The proposal is for a continuous off road cycle track within Plym Valley with some separate sections for skills areas - Withdrawn

11/01074/FUL - Single storey cycle hub and café facility - Withdrawn

Consultation Responses

Natural England – Natural England have no objections to the proposals

Transport and Highways – No objections subject to conditions. The analysis by Transport and Highways is contained and summarised within the Transport section of this report

Environment Agency – considers that this proposal will only be acceptable if planning conditions are included to ensure that the appropriate design of the proposed watercourse crossings and the appropriate management of surface water drainage, the appropriate management of any unsuspected contamination encountered during construction

Public Protection Service (PPS) – Acceptable subject to condition. PPS considers that, although large numbers of proposed visitors to the woodland are forecast it is considered that the noise levels will not be significant from the use of the track alone. PPS has concerns about the construction phase of the works and this has been highlighted in the application as a time restricted activity, which should be confirmed by condition via a code of practice condition. There is also concern about litter caused by the mobile catering unit, however, a condition is recommended in order to control this.

Public Rights of Way Officer - Confirms that there are no recorded public rights of way within the development boundary. However, whilst the Definitive Map is conclusive evidence in law of the rights shown upon it, the reverse is not necessarily true which is to say that because a way might not be shown to carry public rights does not mean such rights do not exist. However the nature of the proposed development is such that the impact upon any unrecorded rights of way will be minimal. Access over those tracks will not be prevented and no rights will be lost.

Additionally the officer considers there is not likely to be any undue conflict between users and the mitigation measures proposed are more than sufficient. Public pedestrian rights and permissive cycle use can and does sit in harmony in many locations throughout the country. Therefore there are no objections.

Representations

532 letters of representation have been received, approximately 419 in objection and 113 in support of the scheme. A majority of objections letters followed a petition style i.e. copied letters with signatures.

The main areas of objection and concern which hold planning merit have been in relation to:

- Precedent will be set for more trails if approved.
- Informal routes already available in Cann Woods.
- Facility is aimed at a minority group at the expense of the majority i.e. walkers.

- Effects on Ecology & Biodiversity and potential loss of habitat including tree loss.
- Tree root damage through compaction.
- Safety – with regards to user conflict between cyclists and walkers.
- Lack of credible Transport Plan.
- Noise from cyclist using the trails spoiling the peace which is apparent throughout the valley
- Site management issues such as litter and marshalling

There was also a representation from Sustrans who are non-statutory consultee;

Sustrans – Support the application. Sustrans has assessed the evidence in terms of transport impacts and considers that an increase in motorised traffic is unlikely.

Analysis

This application turns upon Policies: CS02, CS03, CS18, CS19, CS22 & CS34 of the Core Strategy 2006-2021, and the National Planning Policy Framework (NPPF)

The primary planning considerations for this application are; the concept of the proposals, ecology and biodiversity, user conflict and amenity, historic environment and transport, as detailed below.

In addition it should be noted that there is direct mention of off road cycle trails within the Plymouth Green Infrastructure Delivery Plan 2010. The reference can be found in sections 3.6.13 and 3.6.14.

Concept

The application seeks permission for 4.2km of new cycle trail within Plym Valley and is separate from existing walking routes. The proposal is a scaled down version of a scheme submitted last year (ref 11/01254/FUL and 11/01074/FUL) for off road cycle routes through the Plym Valley area. The previous applications featured a greater amount of cycle trails and a café/cycle hub (which has been omitted from this application). The trail is proposed to complement existing cycle use in the area and build on the popularity of National Cycle Route (NCN) 27 and other more informal trails within adjacent sites such as Cann Woods. The trail is aimed at families with children over 10 years of age and therefore graded as intermediate/beginner level. The trails would consist of 1.2m – 1.6m wide tracks which link the existing track on NCN27 and Plymbridge Road. The trail begins after a short ride up the NCN route 27 and ends at the bottom of the valley marked as S2.10 on plan CS_045863_022_Rev4.

The trails proposed for Plym Valley are graded *blue*. Blue graded trails are classified (under the cycle trail grading system) as 'moderate' aimed at occasional cyclists looking to develop skills for off road riding, the only notable difference between these trails and easier green trails are the introduction of moderate gradient increases, trail features such as berms and a non-tarmac surfaces. The aim of a blue graded trail is to provide a more interesting riding experience over the normal green grades of the National Cycle Network, whilst providing a riding experience for riders of all abilities. Trail grades go from green, to blue, to red and then to black. For example black trails are aimed for expert mountain bikers with quality equipment, no other grades are proposed within this application apart from blue.

Some objectors have noted that as some people may tire of the formal trails and then may go off track and create new routes. As a response the applicant has stated that, as the trails are graded as blue, it should not attract the more adventurous riders as these riders have facilities for their skill level and are well utilised. Locally these can be found at Cann Woods, Haldon Forest (near Exeter) or on Dartmoor. The proposed trails in Plym Valley are designed to encourage new riders and regulate speed with gradient climbs and relatively tight turns. These features are unlikely to appeal to riders looking for adventurous routes.

Ecology and biodiversity

The application proposes the delivery of new cycle routes within a woodland environment and as a result the proposals have been fully assessed to determine if there will be an impact on the areas biodiversity. Detailed survey work has been provided by the applicant and an assessment of impacts has been conducted. Officers have concluded that any minor impacts of the development can be successfully mitigated and the development will result in a net gain in biodiversity. This view is shared by Natural England. To ensure a net gain in biodiversity is delivered in line with policy CS19, both the Design and Access Statement and the Phase I Ecological Report set out the following recommendations;

- Install bird boxes for different species of birds on a number of mature trees within the site;
- Install bat boxes for different species of bats;
- Remove invasive laurel where possible;
- Clearings could be created to enhance ground flora by increasing light levels;
- Use brush, log or grass arisings to create hibernacula for invertebrates, amphibians, reptiles and small mammals.

A condition will be attached to ensure the development is carried out in accordance with the Extended Phase I Habitat Survey (dated August 2012), the Reptile Survey (dated October 2012) and the Proposed Biodiversity Enhancement Works Plan (dated 05/11/12) for the site. This will secure biodiversity enhancements throughout the valley to mitigate the impacts of the trail, deliver a net gain for biodiversity and introduce some management to the woodland to increase its wildlife value.

The Phase I Habitat Survey submitted with the application has demonstrated that the management methods proposed in association with the development of an off road cycle track within Plym Valley will result in an overall net gain in biodiversity. This will mostly be as a result of Laurel clearing and removal of non-native species that will increase light levels within the woodland, and encourage a more diverse understory and ground flora. The trails are proposed to weave in between existing trees and exploit the topography. There may be sections where trees will need to be pruned or very young trees (less than 4in in diameter) removed where required. Due to the cessation of regular, woodland management, like many other UK woods there are too many trees and as a result less light, leading to less biodiversity- many of our woods are too dark and some carefully selected felling (not of important conservation features, veteran trees etc.) improves woodland structure and helps to create a mosaic of different habitats e.g. bat corridors.

Notably, three mature trees will need to be removed to allow the trail to navigate a section of the wood adjacent to the quarry off the tram track; it is considered by officers that the trees to be removed are not particularly distinctive and hence not a special case for retention for their intrinsic value.

Some objectors have expressed concern over compaction to tree root systems caused by the trails. Section 1.3.7.3 of the Detailed Design specification and schedule refers to tree root protection measures, where exposed roots need to be passed then over tip construction methods will be employed. This involves the excavation of organic soil from between roots, which is then replaced with suitable free draining

base course. It is considered by officers that these measures are appropriate to protect retained trees root systems.

Other key aspects of species protection surround badger and bats. The proposals will not impact upon bat populations in the valley, the trees to be removed have been assessed and they do not contain any bat roosts. To ensure the proposals have a positive impact on this species, bat boxes that provide suitable roosting features will be installed throughout the valley. The proposed routes of trails are also clear of any active badger setts. Some objectors have noted that previously vacant Badger sets are back in use again. The badger sets have been examined by specialists in Planning and no evidence of recent use could be identified.

Plymbridge woods is an extensive woodland complex, previously industrialised, as evidenced by old quarrying works and presumably timber extraction etc. Consequently it is robust enough to support nature conservation, passive recreation and managed active recreation- as sought by this application for a cycle track, if appropriately managed, to separate e.g. walkers from cyclists. Large woodlands of this nature can accommodate various uses, which are not mutually exclusive by default.

User Conflict and amenity

Through a review of the proposed routes and the measures that will be employed where the new routes will cross existing paths, officers consider that user conflict will be minimal. The existing foot paths and new trails will be adequately signed, similar to signage found within Haldon Forest which aims to inform users about the appropriate users for the different trails.

It should be noted that all of the trails are new route which will be signed as cycle trails. At the points where the cycle trails cross existing shared use paths signage and barriers will be installed to control the speed of approaching cyclists. The main feature proposed is a pinch point which requires a cyclist to prop a bike on its rear wheel to pass through, usually a pinch point is a low fence with a narrow passing or two boulders with a narrow passing. Passing through these pinch points whilst riding will result in damage to pedals as such the rider will need to slow or even stop to cross.

In comparison to the previous application there are no sections proposed for dual use, or any sections where the cycle trail following existing walking routes. With the exception of 4 crossing point the trails are all new and will not be suitable for walkers, signage will be placed to re-iterate this.

Historic Environment

The majority of the proposed route sections lie on the west side of the Plym away from the heart of the industrial complex at Cann Quarry. The Scheduled Monument of Borringdon Post-Medieval Deer Park (National Monument No: 33780) lies far to the east and is not affected by the proposals. Plym Bridge (Grade II* listed) now no longer forms part of the proposal

However there are a number of impacts on historic features which are as follows;

- Plymouth and Dartmoor Railway – The proposed cycle trails cross this tramway at 4 points and longer runs along it at any point. The conservation of these tracks should be part of the construction design, the historic environment assessment has recommended the building up on the track surface to protect the crossing points. These details will be secured via a programme of archaeological works condition which will need to take place before works commence.
- Former Field Boundaries and Gateposts- The proposed cycle routes cross a number of old boundaries some associated with gateways where the gate posts still survive. More detailed consideration should take place on site to ensure no damage takes places.
- Former Quarry Tracks and Paths - The cycle routes cross and overlie or utilise former tracks and paths in place.

The recommendations within the Historic Environment Assessments demonstrate that impacts to historical features will be minimal. To ensure the historic environment is protected, a programme of archaeological consultation, monitoring and recording will be delivered and will run concurrent with the development of the cycle trails if planning consent is granted.

The precise routes and sections sensitive to impact will be discussed on site between the contracted archaeologist and the developer to ensure that no damage to historic and archaeological features occurs or that appropriate mitigation measures are agreed and put in place. This strategy is supported by Planning Officers and a planning condition is recommended to ensure the submission of a detailed method statement.

Transport

This scheme is part of the I South West project which aims to provide recreational cycle facilities to complement existing cycle networks in the area. It is considered by officers that the proposals comply with the Local Transport Plan. The Local Transport Plan includes schemes to provide greater cycle links from east to west areas of the city. This will be delivered by upgrading Laira Bridge and planned improvements around the Ride and Marsh Mills, which link to routes serving Plym Valley. These planned proposals will therefore increase cycle access to Plym Valley from larger proportions of the city.

The Transport Statement submitted with the application indicates that 250,000 people visit the valley every year either as cyclists using the National Cycle Network route, local walkers and passengers by car. Existing highway infrastructure around the site is limited, the existing Plym Bridge is closed to traffic and the roads which serve as access to the valley from Estover and Plympton are narrow. Car parking is limited to the existing National Trust car park east of the bridge (50 spaces), additional parking on private ground west of the bridge (20 vehicles) and informal on street parking along Plymbridge Road (20 spaces). Additional car parking takes place along Coypool Road in Marsh Mills with access gained from the existing cycle route. Considering the valley sees 250,000 visits per year it is likely that a majority of existing visitors arrive to the valley either on foot or on a bike.

The uplift in visitors might be expected to be significantly less than that forecast for the previous scheme and some figures are provided in the Transport Statement. Based on experiences from other similar facilities it is estimated that an additional 33 vehicles per day might be attracted to these facilities. However this is considered a worst case situation as the proposal could actually manage the existing demand for cycling in the area using the NCN and other areas, and given the proximity to the existing built up area a large increase in visitors by car could be considered unlikely. Notwithstanding this point the existing National Trust car park is proposed to be extended to accommodate 90 cars, an increase on 22 spaces which is considered sufficient to cater for the forecast increase in demand. Space for a mobile catering facility is also proposed. Previous concerns were expressed about the impact of the proposal on parking in the neighbouring residential streets in the Mainstone area. However as the current application has moved the routes well away from these areas and significantly scaled down, it is considered that this would not have a significant impact on the existing situation.

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

Section 106 Obligations

None

Equalities & Diversities issues

The trails have been designed to encourage inclusion and increase riding confidence. In addition the protection of walkers and existing users will be secured through the implementation of pinch points at crossing locations; signage will also be placed throughout the area to notify users of pedestrians and cyclists.

Conclusion

To conclude, it is considered by officers that the proposals comply with Plymouth City Council planning policies and the National Planning Policy Framework. The proposals comply with Plymouth City Council's ambition to create a healthier city, which is also mirrored within the NPPF to create local services which support health and well-being, which states *'The planning system should also promote strong, vibrant and healthy communities by providing housing, good design and local services to support health and well-being.'*

Officers consider that the proposal will deliver a new community facility within the woodland in a manner which protects and enhances the natural environment. This is also in accordance with the National Planning Policy Framework which states, *'Planning decisions should protect, and try to improve, wildlife and the habitats they live in, as well as landscape, and old buildings.'*

Historic environment concerns can be addressed on site during construction with a programme submitted to the Local Planning Authority for approval before works can commence.

Transport concerns are considered to be addressed via numerous mitigation measures proposed by the applicant. These plus further measures will be secured by condition to reduce the impact to an acceptable level. The proposed cycle trails are considered to make a valuable contribution to the provision of multi-functional and accessible green infrastructure in the Plymouth area.

This planning application is therefore recommended by officers for approval subject to conditions.

Recommendation

In respect of the application dated **28/09/2012** and the submitted drawings Biodiversity enhancements plan, CS_045863_028_REV1, CS_045863_022_rev4, CS_045863_025_rev1, Walking and Cycling trails, CS_045863_022_Rev4, PLY_BR_01, Typical Bridge Details, Detailed design specification and Schedule, Development Report, Design and access statement, Transport statement, Technical Trail Feature Sheets, Flood Risk Assessment, Historic Environment Report, Extended Phase I Habitat 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: (Biodiversity enhancements plan, CS_045863_028_REV1, CS_045863_022_rev4, CS_045863_025_rev1, Walking and Cycling trails, CS_045863_022_Rev4, PLY_BR_01, Typical Bridge Details, Detailed design specification and Schedule, Development Report, Design and access statement, Transport statement, Technical Trail Feature Sheets, Flood Risk Assessment, Historic Environment Report, Extended Phase I Habitat Statement)

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.

CAR PARKING PROVISION

(3) The development shall not be brought into use until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for a minimum of 90 cars to be parked [and for vehicles to turn so that they may enter and leave the site in forward gear].

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway.

CODE OF PRACTICE

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

Reason:

The proposed site is in immediate vicinity to existing residential properties, whose occupants will likely be disturbed by noise and/or dust during demolition or construction work and to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LAND QUALITY

(5) Reporting of Unexpected Contamination

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 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.

FOOD SAFETY, HEALTH AND SAFETY AND NOISE

(6) No development shall commence until details of the proposed staff toilet facilities, proposed refuse storage arrangements, and arrangements for the collection and disposal of litter generated by the premises, are submitted to and approved in writing by the Local Planning Authority

Reason:

to protect the land from unsightly rubbish and to protect health and safety of staff.

WATERCOURSE CROSSINGS

(7) No development shall be commenced until details of all watercourse crossings has been submitted to and approved in writing by the Local Planning Authority. Prior to use of the cycle track 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 agreed details.

Reason

To ensure the bridges are appropriate and do not increase flood risk or have a detrimental environmental impact.

SURFACE WATER DRAINAGE

(8) No development shall be commenced until details of a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. Prior to use of the cycle track 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 agreed details. 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 ensure the drainage system is appropriate to ensure flood risk is appropriately managed and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal.

BIODIVERSITY

(9) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Extended Phase I Habitat Survey (dated August 2012), the Reptile Survey (dated October 2012) and the Proposed Biodiversity Enhancement Works Plan (dated 05/11/12) for the site.

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 the NPPF.

ONSITE CYCLE MEASURES

(10) The development hereby approved shall not commence until details of on site cycle signage, cycle speed reduction measures and cycle gates have been submitted to and approved in writing by the Local Planning Authority.

Reason:

in the interest of public safety.

DETAILED METHOD STATEMENT

(11) No works shall commence until a method statement detailing the means of building up the levels of the proposed cycleway where it crosses the trackbed of the former Plymouth & Dartmoor Railway (considered to be primarily ss. B2.2, B2.8 & B2.9 as indicated in the 'Detailed Design Specification and Schedule' accompanying the application) so as to protect the remains of the railway, shall have been submitted to and approved in writing by the Local Planning Authority. The said statement shall include details of the design, method of construction and materials to be used. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

MONITORING PROCEDURES

(12) No works shall commence until the applicant has agreed a method of monitoring and if necessary amending the construction of the proposed cycleway where it may conflict with a known historic interest (considered to be primarily ss. B2.2, B2.6, B2.7 & B2.8 as indicated in the 'Detailed Design Specification and Schedule' accompanying the application) which method shall have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007

NOISE

(13) Should any generator be required for the mobile catering, it shall not cause a nuisance to any nearby residential properties. Details of the generator should be submitted to and approved in writing by the Local Planning Authority

Reason:

to ensure that residents do not experience unacceptable levels of noise disturbance.

INFORMATIVE - CODE OF PRACTICE

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

<http://www.plymouth.gov.uk/homepage/environmentandplanning/pollution/noise/construction.htm> It is also available on request from the Environmental Protection and Monitoring Team: 01752 304147.

INFORMATIVE - POLLUTION PREVENTION

The Environment Agency recommends that the applicant takes into account the following pollution prevention guidance (PPG):

PPG 5 Works and Maintenance in or near water.

PPG 6 Pollution prevention guidance for working at construction and demolition sites.

PPG 7 The safe operation of refuelling facilities (mobile bowser).

These PPG notes can be found on our website via the following link:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: impact upon neighbouring amenity, impact on the local highway network, impact upon the character of woodland and its ecology and biodiversity, 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

CS18 - Plymouth's Green Space

CS19 - Wildlife

CS22 - Pollution

CS03 - Historic Environment

CS02 - Design

NPPF - National Planning Policy Framework March 2012

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PLANNING APPLICATION REPORT



ITEM: 02

Application Number: 12/01425/FUL

Applicant: Mr P McMullin

Description of Application: Extension to bungalow to provide a first-floor, forming a two-storey dwellinghouse, including front first floor balconies and rear first floor Juliet balconies.

Type of Application: Full Application

Site Address: 10 THIRD AVENUE BILLACOMBE PLYMOUTH

Ward: Plymstock Dunstone

Valid Date of Application: 17/08/2012

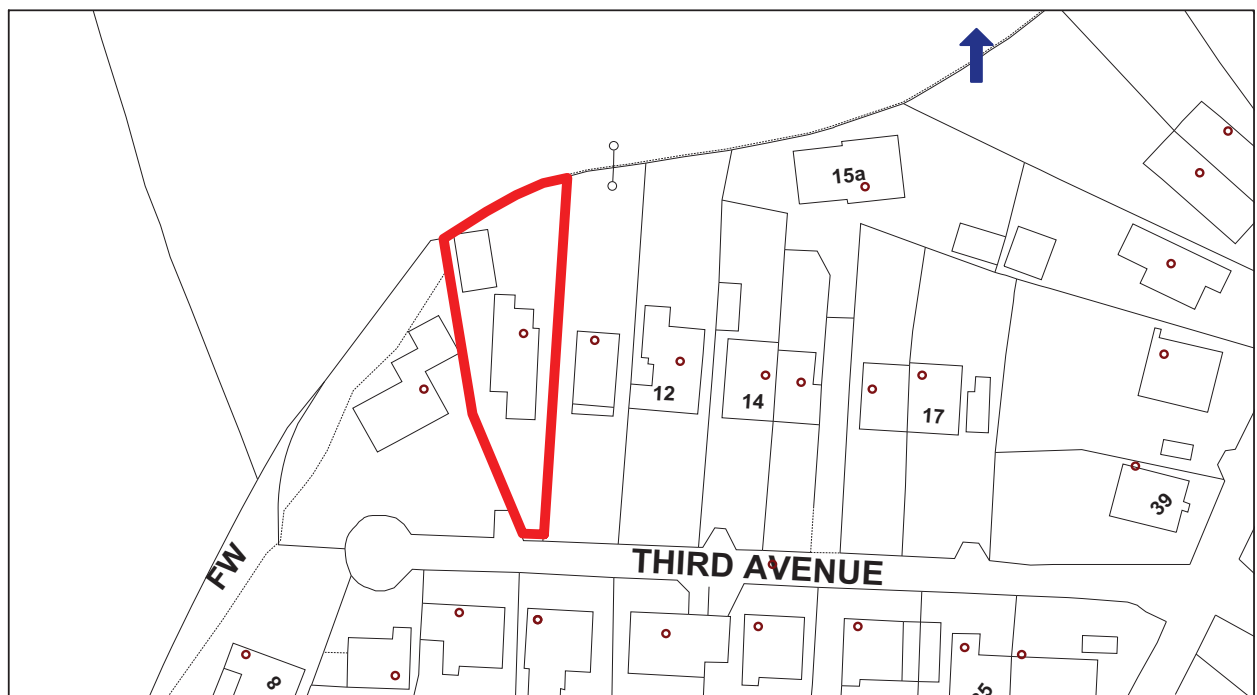
8/13 Week Date: **12/10/2012**

Decision Category: Member Referral

Case Officer : Mike Stone

Recommendation: Grant Conditionally

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



This householder application has been referred to committee by Councillor Nigel Churchill following concerns from local residents about loss of light and overdevelopment of the site.

The application was brought to the committee's meeting on 18 October 2012 when determination was deferred due to discrepancies in the plans.

At the meeting on 8th November 2012 it was deferred for a site visit.

Site Description

10, Third Avenue is a detached bungalow located on a wedge shaped plot in the Elburton and Dunstone neighbourhood. The bungalow is located in a small cul-de-sac and has a long front hardstanding and large rear garden containing a detached garage. The neighbouring property to the west is a large two storey detached house with side extensions while the one to the east is a detached bungalow.

Proposal Description

Extension to bungalow to provide a first-floor, forming a two-storey dwellinghouse, including front first floor balconies and rear first floor Juliet balconies.

Pre-Application Enquiry

None

Relevant Planning History

9, Third Avenue

89//02650/FUL - first floor extension to form two storey dwelling and erection of replacement private motor garage – Grant Conditionally.

02/00355/FUL - Single-storey front extension including provision of windows in the sides of the existing house – Grant Conditionally.

06/00609/FUL - Single-storey rear extension – Grant Conditionally.

Consultation Responses

Transport – no objection to permission being granted

Representations

Three letters of objection have been received raising the following concerns;

Overdevelopment of the site

- The property could eventually become a three storey house
- Lack of greenspace
- Loss of light to neighbouring properties
- Plans not accurate
- Too close to the boundary
- Out of character
- Loss of privacy
- Property is sub divided into self contained units
- Burden on road network.

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), and the National Planning Policy Framework. The primary planning considerations in this case are the impact on neighbour amenity and the impact on the character and appearance of the area.

The application seeks consent to convert the bungalow into a two-storey dwellinghouse by adding a second storey. At the front of the house a recessed balcony and a Juliet balcony is proposed and at the rear two Juliet balconies.

Impact on the character and appearance of the area

The property is located towards the end of a cul-de-sac and visible from the road. The neighbouring property to the west is a former bungalow that received consent to be converted to a two storey dwelling house in 1989. The property to the east is a detached bungalow. The current application at no. 10 would increase the ridge height of the property from 5.1 to 7 metres and the eaves height from 2.6 to 5 metres. The application adds a Juliet balcony and a recessed balcony to the front of the house and, while these are not features of the neighbouring properties, there is no uniform architectural style in the immediate area. The ridge roof level would be below that of the neighbouring house and above that of the bungalow and in appearance the new two storey house would not, in the officer's opinion, appear out of keeping in with the street scene. The front of the bungalow would be approximately 15 metres away from the road. For these reasons it is considered that the development would not have a detrimental impact on the character and appearance of the area. Letters of representation have raised the issue of possible over-development of the site; however the new dwelling house would easily meet the recommended minimum standards for outdoor amenity provision and internal space set out in the Development Guidelines SPD.

Impact on neighbour amenity

The two storey house to the west is set at 45 degrees to the subject property and it is not felt by officers that there would be a significant impact. The main impact on neighbour amenity would be at no. 11, the detached bungalow to the east. A letter of objection has been received from the owner of no. 11. The properties are approximately 5 metres apart. Concern has been expressed in letters of objection that the property could eventually become a three storey house. It was felt by officers that the original design would have appeared overbearing when viewed from the rear garden of no. 11 and the applicant has agreed to reduce the roof height by 1 metre and to remove the proposed rooflights. On the first floor east elevation there would be two new windows, one to illuminate the stairwell and an obscure glazed window for an en-suite bathroom. It is not felt by officers that this would result in any significant increase in overlooking. In his letter of objection the owner of no. 11 has expressed concern about possible loss of privacy resulting from the new Juliet balconies at the rear of the house but it is not considered that the impact here would be any worse than from a large rear window. The subject property is to the west of no. 11 and therefore overall loss of light would be minimal. It is accepted

that the new house would result in the loss of light to a side window of the dining area of no 11.

This forms part of a larger open plan layout with the main lounge. This area is dual aspect with windows at the front of the property. A dining room is not classified as a habitable room in the SPD and this combined with the dual aspect of the larger space means that the loss of light to the side window is not considered sufficient to warrant refusal.

Other concerns raised in letters of objection were the possible self containment of the property and the impact on the road network. In March this year a Planning Compliance Officer visited the property following a complaint about possible subdivision. He concluded that the property was occupied as a single dwelling house and that no further action should be taken. With regard to the road network transport colleagues have not raised any objections to the application.

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

Section 106 Obligations

Not applicable

Equalities & Diversities issues

None

Conclusions

It is not considered that the proposal would have an adverse impact on the character and appearance of the area or neighbour amenity and is recommended for approval, subject to the removal of permitted development rights.

Discrepancies in the plans have been brought to the attention of the applicant's agent and an amended set of drawings have been submitted.

Recommendation

In respect of the application dated **17/08/2012** and the submitted drawings I207_PL01, I207_PL02, I207_PL03, I207_PL04, I207_PL05, I207_FC04A, I207_FC05A

Reduction in proposed roof height, 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: I207_PL01, I207_PL02, I207_PL03, I207_PL04, I207_PL05, I207_FC04A, I207_FC05A.

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.

RESTRICTIONS ON PERMITTED DEVELOPMENT

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

Reason:

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

CS34 - Planning Application Consideration

CS02 - Design

SPD1 - Development Guidelines

NPPF - National Planning Policy Framework March 2012

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PLANNING APPLICATION REPORT



ITEM: 03

Application Number: 12/01780/FUL

Applicant: JD Wetherspoon PLC

Description of Application: Change of use, conversion and alteration to form public house (Class A4) including ground and first-floor rear extension, creation of beer garden, provision of rear access ramp and new shopfront

Type of Application: Full Application

Site Address: 95 TO 99 RIDGEWAY PLYMOUTH

Ward: Plympton St Mary

Valid Date of Application: 15/10/2012

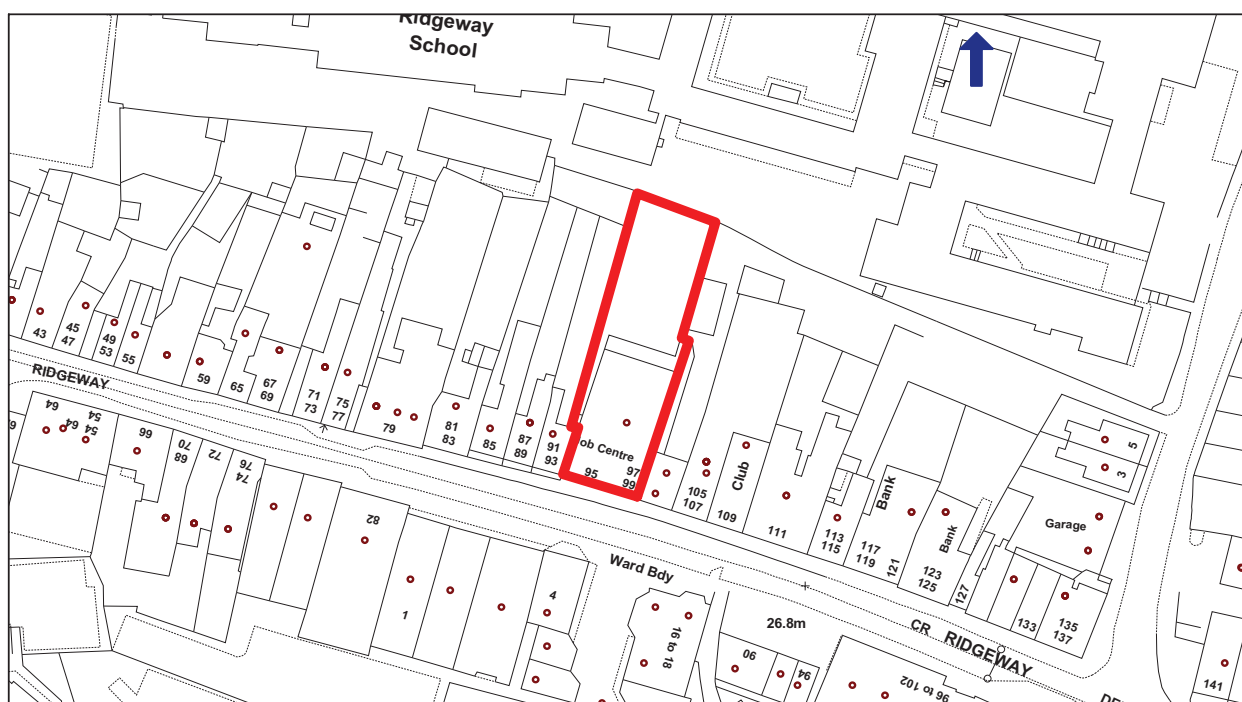
8/13 Week Date: **10/12/2012**

Decision Category: Member Referral

Case Officer : Kate Saunders

Recommendation: Grant Conditionally

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



This application is being brought before the Planning Committee at the request of Councillor Patrick Nicholson, who considers that the case is finely balanced and warrants discussion and determination at Committee.

Site Description

95-99 Ridgeway is a large building situated on the north side of the Plympton Ridgeway District Centre. The property occupies a central position within the centre and is set down from road level, with just a narrow footpath and wall to the front. The property has a large parking area at the rear, with some limited landscaping, with access being provided from Moorland Road. The site is bounded by Ridgeway School to the rear with an estate agent to the west and a shop with flat above to the east.

The property became Grade II listed in 1998, primarily by virtue of its attractive front elevation which adds significantly to the overall street scene. It should however be noted that a large, single-storey, flat-roof extension and various internal alterations took place prior to its listing, which are unsympathetic and not in keeping with the historical nature of the property.

Proposal Description

Change of use, conversion and alteration to form public house (Class A4) including ground and first-floor rear extension, creation of beer garden, provision of rear access ramp and new shopfront.

The proposal is to change the use of the property to a public house, which will necessitate a large first-floor and modest ground-floor extension to the rear. The first floor extension will span the entire area of the existing ground-floor addition; this will therefore measure approximately 6.7 metres wide by 16 metres deep and will have a hipped roof design which will not extend above existing ridge level. An additional small flat-roof extension will provide an enlarged customer area to the ground floor. A limited parking and delivery area will be retained to the rear with the rest being converted into a beer garden. A disabled platform lift will also be installed and a ramp to the first-floor will provide access to the kitchen and beer store for deliveries.

The current shopfront will be replaced and the entire front elevation will be repaired and renovated as necessary.

Pre-Application Enquiry

A formal pre-application enquiry was submitted, MI/1175/MIN; it was noted that the principle of conversion to a public house was considered acceptable. The refurbishment of the front elevation of the property, removal of the rear access ramp, creation of the beer garden and landscaping of the rear of the property was also welcomed.

There were some areas where concerns were raised or further information was requested, these include:

- The size and scale of the rear extension
- Ramp to flat roof area
- Potential impact on neighbouring residents, businesses and the school
- Mechanical ventilation and extraction system
- Relocation of refuse storage
- Boundary treatment to rear of property

Relevant Planning History

12/01781/LBC - Conversion, alteration and extension to form public house including ground and first-floor rear extension, creation of beer garden, provision of rear access ramp, new shopfront and internal alterations – Under consideration

10/02074/ADV - Non-illuminated fascia sign – Approved

10/02073/FUL - Continue temporary use as public library (Use Class D1(f)) – Granted conditionally

08/01874/FUL - Temporary change of use to public library (Use Class D1(f)) – Granted conditionally

91/01774/FUL – Demolition of existing building and reconstruction of new building behind a replica fascia – Granted conditionally

91/00962/C1884 – Change of use and conversion of premises recently approved as two new retail units to use as an employment service office – Refused

91/00585/FUL - Change of use and conversion of premises recently approved as two new retail units to job centre and employment office – Withdrawn

90/04024/FUL – Redevelopment to form two retail units with ancillary offices/storage areas above, retaining Ridgeway façade with new shopfronts – Granted conditionally

88/00409/FUL – Change of use of front ground floor room of No. 99 from building society office to shop and western half of ground floor of No. 95 – Granted conditionally

82/02366/FUL – Change of use from travel agency to estate agents and surveyors office – Granted conditionally

79/02269/C1884 – Circular 7 consultation in respect of the erection of a job centre – Granted conditionally

Consultation Responses

Highways Authority – No objections subject to condition

Police Architectural Liaison Officer – No objections

Public Protection Service – No objections subject to conditions

Representations

There have been 16 letters of representation received. Nine letters are objecting to the proposal and raise the following issues:

- Add to problems with drunken conduct in the area e.g. bad language, broken glass etc.
- Already too many pubs in the area
- Adversely affect established pubs in the area
- Worsen teenage drinking
- Further stretch police services
- Site notices not visible
- Beer garden will cause unwelcome viewing and interaction with the school
- Hours of opening of the beer garden and smoking outside the front of the premises needs to be controlled
- Work has started
- Delivery trucks may damage property

It should be noted that one of the letters of objection was a petition style letter containing 15 signatures.

Six letters received are supporting the proposal and raise the following matters:

- Provide a good quality public house
- Improved facilities compared to existing public houses in the area
- Good value services
- Create job opportunities
- Boost business for other premises in the area
- Plans are sympathetic and re-use an empty building
- Good record for managing premises

One letter was also received just querying the rights of access over the service lane, which provides access to the parking and delivery area.

Analysis

This application turns on Policies CS11, CS22, CS28, CS34 of the Local Development Framework Core Strategy (2006-2021) 2007 and the Development Guidelines and Shopping Centres Supplementary Planning Documents. Appropriate consideration has also been given to the National Planning Policy Framework 2012. The main planning considerations are the impact on the vitality of the district centre, the effect on the amenities of neighbouring residential properties and businesses, the impact on the character and appearance of the area and public disorder matters, as detailed below.

Principle of Conversion

The property occupies a central position within the Plympton Ridgeway District Centre therefore careful consideration needs to be given to the impact of the scheme on the vitality and vibrancy of the centre. The property has most recently been used as a temporary library but has lawful use as an office (class A2), previously being used as a job centre. It is noted within the recently adopted Shopping Centres SPD that the Ridgeway is formed by 100 commercial ground floor units, including 68 units within the primary frontage with 39 being in A1 use. The subject property is defined as being within the primary frontage but the unit is already in non-A1 use. The public house will continue to provide a complementary facility which should increase footfall in the area and add to the vitality of the centre. It is noted that there are other public houses within the centre although these are situated at the other end of the street; the proposal will not therefore result in a harmful overconcentration of A4 uses. The Conservative Club is situated only two doors away; however this is a member's club and does not function in the same way as a general public house. It is noted in the letters of objection received that people believe that the proposal will have a negative impact on the other drinking establishments in the area. The proposal will provide a different style public house to the other premises within the centre, in the same way that retail units may provide similar services in a varied style, which officers consider will not be out of character or cause significant harm to the function of the centre. The principle of conversion to a public house is therefore considered acceptable.

Effect on neighbouring properties and businesses

The proposal involves the construction of a first-floor extension to the rear of the property. The development will extend from the western side of the building, along the boundary with 91-93 Ridgeway. This property is in use as Fulfords Estate Agents, with an ancillary office on the first-floor. There is a large stone wall currently dividing the premises; therefore the impact of the development will be reduced. However some loss of light and outlook will occur to the first-floor office but this is considered by officers to not cause undue harm to the premises.

To the east is 101-103 Ridgeway which is in use as a retail premises on the ground floor and maisonette above. Again the impact on the retail premises is considered to be marginal but the effect on the adjoining residential property will be more significant. Although the extension will be sited 6.9 metres from the boundary, its impact will still be notable. The proposal will restrict light and outlook from the neighbouring kitchen, as well as appearing dominating and overbearing when viewed from both the habitable accommodation and courtyard and garden areas. In 2006 planning consent was granted for an extension to the rear of the neighbouring maisonette, in order to create a further unit of accommodation; however this consent has since expired. If this extension had been constructed the potential impact on the neighbouring property would have been less significant.

The subject extension is considerably smaller in scale than the extension to the Conservative Club which was approved in 2008. Concerns were raised by officers at the time this application was considered, due to the likely negative impact on No. 101-103. However Planning Committee approved the scheme and it is therefore

considered that this does now set a precedent. Officers consider that the impact of the extension at the Conservative Club on No. 101-103 is more severe than the first-floor extension proposed as part of this application. In addition it should be noted that no letter of representation has been received from the adjoining residential premises. Therefore although the impact of the first-floor extension is considered to have a detrimental impact on No. 101-103 Ridgeway, it is not considered that this could warrant refusal of the application.

In order to further minimise the impact of the proposal on the neighbouring maisonette, Ridgeway School and other neighbouring businesses and residents, a number of conditions are recommended. Little detail has been provided on the installation of mechanical ventilation or extraction equipment; conditions will therefore request additional information and cover noise levels generated by the installation of this equipment. Deliveries to the premises also have the potential to cause disturbance, so deliveries are proposed to be restricted to 09.00 to 18.00 hours to prevent high levels of noise early in the morning or late in the evening. The beer garden is likely to be well used, and its hours of use are proposed to be limited to 09.00 to 21.00 hours to reduce disturbance. This will cover the higher terrace; the lower level which is limited in size will have to be available until closing as it will form the smoking area. The bi-fold windows to the front elevation will also only be allowed to be fully open between the same hours. A letter submitted did raise concerns regarding the potential for people to congregate at the front of the property to smoke; however as a smoking area will be provided to the rear this is less likely to occur and should also be controlled by management.

The Ridgeway School raise an objection to the development as it has concerns that users of the beer garden would overlook the school site. It has been confirmed that a 2.1 metre high timber fence will be erected along the rear boundary of the beer garden to prevent any unwelcome interaction with the school.

Impact on the character and appearance of the area

The proposal will involve the replacement of the existing shopfront with a high quality timber alternative. The layout of the shopfront has been altered from the original submission in order to retain a more balanced and symmetrical appearance. In addition the slate hanging, timber windows and rainwater goods will all be sensitively repaired. The projecting clock which is also a feature of the premises will also be repaired and reinstalled. Officers consider that the development will rejuvenate this attractive but somewhat tired property which strongly contributes to the character and aesthetics of the street.

The alterations to the rear are also considered to benefit the character and appearance of the building. As alternative access arrangements are being proposed, the removal of a ramp is strongly supported by officers. The creation of the beer garden, which will use high quality materials, will soften the appearance of the property. The first-floor extension will also have a pitched, slate roof which will be more in keeping than the current, unattractive, flat-roof extension.

A small extension to the ground-floor is also proposed, which will adopt a simple design with a lantern rooflight. This alteration will not adversely affect the visual quality of the building.

Highways Issues

The highways authority notes that the proposal is similar in nature to an application (07/00575/FUL) in 2007 on nearby premises at No.111, which was refused permission due to the harmful impact on the appearance of the building and wider area. However, no highway objections were given at that time and the principle, therefore, is still acceptable for a public house in this area.

There is to be no customer parking provided to serve the public house but in this location with its close proximity to public car parks, public transport facilities and local services this is considered acceptable.

Staff access and delivery provision is made to the rear of the premises with access from Moorland Road. The 2007 planning application demonstrated that the necessary vehicles were able to serve that property at the time and in this instance the rear service area is larger, which will only improve the previously accepted arrangements. No cycle storage has been detailed on the plans although adequate space is available; a condition will therefore be imposed to ensure this is provided.

In relation to the query raised regarding access arrangements over the rear lane, the agent has confirmed that the leased area of the premises includes a rear private roadway. The other units on this road will also have a right of way over this roadway. It is understood these rights will transfer to the applicant on receipt of full planning permission and completion of lease negotiations.

Other matters

A number of the objections received express concern that the development will contribute to drunken behaviour, lead to further underage drink and be a drain on police resources. The Police Architectural Liaison Officer does not raise any objections to the proposal and considers that the development is unlikely to lead to public disorder in the area.

One letter noted that work had commenced on site. At the time of the officer site visit, on 9 November, there was no evidence that work had started and as the applicant has yet to purchase the property this is unlikely to occur.

Concern was also raised that the site notices erected were not in a suitable location. They were installed on the downpipe at the front of the property at eye level. This was the only available place as there are no streetlights or poles along the Ridgeway close to the property.

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

Section 106 Obligations

None

Equalities & Diversities issues

Level access will be provided to the front of the property, with disabled toilets also being installed downstairs. A platform lift will be provided to the rear to give access for all to the upper beer garden.

Conclusions

The conversion of this vacant building into a public house will improve the façade of this attractive property, which will positively enhance the visual quality of the street. The development is likely to improve footfall and benefit the vitality and vibrancy of the centre. All efforts have been made to minimise the impact on surrounding residential properties and business premises. The application is therefore recommended for approval.

Recommendation

In respect of the application dated **15/10/2012** and the submitted drawings 6859/PL-01, 6859/PL-02, 6859/06B, 6859/05B, 6859/03, and accompanying Heritage and 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: 6859/PL-01, 6859/PL-02, 6859/06B, 6859/05B, 6859/03.

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.

EXTRACT VENTILATION SYSTEM

(3) Prior to commencement of development, further details of the ventilation system shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the manufacturer's specifications for the proposed system including odour control equipment and expected fan noise.

Reason:

In order to protect local residents from excessive noise caused by normal use of the commercial unit in accordance with Policies CS22 and CS34 of the Local Development Framework Core Strategy (2006-2021) 2007.

ODOUR CONTROL MEASURES

(4) Prior to commencement of development, further details of the odour control measures shall be submitted to and approved in writing by the Local Planning Authority. The odour control measures shall be installed and maintained in accordance with DW/172 HVCA specification for kitchen ventilation systems and the DEFRA Jan 2005 Guidance on control of odour from commercial premises.

Reason:

In order to protect local residents from excessive noise and odour caused by normal use of the commercial unit in accordance with Policies CS22 and CS34 of the Local Development Framework Core Strategy (2006-2021) 2007.

NOISE LEVEL RESTRICTION

(5) A noise impact survey to establish current background noise levels shall be carried out and supplied to the Local Planning Authority prior to commencement of the use. Once the use has commenced, the noise emanating from the mechanical equipment (LAeqT) shall not exceed the background noise level (LA90) by more than 5dB, including the character/tonalities of the noise, at any time, as measured at the façade of the nearest residential property.

Reason:

In order to protect local residents from excessive noise caused by normal use of the commercial unit in accordance with Policies CS22 and CS34 of the Local Development Framework Core Strategy (2006-2021) 2007.

DELIVERIES

(6) Deliveries to and from the premises shall not take place between 18:00 hours and 09:00 hours on any day.

Reason:

In order to protect nearby residential properties from excessive noise, in accordance with Policies CS22 and CS34 of the Local Development Framework Core Strategy (2006-2021) 2007.

BEER GARDEN

(7) The upper beer garden hereby approved shall not be open to customers between 21.00 hours and 09.00 hours on any day.

Reason:

To protect the residential and general amenity of the area from noise and disturbance and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

ENCLOSURE BEFORE USE

(8) The use hereby approved shall not commence until the fence to the rear of the beer garden shown on the approved plan has been erected. Thereafter the said means of enclosure shall not be altered or removed without the prior written consent of the Local Planning Authority.

Reason:

To screen the site and safeguard the amenity of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

FRONT WINDOWS

(9) The bi-fold windows on the front elevation hereby approved shall not be fully open between 21.00 hours to 09.00 hours on any day.

Reason:

To protect the residential and general amenity of the area from noise and disturbance and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CYCLE PROVISION

(10) The use hereby approved shall not commence until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for 4 bicycles to be securely parked.

Reason:

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

CYCLE STORAGE

(11) The secure area for storing cycles shown on the approved details 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.

INFORMATIVE: INFORMATION SOURCES

(1) With regard to condition (4), the specification for kitchen ventilation systems may be obtained from www.hvca.org.uk, and the guidance on control of odour from commercial premises may be obtained online from DEFRA.

Statement of Reasons for Approval and Relevant Policies

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

- CS28 - Local Transport Consideration
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS11 - Change of Use in District/Local Centres
- SPDI - Development Guidelines
- NPPF - National Planning Policy Framework March 2012
- SCSP - Shopping Centres Supplementary Planning Document

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PLANNING APPLICATION REPORT



ITEM: 04

Application Number: 12/01781/LBC

Applicant: JD Wetherspoon PLC

Description of Application: Conversion, alteration and extension to form public house including ground and first-floor rear extension, creation of beer garden, provision of rear access ramp, new shopfront and internal alterations

Type of Application: Listed Building

Site Address: 95 TO 99 RIDGEWAY PLYMOUTH

Ward: Plympton St Mary

Valid Date of Application: 05/10/2012

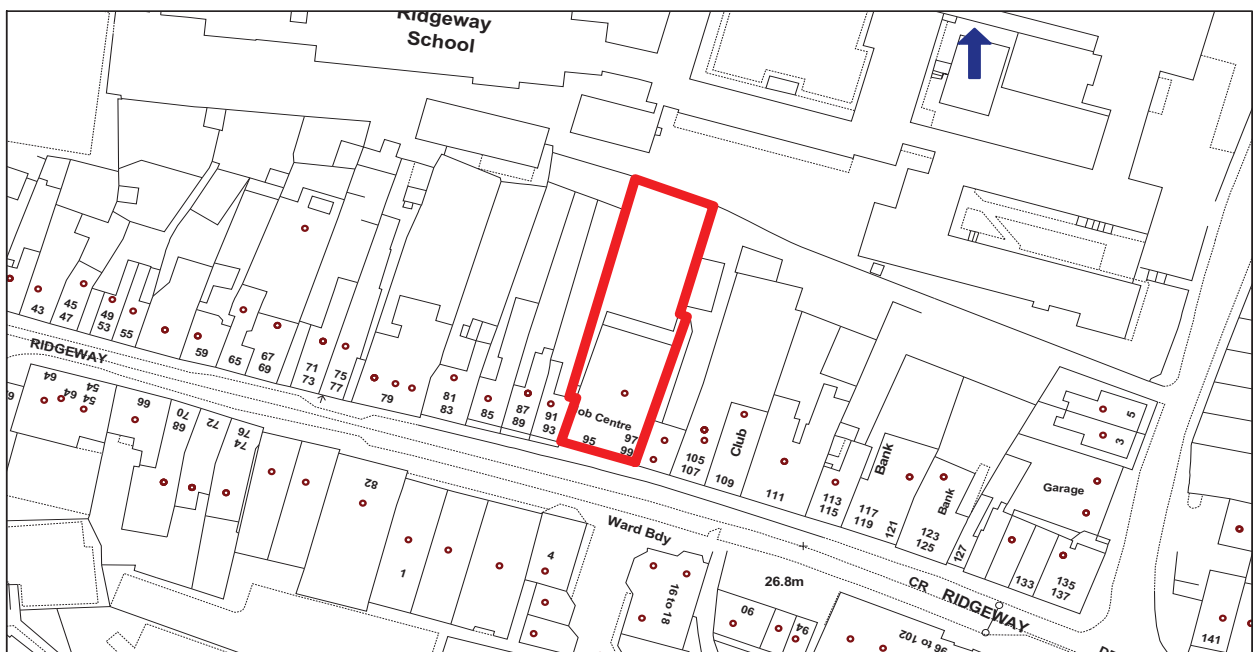
8/13 Week Date: **30/11/2012**

Decision Category: Member Referral

Case Officer : Kate Saunders

Recommendation: Grant Conditionally

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This application is being brought before the Planning Committee at the request of Councillor Patrick Nicholson, who considers that the case is finely balanced and warrants discussion and determination at Committee.

Site Description

95-99 Ridgeway is a large building situated on the north side of the Plympton Ridgeway District Centre. The property occupies a central position within the centre and is set down from road level, with just a narrow footpath and wall to the front. The property has a large parking area at the rear, with some limited landscaping, with access being provided from Moorland Road. The site is bounded by Ridgeway School to the rear with an estate agent to the west and a shop with flat above to the east.

The property became Grade II listed in 1998, primarily by virtue of its attractive front elevation which adds significantly to the overall street scene. It should however be noted that a large, single-storey, flat-roof extension and various internal alterations took place prior to its listing, which are unsympathetic and not in-keeping with the historical nature of the property.

Proposal Description

Conversion, alteration and extension to form public house including ground and first-floor rear extension, creation of beer garden, provision of rear access ramp, new shopfront and internal alterations.

The conversion to a public house will necessitate a large first-floor and modest ground-floor extension to the rear. The first floor extension will span the entire area of the existing ground-floor addition; this will therefore measure approximately 6.7 metres wide by 16 metres deep and will have a hipped roof design which will not extend beyond existing ridge level. An additional small flat-roof extension will provide an enlarged customer area to the ground floor. A limited parking and delivery area will be retained to the rear with the rest being converted into a beer garden. A disabled platform lift will also be installed and a ramp to the first-floor will provide access to the kitchen and beer store for deliveries.

The current shopfront will be replaced and the entire front elevation will be repaired and renovated as necessary.

Some internal alterations will be necessary including the removal of internal partition walls on the ground-floor and reconfiguring of the first-floor to create toilet facilities.

Pre-Application Enquiry

A formal pre-application enquiry was submitted, MI/1175/MIN; it was noted that the principle of conversion to a public house was considered acceptable. The refurbishment of the front elevation of the property, removal of the rear access ramp, creation of the beer garden and landscaping of the rear of the property was also welcomed.

There were some areas where concerns were raised or further information was requested, these include:

- The size and scale of the rear extension
- Ramp to flat roof area
- Potential impact on neighbouring residents, businesses and the school
- Mechanical ventilation and extraction system
- Relocation of refuse storage
- Boundary treatment to rear of property

Relevant Planning History

12/01780/FUL - Change of use, conversion and alteration to form public house (class A4) including ground and first-floor rear extension, creation of beer garden, provision of rear access ramp and new shopfront – Under consideration

10/02074/ADV - Non-illuminated fascia sign – Approved

10/02073/FUL - Continue temporary use as public library (Use Class D1(f)) – Granted conditionally

08/01874/FUL - Temporary change of use to public library (Use Class D1(f)) – Granted conditionally

91/01774/FUL – Demolition of existing building and reconstruction of new building behind a replica fascia – Granted conditionally

91/00962/C1884 – Change of use and conversion of premises recently approved as two new retail units to use as an employment service office – Refused

91/00585/FUL - Change of use and conversion of premises recently approved as two new retail units to job centre and employment office – Withdrawn

90/04024/FUL – Redevelopment to form two retail units with ancillary offices/storage areas above, retaining Ridgeway façade with new shopfronts – Granted conditionally

88/00409/FUL – Change of use of front ground floor room of No. 99 from building society office to shop and western half of ground floor of No. 95 – Granted conditionally

82/02366/FUL – Change of use from travel agency to estate agents and surveyors office – Granted conditionally

79/02269/C1884 – Circular 7 consultation in respect of the erection of a job centre – Granted conditionally

Consultation Responses

No external consultations requested or received

Representations

No letters of representation have been received in relation to this application. It should be noted that letters have been received in respect of the associated planning application; however the comments have no direct relevance to the consideration of the application for listed building consent.

Analysis

This application turns on Policy CS03 of the Local Development Framework Core Strategy (2006-2021) 2007. Appropriate consideration has also been given to the National Planning Policy Framework 2012. The main planning consideration is the impact on the character and fabric of the listed building, as detailed below.

The proposal involves the construction of a large first-floor extension to the rear of the property. The development will extend from the western side of the building, along the boundary with 91-93 Ridgeway. The extension is of a significant scale compared to the footprint of the original property and in many cases would not be supported. However, despite the listed status of the property, there is little historic fabric remaining apart from on the front façade. The existing single-storey, flat roof extension and previous internal alterations to allow use as both a job centre and library, mean the property has a more modern appearance both internally and at the rear. The first-floor extension will not therefore be detrimental to the historic fabric or character of the property given the significant alterations which have already taken place. In order to ensure the works are as in-keeping with the nature of the building as possible, a number of conditions are recommended to control the quality of the materials. Timber doors and windows, cast iron rainwater goods and natural slate will all be utilised.

The removal of the rear ramp and the creation of a new beer garden are welcomed as this will positively enhance the rear of the property. The very high stone wall that runs adjacent to the beer garden may require some repointing and removal of vegetation. Further details of the proposed fencing and floor surfaces to be used around the gardens and parking area as well as the steps to the new beer garden will be required.

The proposals to restore the front elevation are supported as this is beneficial to the street scene and will enhance the character and appearance of the area. The heritage statement clearly indicates that works will primarily involve repair, ensuring as much historic fabric is retained as possible. Where new slates are required for

the roof and slate hanging, a good match will be essential. The alterations retain a symmetrical appearance on the shopfront and will ensure that the works positively contribute to the aesthetic quality of the area. The shopfront is proposed to be of a high quality, using timber, which will be a significant improvement on the current structure. Full details would be required by condition in order to ensure all works are as sympathetic as possible.

Section 106 Obligations

None

Equalities & Diversities issues

A level access will be provided to the front of the property with disabled toilets also being provided downstairs. A platform lift will be installed to the rear to give access for all to the upper beer garden.

Conclusions

The conversion of this vacant building in to a public house will improve the façade of this attractive property, which will positively enhance the visual quality of the building and street. The extension to the rear, although large, will not cause significant harm to the character or historic fabric of the property. This application is therefore recommended for approval.

Recommendation

In respect of the application dated **05/10/2012** and the submitted drawings 6859/PL-01, 6859/PL-02, 6859/06B, 6859/05B, 6859/03, and accompanying Heritage and Design and Access Statement, it is recommended to: **Grant Conditionally**

Conditions

TIME LIMIT FOR COMMENCEMENT

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

Reason:

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

USE OF NATURAL SLATE

(2) The roof shall be clad using natural slate, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any works commence. The slates shall be fixed using nails.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SUBSEQUENT APPROVAL OF DETAILS

- (3) No works shall commence until further details and particulars of the following have been submitted to and approved in writing by the Local Planning Authority:
- (a) all new external openings including doors, fenestration, extractors and vents;
 - (b) all means of external lighting (attached to or separate from the building);
 - (c) the height, design and position of new walls, fences and steps;
 - (d) the treatment of all external surfaces not covered by the buildings;
 - (e) internal staircase; and
 - (f) all new rainwater goods and external pipe work.

The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed works do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF SHOPFRONT

- (4) No works shall commence on site until details of the proposed shopfront have been submitted to and approved in writing by the Local Planning Authority. The shopfront installed shall conform to the approved details.

Reason:

To ensure that the details of the proposed works do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007

LANTERN ROOFLIGHT

- (5) No works shall commence until details of the proposed lantern rooflight have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE - STONE BOUNDARY WALL

- (1) The applicant is advised not to alter the concrete supports at the base of the stone wall, which runs along the boundary with No. 91-93, as it could prove dangerous.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the effect on the Listed Building, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed works are acceptable and comply with (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 (b) relevant Government Policy Statements and Government Circulars, as follows:

CS03 - Historic Environment
NPPF - National Planning Policy Framework March 2012

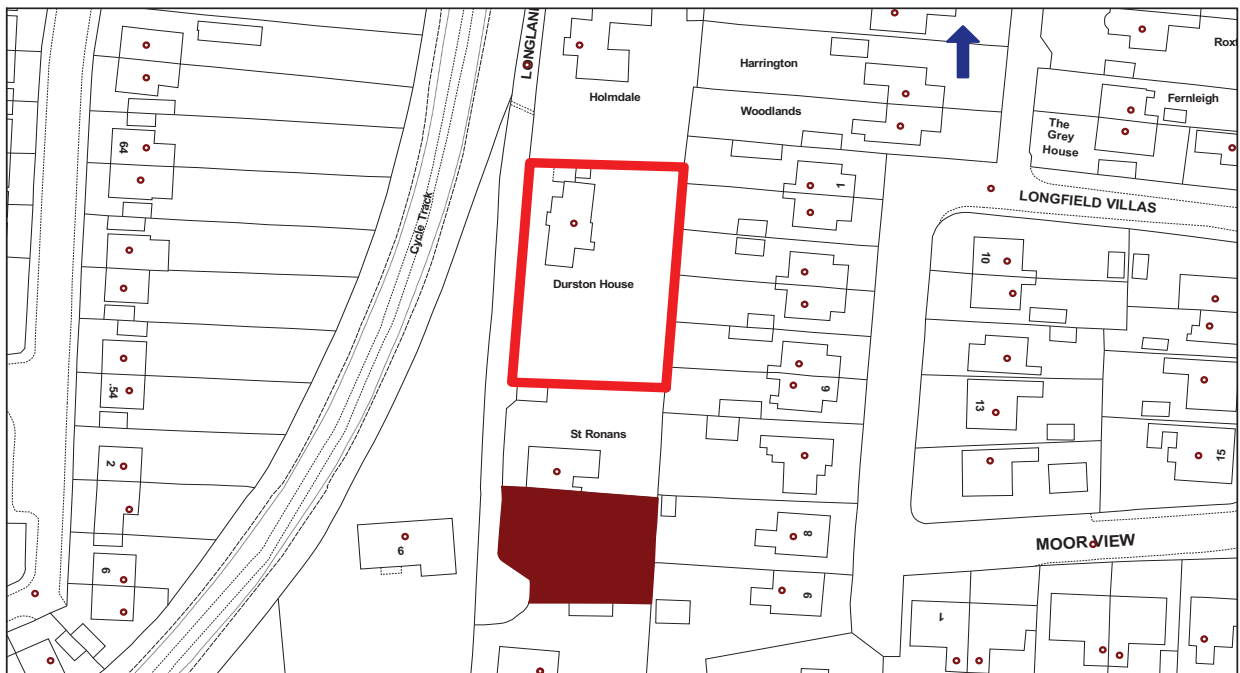
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PLANNING APPLICATION REPORT



ITEM: 05

Application Number:	12/01894/FUL
Applicant:	Mr Paul Harte
Description of Application:	Demolition of existing house and erection of 2 detached dwellings
Type of Application:	Full Application
Site Address:	DURSTON HOUSE, LONGLANDS ROAD PLYMOUTH
Ward:	Plymstock Radford
Valid Date of Application:	29/10/2012
8/13 Week Date:	24/12/2012
Decision Category:	Member Referral
Case Officer :	Simon Osborne
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



This application has been referred to committee by Councillor Ken Foster who has concerns regarding the need to demolish the existing house, the impact on the streetscene, and the impact on highways.

Site Description

Durston House is two storey dwelling located in Plymstock. The property lies on a fairly level site on the east side of Longlands Road and is bounded by neighbouring dwellings to the south and north and the rear gardens of dwellings along Longfield Villas to the east. Longlands Road is a narrow private single carriageway cul de sac with the characteristics of a lane.

Proposal Description

The proposal is for the demolition of the existing house and the erection of two two-storey detached dwellings. The dwellings would provide four bedrooms.

Pre-Application Enquiry

There was no formal pre-application advice.

Relevant Planning History

12/ 01894/FUL- Erection of 3 detached dwellings- Withdrawn (due to lack of bat survey).

Consultation Responses

Transport – awaiting comments

Public Protection – No objections subject to conditions and informatives.

Representations

11 Letters of objection have been received regarding this application. The issues raised are:

- Impact on highway of additional users
- Impact on highway during construction
- Dwellings are out of keeping, especially the cladding.
- Density of dwellings out of keeping.
- Parking issues
- The properties are 'high impact'
- Increase in traffic will be dangerous to vehicles and pedestrians given the narrowness of the road.
- Overlooking from first floor windows.
- Impact on trees
- Impact on wildlife including bats and badgers which can often be seen.
- Construction noise and disturbance
- Children's safety.
- The existing house is not derelict, why demolish it?
- Sewage arrangements are not clear.
- Access for emergency services will be affected during construction.
- Bat survey is inadequate
- Access rights, ownership issues.

Analysis

This application primarily turns upon policies CS02 (Design), CS15 (Overall Housing Provision), CS22 (Pollution), CS28 (Local Transport Considerations) and CS34 (Planning Application Considerations) of the adopted Core Strategy and the Development Guidelines Supplementary Planning Document (SPD). Appropriate consideration will also be given to the National Planning Policy Framework (NPPF).

The primary planning considerations in this case are deemed to be: the impact on the streetscene and the visual quality of the area; the impact on neighbouring amenity; the residential amenity of the proposed accommodation; the provision of parking and highway safety implications; contaminated land; nature conservation; and local finance considerations, as discussed below.

Streetscene

Longlands Road is a narrow private cul de sac that is characterised by fairly large dwellings which on the most part have little uniformity. The proposed dwellings would be similar in scale and massing to existing houses found along the street and retain to some extent the open feel of the street having a 6 metre gap between the two proposed dwellings. It is worth noting that the number of dwellings has been reduced from 3 to 2 since the previous application in response to concerns raised. The design and materials proposed are considered to be in keeping with the area and appropriate in this location. The point made in the letters of representation regarding cladding is noted however it is considered that the cladding adds interest to the dwellings and given the lack of clear uniformity in the street it does not significantly alter the character of the area.

Further to the above, given the location of the site along a narrow private cul-de-sac officers consider that the dwellings would not be located in a prominent location and therefore would not detract from the character or visual appearance of the wider area in accordance with policies CS02 and CS34.

Neighbouring Amenity

The proposed dwellings would be located a considerable distance from existing neighbouring dwellings. The existing adjacent dwellings to the side are approximately 14.5 metres and 19 metres away and the dwellings to the rear would be approximately 30 metres away. Officers consider therefore that the proposals would have no significant impact in terms of loss of outlook or light and would not appear unreasonably overbearing. However the proposed first floor windows in the side elevations of the proposed dwellings may cause some overlooking of the adjacent dwellings side gardens. These windows are secondary windows and therefore it is recommended that obscure glazing of the windows is secured by condition.

Residential Amenity

It is considered that the proposed properties would enjoy adequate outlook and light in accordance with the principles in the Development Guidelines SPD. All ground and first-floor habitable rooms are served by sufficient windows. The proposed four-bedroom dwellings would exceed the 106 sqm minimum size standards of internal floor space set out in the Development Guidelines SPD and adequate outdoor amenity space has been provided (in excess of 100m² per dwelling as recommended in the SPD).

Your officers are satisfied that the proposed dwelling and associated plot size provides a good standard of residential accommodation in accordance with policy CS34.

Transport Considerations

The sole means of access to the application site is from Longlands Road which is a relatively narrow private cul-de-sac road, averaging in the order of approximately four metres in width, although it varies somewhat along its length. The private Longlands Road currently serves and provides vehicle access for in the order of 11 dwellings, and vehicle speeds generally appear to be low within the vicinity. Inter-visibility at the existing junction of Longlands Road and Honcray is considerably reduced with little opportunity for improvement, and reasonable caution is required to ensure safe use. PCC records indicate there haven't been any incidents of recorded accidents in the vicinity of the junction of Longlands Road and Honcray in the past three years. On balance Transport considers that the extra vehicular traffic movements generated by the one additional dwelling is unlikely to be detrimental to the safe function of the access/egress or the private or public roads, especially given the generally low vehicle speeds in the vicinity. In this respect the development is considered to be in accordance with CS28 and CS34

It is noted that Transport has highlighted a possibility that may slightly improve this situation and have recommended a condition to secure works at the junction. However it is not considered that this condition is required to ensure the proposal is acceptable and therefore it would be inappropriate to attach such a condition.

The application indicates that each of the family sized dwellings would have three off-street car parking spaces, two spaces within a double garage and one external hard-standing, along with sufficient space to turn a car within the application property. The double garage would provide sufficient space for storage of items such as lawn mowers, bicycles, etc, and also space to park one car. In addition to the double garage, there would be a further external parking space, and a turning area. It is considered that altogether the development would provide sufficient parking and turning provision to serve the needs of the development in accordance with CS28 and CS34.

Transport recognised that the construction is likely to be disruptive and could have a considerable impact on existing residents and the use of the very constrained Longlands Road. Construction traffic might also be liable to cause damage to the surfaces of the roads in the nearby vicinity, especially the private Longlands Road and

therefore has recommended a code of construction condition which is considered appropriate.

Transport has also recommended conditions regarding a risk assessment and repatriation of damage to Longlands Road. A risk assessment condition is considered unreasonable and the developer will have such duties under other legislation. However it is recommended that this issue is brought to the applicant's attention via an informative. A condition to secure repair to a private road is considered unreasonable and inappropriate in planning terms. This is a private matter between interested parties and where necessary the highway authority.

Nature conservation

The applicant has submitted a report that states that an internal and external inspection of the house has been undertaken and no signs of bats or nesting birds have been found. The consultant does not consider that further survey work in the spring is necessary which is agreed. However given the reports of badgers and other wildlife in the vicinity it is recommended that a biodiversity condition is attached to secure a habitat survey and appropriate mitigation if required. It is also considered appropriate to secure retention of existing trees and hedges (as proposed) by condition.

Contaminated Land

A report (Cornwall Geo-environmental for Cogi Design) has been submitted in support of the application. The Public Protection Service has some concern regarding the risk assessment conducted, particularly with regard to the sources considered and the contaminant linkage assessment that has been carried out for hydrocarbons and poly aromatic hydrocarbons (which are distinct contaminant groups due to significantly different source derivation, with very specific fate, transport and uptake mechanisms). The potential for contamination associated with asbestos and/or asbestos containing materials in the existing residential development has not been considered, despite the proposal for demolition.

The Envirocheck report appended to the report flags the potential for filled and made ground within the vicinity (250m) of the site but no ground gas risk assessment has been carried out with respect to these areas. As limestone has been identified on site and also natural cavities in the general site vicinity, this is concerning. The ground gas risk assessment that has been carried out, relating to Bedford Quarry (on page 15) suggests consideration be given to incorporation of ground gas protection in the final development but then refers the developer to guidance that is specific to radon and not ground gases commonly associated with filled/made ground such as methane and carbon dioxide.

Overall, based on PCC records, independent data held and general assessment of the site, consideration of ground gas protection measures to be incorporated into the building design is noted and supported. As further risk assessment and /or investigation and remediation in this area may be required, conditions are recommended to support further work.

An informative regarding asbestos is also recommended

Local Finance Considerations

Local finance considerations are now a material consideration in the determination of planning applications by virtue of the amended section 70 of the Town and Country Planning Act 1990. This development will generate a total of approximately £14,390 in New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in the report, continue to be the matters that carry greatest weight in the determination of this application.

Other issues raised in letters of objection

With regard to the issues raised regarding sewage arrangements, no objections have been received from South West Water. This issue is also controlled via building regulations. Likewise the application has been sent to the emergency services and no objections have been received from them regarding access. Access rights and ownership issues (including maintenance of private roads) are private issues and not a material planning consideration.

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

Section 106 Obligations

Not applicable.

Equalities & Diversities issues

No further issues.

Conclusions

It is considered that the proposal complies with the relevant policies and therefore the application is recommended for approval.

Recommendation

In respect of the application dated **29/10/2012** and the submitted drawings LR/PA/001A, LR/PA/009A, LR/PA/007, LR/PA/008, PH/PA/011, PH/PA/012, PH/PA/013, PH/PA/014, PH/PA/015, PH/PA/016, PH/PA/021, Phase I Contamination Report (Cornwall Geo-environmental Limited), Bat and Owl Survey (dated 4th October) 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: LR/PA/001A, LR/PA/009A, LR/PA/007, LR/PA/008, PH/PA/011, PH/PA/012, PH/PA/013, PH/PA/014, PH/PA/015, PH/PA/016, PH/PA/021

Reason:

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

EXTERNAL MATERIALS

(3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings 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.

BIODIVERSITY

(4) No development shall take place until a Phase I habitat report containing details of a mitigation and enhancement strategy has been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall include consideration of protected species (e.g. reptiles, nesting birds, badgers, lighting (including periods of darkness when the site is not in use), and timings of tree/scrub/hedgebank creation and removal, and shall demonstrate that net biodiversity gain will be achieved. The approved details shall be strictly adhered to during the course of development and thereafter so retained unless the written agreement of the LPA is provided to any alternatives.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with policies CS19 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LANDSCAPE DESIGN PROPOSALS

(5) 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, planting plans; written specifications, schedules of plants and trees and proposed numbers.

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.

DETAILS OF BOUNDARY TREATMENT

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

OBSURE GLAZING

(7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order or the 1995 Order with or without modification), the first-floor windows in the side elevations of the proposed dwellings shall at all times be obscure glazed and non-openable unless the parts that can be opened are 1.7 metres above floor level of the room they serve.

Reason:

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

EXISTING TREE/HEDGEROWS TO BE RETAINED

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

(a) No retained 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 the approved plans and particulars (or in accordance with Section 9 of BS 5837:2005 (Guide for Trees in relation to construction) before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground areas within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

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

CODE OF CONSTRUCTION

(9) Prior to the commencement of development approved by this planning permission the developer shall submit a Code of Practice for the site that outlines how they intend to prevent or control any nuisance arising from any work carried out. The Code of practice must comply with all sections of the Public Protection Service, Code of Practice for construction and demolition sites, with particular regards to the hours of working, crushing and piling operations, control of mud on roads, the control of dust, and e. the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material.. All sensitive properties surrounding the site boundary shall be notified in writing of the nature and duration of works to be undertaken, and the name and address of a responsible person, to whom an enquiry/complaint should be directed.

Reason:

The proposed site is in immediate vicinity to existing residential properties, whose occupants will likely be disturbed by noise and/or dust during demolition or construction work and to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LAND QUALITY

(10) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved (other than that required to be carried out as part of an approved scheme of remediation) shall not commence until conditions 11 to 13 have been complied with. If unexpected contamination is found after the development hereby approved has commenced, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 14 has been complied with in relation to that contamination.

Reason:

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

SITE CHARACTERISATION

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

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

(ii) an assessment of the potential risks to:

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

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

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

Reason:

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

SUBMISSION OF REMEDIATION SCHEME

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

Reason:

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

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

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

Reason:

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

REPORTING OF UNEXPECTED CONTAMINATION

(14) 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 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, 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 13.

Reason:

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

CAR PARKING PROVISION

(15) The building shall not be occupied until the car parking area shown on the approved plans has been drained and surfaced in accordance with the details

submitted to and approved by the Local Planning Authority, and that area shall not thereafter be used for any purpose other than the parking of vehicles.

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.

INFORMATIVE: ASBESTOS

(1) The application relates to the demolition of parts of the building. As such, controls must be in place to prevent exposure to asbestos. The Control of Asbestos at Work Regulations 2002 imposes duties on all employers with respect to asbestos. One of these is the duty to manage asbestos.

The person in control of the premises must:

- Take reasonable steps to determine the location and condition of materials likely to contain asbestos.
- Presume materials contain asbestos unless there is strong evidence that asbestos is not present.
- Make and keep an up to date record of the location and condition of any asbestos containing materials (ACMs) or presumed ACMs in the premises.
- Assess the risk of the likelihood of anyone being exposed to fibres from these materials.
- Prepare a plan setting out how the risks from the materials are to be managed, take necessary steps to put the plan into action and review and monitor the plan periodically.
- Provide information on the location and condition of the materials to anyone who is liable to work on or disturb them.

The Control of Asbestos at Work Regulations 2002 apply to any work in which asbestos is encountered, whether intentionally or not. Certain work with asbestos may only be undertaken by licensed contractors. You may need to seek specialist advice from an asbestos surveyor, a laboratory or a licensed contractor before taking any action. Due to the nature of the proposed work any enforcement action will fall to the HSE.

INFORMATIVE: CODE OF PRACTICE

(2) A copy of the Public Protection Service, Code of Practice for Construction and Demolition Sites is available on request from the Environmental Protection and Monitoring Team on 01752 304147

or from:

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

INFORMATIVE: RISK ASSESSMENT

(3) The applicant is advised that before any development is commenced, a Risk Assessment be undertaken to identify and assess all risks associated with the proposed development, and to identify measures to mitigate the risk and

safeguard the impact of all construction and associated operations both on and off-site, including as they might relate to access and egress and any operations or impacts external to the site and in particular as they might relate to Longlands Road. Consideration should be given to measures to manage the risk associated with all associated traffic including deliveries and the use of a 'Banks-man'.

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

- CS28 - Local Transport Consideration
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS19 - Wildlife
- CS02 - Design
- CS15 - Housing Provision
- SPD1 - Development Guidelines
- NPPF - National Planning Policy Framework March 2012

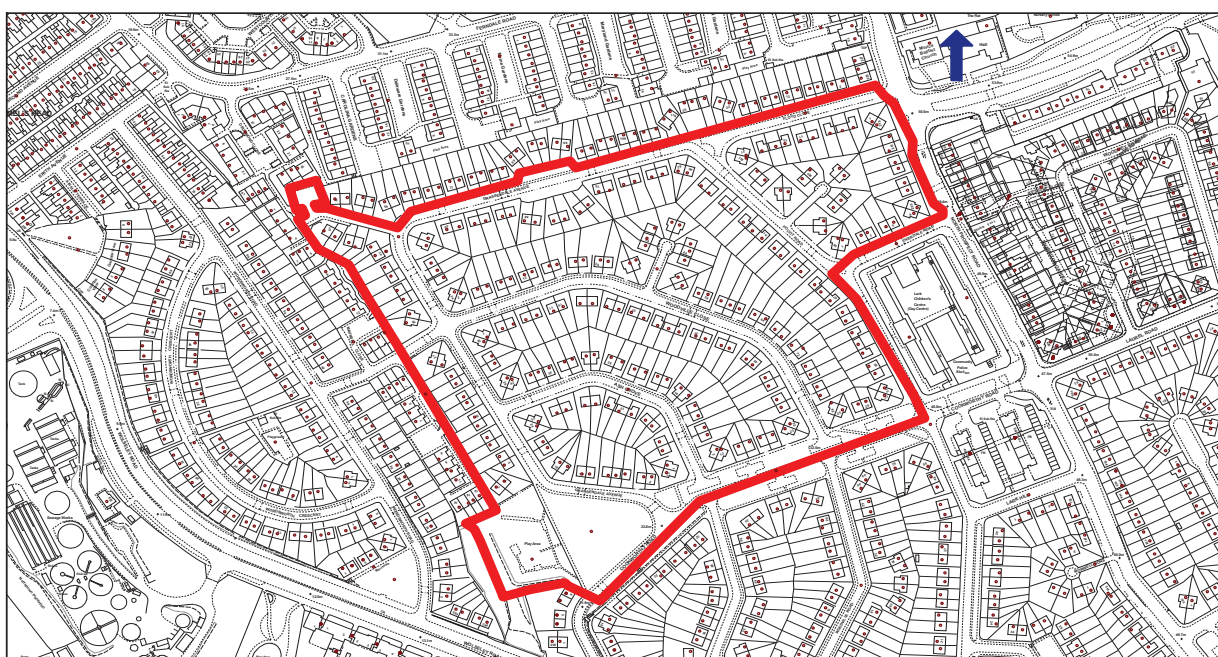
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PLANNING APPLICATION REPORT



ITEM: 06

Application Number:	12/01304/FUL
Applicant:	BDW Trading Limited
Description of Application:	Redevelopment of site by erection of 347 new mixed tenure homes in the form of 60 flats and 287 houses with associated parking and improvements to Cookworthy Green
Type of Application:	Full Application
Site Address:	WOODVILLE ROAD PLYMOUTH
Ward:	Ham
Valid Date of Application:	08/08/2012
8/13 Week Date:	07/11/2012
Decision Category:	Assistant Director for Planning Referral
Case Officer :	Carly Kirk
Recommendation:	Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 31 st January 2013
Click for Application Documents:	www.plymouth.gov.uk



This application has been brought to planning committee as it has been referred by the Assistant Director of Planning. The reason for this referral is that there are finely balanced policy issues that it is considered committee members should be made aware of.

Site Description

This application is the second phase of a major regeneration scheme at North Prospect, covering an area of 7.3 hectares. The Phase 2 site currently contains a total of 240 houses. The construction of the first phase of development, to the North East of the site, is now well underway and some houses have been sold or let and are now occupied.

The rest of the Phase 2 site is largely surrounded by former Council owned property, laid out in the garden city form typical of the whole estate. Densities in this part of the estate sit around 32 dwellings per hectare, with most properties being larger family houses with substantial private gardens.

The largest area of greenspace in the North Prospect regeneration area is Cookworthy Green which sits to the South and East of the Phase 2 site.

The site slopes steeply from North Prospect Road towards Cookworthy Green, with a fall in excess of 23m across the area covered by the application.

Proposal Description

The demolition of 240 houses and replacement with 347 new properties, the majority (83%) would be houses. This will result in an increased density of around 42 dwellings per hectare.

174 affordable homes and 173 private sale homes would be provided.

597 parking spaces are proposed equating to a provision of 1.72 spaces per home.

This application makes provisions for new open space in addition to enhancing the existing open space of Cookworthy Green and Road.

Pre-Application Enquiry

8 pre-application meetings were held over a period of 4 months. The submitted scheme reflects that discussed at pre-application stage.

Relevant Planning History

12/00825/31- Determination as to whether prior approval is required for the demolition of 240 buildings- PRIOR APPROVAL NOT REQUIRED.

11/01384 (REM) Reserved matters application (access, appearance, landscaping, layout and scale) for the erection of 26 houses and 5 flats and the erection of a community hub building with mixed uses including multi-use community hall, retail, nursery and office space with 58 flats above and public open space (demolition of

existing buildings including school, flats and associated garages) - GRANTED CONDITIONALLY.

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

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

Consultation Responses

Local Highway Authority- no objections subject to a junction upgrade being secured by S106 agreement and conditions being attached relating to street details, road alignment and drainage, completion of roads and footways, access for contractors, provision of the parking area, cycle provision, a code of practice for construction, extinguishment of the highway and grampian conditions securing access/ highway improvements.

South West Water- no objection, there is capacity within the infrastructure to serve the development proposal.

Public Protection Service- recommend approval subject to conditions being attached to any approval regarding land contamination, a code a practice, wheel washes and road sweeping.

Highways Agency- no objections, however suggest that a comprehensive travel plan be secured by condition.

Policy Architectural Liaison Officer- no objections.

Devon Fire and Rescue- no comments received.

Archaeologist- no objections, the Historic Environment implications of this proposal are adequately covered in the assessment which accompanies the application. The proposed mitigation is a building recording programme; this is deemed appropriate and shall be secured by condition.

Environment Agency- no objection however recommend that a condition be attached to ensure the construction and maintenance of a sustainable drainage system to control surface water.

Parks Services- no objections.

Representations

4 letters of representation. 3 objecting for reasons that include:

- The building of two houses on the car park located down from Grassendale towards Maunsell Close would result in a loss of parking to existing residents and would cause problems to the sewerage pipe below.
- Object to the way PCH have gone about purchasing homes.

One letter neither objects nor supports the proposal but comments specifically on the tree works proposed and the method for replanting.

Analysis

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

The considerations for this proposal include the needs of the local community and wider area, the impact on neighbouring properties, on the highway and trees, the design and amenity of the residential units proposed and the aim to create a sustainable linked community. The main policies relevant to this planning application are CS01, CS02, CS03, CS15, CS16, CS18, CS19, CS20, CS21, CS22, CS28, CS30, CS31, CS32, CS33 and CS34 of the adopted Core Strategy, the Planning Obligations and Affordable Housing SPD, the North Prospect Sustainable Neighbourhoods Assessment, the National Planning Policy Framework and the draft North Prospect Area Planning Statement (APS), although this can only be given minimal weight at this stage.

This application did form the subject of pre-application discussions, which proved vital in shaping the layout, design and amenities of the scheme that has emerged.

Community Consultation

A Statement of Community Involvement was submitted with this application.

A series of consultation events held by Plymouth Community Homes have been undertaken. This included two public exhibitions, one immediately after the bid process to gain views on the location of the public open space and more recently to explain how the design had developed and to discuss the internal arrangements of the homes. Presentations took place with Ward members where they were able to offer valuable input, particularly around the frontage to Cookworthy Road. Discussions also took place with Plymouth Community Homes board that included a number of representatives from the local community. A project website and freephone information line was also available to the public.

It is considered that thorough public consultation has taken place in accordance with Plymouth City Council's Statement of Community Involvement.

Layout and Building Form

The Layout of the site retains the existing road network and provides new pedestrian links creating a permeable network that encourages the connection of existing and newly proposed facilities. The retained existing street network will create a strong connection to the community hub.

The intention as discussed at pre-application stage was to retain as many trees as possible along Cookworthy Road to create a linear park. This will provide a strong link down from the new Community Hub and improve the character and aspect of future phases in the redevelopment.

Due to the extensive fall across the site (approximately 23m or the equivalent to 9 residential storeys) special care has been taken in the design work to undertake engineering and sectional analysis of the site. The principles for building heights reflect the overall road hierarchy with 2 storeys along the lanes, 2 and 2.5 storeys along the avenues and 3 storeys to key landmarks and frontages such as Cookworthy Green and the junction of Ham Drive and North Prospect Road.

The overall form the buildings take has emerged from a combination of their roof orientation for solar collection and by their relationship to the contours. Along the avenues the homes are arranged in semi-detached configurations. Many of these homes are split level to negotiate the site with 2.5 storeys to the street side and 1.5 storeys to the garden side - maximising light into gardens and minimising the impact on the adjacent properties.

A number of lanes and avenues will be created. The lanes are steeper with the road running up the contours. The form is thus switched with front doors stepping up the slope and predominantly gable frontages to the street. Cookworthy Road and Grassendale Avenue share the steeper character of the lanes and thus their overall form is similar, with a stepping roof form. Their greater importance in the overall street hierarchy is signified by variations in materials and details as well as the make up of the adjacent roads.

The Cookworthy Green frontage takes the gabled form that is expressed in Phase I and through the lanes; the building here would have a series of three storey bays interconnected by balconies.

The layout and building form work with the existing gradients of the site and are deemed to accord with Policies CS02 and CS34.

Open Space Proposals

A number of enhancements are proposed to Cookworthy Green including improved play facilities, nature trails, habitats and sculpture parks. The proposals reflect the comments received during the consultation exercises undertaken prior to submission.

It is intended that improvements to Cookworthy Green will strengthen links to the west across Wolseley Road and create a new gateway to North Prospect. As well as these improvements to the 5800 sqm of public open space, it is also intended to provide 500 sqm in the new public realm and green space at the centre of the proposal and 1585 sqm of public open space along Cookworthy Road (including 350 sqm of new green space).

The Council's Parks Department welcome the creation of an improved Cookworthy Green with integrated play on the Green itself along with the pocket park proposed to the north of phase 2. The design of Cookworthy Green concentrates formal play provision to the eastern side of park to create a more active zone of approximately 2500 square metres. To the west is a level open area of over 3500 square metres for more informal recreation such as kickabout space.

The play areas in the park have been arranged to create clear distinctions between different types of activity and age groups, so there will be an enclosed play space for under 8's, an open play space for older children which is adjacent to the MUGA which will be retained and upgraded. The under 8's play space is over 500 square metres and is fenced to provide a safe dog free area. It combines a variety of different types of play experience - balancing, rocking, climbing, swinging, sliding, jumping, crawling and rotating. In addition, imaginative play will be encouraged by the incorporation of dynamic and undulating landforms to provide slopes for elements such as embankment slides and rope climbs. These sunny banks have the added benefit of providing informal sitting and viewing places. Seating is provided for accompanying adults and siblings.

A large exciting piece of play equipment is provided for the older children which incorporates a range of activities. The existing MUGA will also be enhanced and semi-enclosed, protecting it from the road but keeping it open to the park. A low mound is provided adjacent to Cookworthy Road to provide a buffer to the street.

The proposed expansion of Cookworthy Green will enable the creation of a large open area allowing informal sports to take place and give an enhanced feeling of space in general.

Much debate was had during pre-application discussions regarding the treatment of Cookworthy Road, the aim was to create a liner park linking the Community Hub to Cookworthy Green, in doing this the aim was retain as many trees as possible along here whilst incorporating the required amount of parking. The proposals reflect what your officers believe to be the best solution; a green link is made which is strengthened by retaining all of the existing trees along this road.

The open space proposals are deemed to be acceptable and comply with Policy CS18 and the aims set out in the draft North Prospect APS.

Landscaping Strategy

The most significant impact the proposed redevelopment will have is the loss of existing street trees. Of the 156 street trees present within this phase, 122 will be removed. It has been identified that it will be possible to successfully retain 34 trees at key points in the street layout.

Although a high number of trees will have to be lost the reason for this is understood, the levels over the site are problematic and this together with the requirement for level access for lifetime homes and the provision of services to the homes from the road all make the retention of trees very difficult.

It is not considered appropriate to retain trees that will be so compromised by the works around them that they eventually die and have to be replaced. It is therefore accepted that the proposed tree removal and replacement with 159 new street trees is the best way forward. In accepting this it is imperative that the Council ensures the successful retention of the 34 existing trees and the successful long term establishment of new street trees. The protection of trees needs to be carried out effectively, a site monitoring schedule has been agreed to ensure successful tree retention and protection.

For the Cookworthy Road link the paths proposed near retained Limes must be hand dug to protect roots. The new street tree planting proposed is semi - mature small Leave Limes and Field Maples for the avenues. The Limes, in order to reach maturity and last for 60-70 years, will need adequate soil volume and therefore a Silva cell type system will be used beneath the parking areas to provide enough soil volume for the new trees to establish and thrive. Conditions shall be attached to any grant of planning permission to ensure that trees are successfully retained, protected and that re-planting and new planting is done properly.

Having worked closely with the applicant at pre-application stage and through the application the landscaping proposals can be supported and are deemed to be in accordance with Policy CS18 and the aims of the North Prospect APS.

In terms of the hard landscaping works a number of different materials are proposed which are considered to be consistent with the character of development. Feature paving at junctions and thresholds will be used to create a sense of arrival and subdivide streets. A mixture of paving and macadam surface finishes are proposed to the carriageway, with parking areas delineated in smaller parking units. The materials proposed are deemed to be acceptable and therefore accord with Policy CS02.

Design and Materials

The buildings would be predominantly render with warmer and stronger colours used in the lanes and more mellow natural tones used in the Avenues. In more highly trafficked areas, such as those around doors and at some gables where there is street frontage a reconstituted stone is proposed as this will be more hard wearing. At key landmark locations a natural stone is used to create gateway features - specifically the flat blocks to Cookworthy Green and North Prospect Road. Windows are typically proposed as white uPVC, with grey uPVC to frontages along the lanes and Cookworthy Green to contrast with their stronger colours and connect with the window frame colour of the hub.

While the preference would be to have all houses with grey windows, doors and fenestration to reflect that shown in the bid documents and initial masterplan, the proposals to have grey fenestration to housing along key routes is accepted and therefore the proposal is deemed to accord with Policy CS02.

Amenity of proposed/ existing dwellings

Not all units would be of a size that complies with the guidance given in the Development Guidelines SPD and the Council has expressed concern at this. As a result of negotiations with the applicant, there have been amendments to the proposals so that the number of units complying with the guidance has been increased to 62%. Some of these fall short of the guidance by a minimal amount and all the remaining units that do not comply would meet the Homes and Communities Agency size guidelines. Therefore while your officers would like to see more units meeting guidance given in the SPD, given that the units meet HCA standards it is not considered reasonable to refuse the application on this basis.

84% of the dwellings proposed would comply with the amenity space guidelines in our Development Guidelines SPD so although some would fall short of this standard some would be larger and therefore it is deemed that a suitable mix of garden sizes will be provided.

No overlooking or loss of light would be caused to any existing dwelling; most of the housing would be positioned no closer to existing housing than is currently the case. The exception to this is the two houses located in what is currently a car park to the west of Grassendale Avenue. Existing housing to the north would be over 12m away (window to window) however housing to the west would be less than 10m away ...

The only other proposed dwellings that would be closer to existing housing would be that adjacent to Bullied Close, however given the high stone wall to the rear of these properties they would be largely unaffected by the new housing.

Most of the new housing meets the standards given in the Development Guidelines SPD, where this isn't the case the dwellings have been carefully designed to ensure that the window placement and levels do not result in any direct overlooking or a significant loss of light to any property.

The proposals are therefore considered to comply with policies CS15 and CS34.

Housing Tenure

Detailed pre-application discussions have taken place with the developers and Plymouth Community Homes to agree the numbers, type and distribution of the new social/affordable rented, shared ownership and open market units.

The housing mix proposed represents an attempt to balance the need to provide re-housing for those in future phases of development affected by demolition, the need to achieve a level of ownership and sales on the estate in line with strategic aims, and also to some extent those in need of social or affordable rent on the city's housing register.

The proposed development on this site envisages the following:

Open Market housing: 173 units (50%)

Social and Affordable Rent - 118 units (34%)

Shared Ownership – 57 units (16%)

Total Affordable Housing: 174 (50%)

Total All Housing- 347 units (100%)

This proposed overall tenure mix is in line with the strategic aim of rebalancing tenure towards various forms of homeownership envisaged in the Spatial Strategy (Levitt Bernstein 2010) and the North Prospect Area Planning Statement (August 2012) for the neighbourhood and is therefore welcomed.

The proposed split between social/affordable rent and shared ownership units is supported, given that it complies with the guidance laid out in the Planning Obligations and Affordable Housing SPD, and the recommendations of the Plymouth Housing Market Needs Assessment (2006), both of which require a split of all affordable units between social/affordable rented units (60%) and shared ownership or intermediate units (40%). In the case of this application the tenure split is 67% social/affordable rented and 33% shared ownership, and therefore is approximately in line with this guidance.

Clusters of property of any one tenure have for the most part been located in groups of less than 12 units in line with the Planning Obligations and Affordable Housing SPD and are indistinguishable in design terms from open market properties in line with CS15 planning policy. The only exception to this general clustering rule is the block of 14 social/affordable rent flats overlooking Cookworthy Green. This is in excess of what we would normally want to support as a general needs rented block, 8-10 flats as a maximum in any one block would be preferable. However on balance, given the well integrated tenure distribution achieved across the rest of the site, and the need to create some development value by maintaining a reasonable level of density, the overall mix is supported.

19% of all affordable rented units have been designated as social rent under an agreement reached between PCH and the Council. The percentage of social rent has decreased from that originally proposed, the reason for this is that although the Council would prefer to see more social rent properties, by providing 8 more affordable rent units the applicant are able to make a much needed education contribution, due to the additional rental income that would be achieved. The Council are keen to mitigate the impact of higher affordable rent levels in the new development for those who will need to be decanted from property in future phases in order to maintain affordability as far as possible under the new grant regime introduced by the current Government. Despite agreeing to 8 more affordable rent units the mix is deemed acceptable. The locations of the social and affordable rent products are yet to be considered, however it will be incorporated into the S106 that this must be discussed and agreed with the Planning Department at least 6

months prior to occupation. The aim will be to ensure that the more affordable (social rent) units are well distributed across the estate, rather than being concentrated into one location.

The property type distribution has also been the subject of negotiation with the developers and we are pleased that they have responded to pre-application advice by ensuring that the larger family houses, 4 and 5 bedrooomed houses in particular have been well distributed across the whole site and located where possible close to areas of green or open space. This should help reduce the number of children living and playing in any one area, thereby easing any possible impacts on resident quality of life.

Given the above the Local Planning Authority are satisfied that the proposals comply with Policy CS15.

Drainage

A Flood Risk Assessment and Surface and Foul Water Drainage Strategy were submitted with the application.

It is proposed that development of the site will direct all run-off from impervious areas into a positive drainage system that will discharge into the existing surface water sewers located in Grassendale Avenue and Wolseley Road.

To deal with the surface water run off, the drainage strategy will comprise of underground pipe work, attenuation in the form of box culverts and a large storage tank located under Cookworthy Green with flow controls and discharge to South West Water's surface water sewers.

The Flood Risk Assessment (FRA) sets out a proposal to manage storm flows by providing attenuated discharge into the southwest water surface water sewer. This is considered acceptable; however, the Environment Agency require a detailed design to confirm the exact routes of this discharge, this shall be secured by condition. Overall there appears to be sufficient flexibility in the system to allow this aspect to be confirmed during the detailed design

South West Water has confirmed that there is capacity within the infrastructure to serve the development proposal and these proposals are therefore deemed to comply with Policy CS21

Sustainability

Photo voltaic panels are proposed on the buildings which are predicted to result in emissions reductions of 168 tonnes per annum, equal to just under 18% of the development total.

Whilst the HCA require that all new affordable units are built to Sustainable Homes Code Level 3, the developers in this case are aspiring to achieve Code Level 4 on all affordable housing and Code Level 3 on the open market units, subject to development viability.

The renewable energy created from the proposed PV panels would exceed the 15% requirement in Policy CS20 and therefore your officers are supportive of this approach.

Lifetime homes

Policy CS15 requires that 20% of all new dwellings for Plymouth shall be constructed to Lifetime Homes standards. Lifetime Homes allow for the 'future proofing' of all new dwellings and should be considered desirable in all cases. In this case it is the aim of the development for 100% of the affordable housing to achieve Lifetime Homes compliant. If achieved this would represent 50% of the development and be well in excess of planning policy CS15 and therefore can be supported.

Ecology and Biodiversity

A number of surveys were submitted with the application including a protected species survey of the buildings, Reptile Habitat Suitability Assessment and Reptile Translocation Survey. Recommendations from these surveys formed the basis for a Mitigation and Enhancement Strategy.

Enhancements proposed include the planting of ecological habitats such as grassland, shrub, native hedgerow and native trees as well as bird boxes and bat bricks on new buildings. This would ensure that protected species are safeguarded and delivers net biodiversity gain as required in policy CS19.

Highway Considerations

The Local Highway Authority supports the proposals following extensive pre-application discussions.

A Strategic Transport Assessment (TA) has been produced for the full North Prospect regeneration plan which sets out the strategy for the wider proposals of the area so that any implications to the highway network can be established. As such a separate TA has been submitted to support this application which draws down the relevant information and strategic views and objectives of the Strategic TA. To this end phased mitigation can be determined to ensure that individual phases make an apportioned contribution accordingly to overcome the traffic impacts generated by the masterplan. The TA has assessed a number of junctions which are likely to be affected by development trips. Development trips from this phase will impact on North Prospect Road and Wolseley Road.

All junctions tested have been shown to operate with little or no impact except for the signalised junction at North Prospect Road and Beacon Park Road. This junction shows high capacity and also long queue lengths of over 10 vehicles on numerous arms. Mitigation is therefore required. The agent suggested that by reducing the number of pedestrian calls to the signal timings the capacity, and subsequently the development impacts, can be reduced within acceptable limits. This is not deemed an acceptable solution, as pedestrian movements should be encouraged not reduced. Therefore the developer is required to fund or implement a scheme to provide a MOVA traffic control system at the junction which will produce capacity improvements of 10-15%. The pedestrian environment at this junction is poor and localised improvements will also be required, which will compliment the traffic signal improvements as a complete package. The applicant has been advised of the

requirement and has agreed to provide the works themselves as a planning obligation.

The scheme will also benefit the wider regeneration of the North Prospect area by way of reducing vehicle queuing and subsequent pollution, it will also enhance the pedestrian offer towards the existing and proposed facilities in and around Wolseley Road. A series of North-South links will be provided to pedestrian friendly routes across the site. Floyd Close will be upgraded but its junction to Foliot Road will remain closed to vehicles. The proposed estate road has been designed to encourage low vehicle speeds, good pedestrian permeation and connectivity to the nearby facilities such as public transport, the local school on Ham Drive and the new community hub, provided as part of the Phase 1 consent (currently under construction). The estate roads will reflect the principles of home zones, shared surface and standard street forms.

The introduction of lanes will connect North Prospect Road to Cookworthy Green at the lower end of the site. The entire site has been designed to a 20mph speed limit. The existing highway network is subject to a 20mph zone which is enforced by vertical speed reducing features. The new estate design will 'design out' such bolt-on features and by way of horizontal deflections and surface treatments the speed can be controlled.

The development as a whole will provide strong linkages towards the enhanced park off Grassendale / Cookworthy Road with the aim to encourage pedestrian movements into the park. The existing parking provision through the estate is poor but car ownership levels had been determined through the Masterplan and they are generally lower (0.74 cars per house on average) than other parts of the City. In order to ensure that the new development complies with current standards, and also meets the likely parking demand for a residential development of this size, the applicant is proposing a parking ratio of 1.72 spaces per unit on average across the development. This provision conforms to the current Policy parking requirements. There are no dwellings without any parking provision. All units will have at least 1 allocated parking space. Each dwelling will also have a dedicated space for at least 1 bike.

The North Prospect Masterplan provided a Framework Travel Plan and each phase will be required to produce a Travel Plan in accordance with the framework. A Travel Plan for Phase 2 has been submitted and the applicant will be required to work with the City Council Travel Plan Officers throughout the life of the Travel Plan. It should be noted that the Travel Plan covers the whole of the development and not just the increase in properties. As such it will have benefits for the wider community.

To sum up the transport issues, the proposed improvements for pedestrians and vehicles, would provide significant benefits to the community. Phase 2 will compliment the Phase 1 development and will connect well with the surrounding highway network. The improved pedestrian environment throughout the estate will encourage sustainable travel and provide valuable links to local facilities and public transport services. The proposals are therefore considered to comply with Policy CS28 and the draft North Prospect APS.

Letters of Representation

The letters of representation received refer to the building of two houses on the car park located to the west of Grassendale Avenue. The fear is that it would result in a loss of parking to existing residents and would cause problems to the sewerage pipe below. Two dwellings have been proposed in this part of the site so as to provide a continuous frontage and surveillance all the way along this part of Grassendale Avenue. The current situation has a parking court with the rear garden walls of existing houses facing onto it. The current lack of security is made apparent by the need to install security wire to the tops of these existing walls, it is considered that the proposals will improve this environment. The parking spaces have been re-provided directly adjacent to their existing location. Whilst the number of parking spaces is less than the existing, PCH have confirmed that the provided spaces will be adequate for those used by residents off site. Access to the rear of all properties would be retained in the proposal.

Another concern raised relates to the way PCH have gone about purchasing homes however this is not a material planning consideration.

Section 106 Obligations

Local finance considerations are now a material consideration in the determination of planning applications by virtue of the amended section 70 of the Town and Country Planning Act 1990. This development will generate a total of approximately £986,089 in New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in the report, continue to be the matters that carry greatest weight in the determination of this application.

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.

The usual approach to considering the impacts of development are not deemed appropriate in this case. North Prospect needs to be considered as a whole, with each development phase contributing its part to building a sustainable community.

The draft APS has already identified the key infrastructure needs in the area such as the need to address open space deficiencies, drainage requirements and school capacity problems. Some of these can be delivered through scheme design (eg surface water management), others may be provided for through direct works secured in a S106 agreement (eg public open space improvements), and others may require use of pooled contributions through S106 (including transport improvements, school capacity improvements, public realm and infrastructure improvements such as playing pitches which would need to be delivered outside of N Prospect).

In this context, it is appropriate to take a more bespoke approach to the S106 process, rather than focusing on a standard list of infrastructure contributions. Phase

1 of the development has already provided for the delivery of the community hub which provides a library, office space, retail and a nursery.

The priority infrastructure improvements needed in relation to Phase 2 are deemed to be open space improvements and contributions to resolve school capacity problems. This would deal with the open space deficiencies identified in the draft APS and provide contributions towards the future expansion of local schools therefore removing objections from our Education Department.

There will be impacts to other infrastructure areas however it is not possible to provide full mitigation for this through this phase. The applicant has submitted a viability assessment which demonstrates that the scheme is unviable. Therefore, although some contributions have also been secured towards playing pitches, strategic sports facilities as well as addressing our legal obligations in relation to impacts on the European Marine Site, Phases 3- 5 will need to make sure that any outstanding infrastructure needs identified in the APS are met, in order to ensure that the regeneration of North Prospect delivers a sustainable community.

Given the above assessment the following heads of term have been agreed by the applicant, each of which have been tested against Regulation 122 of the Community Infrastructure Levy Regulations 2010, to enable appropriate mitigation of the impacts identified above:

Local Infrastructure

- a. Local schools: £116,000 to be allocated to the provision of additional school places within the vicinity of the application site.
- b. Playing pitches: £17,750 to be allocated to the provision of improved playing pitch facilities in the South sub-area, as identified in the Playing Pitch Strategy.

Strategic Infrastructure

- c. European Marine Site: £750 to be allocated to appropriate management measures for the Tamar Estuaries as identified in the Tamar Estuaries Management Plan.
- d. Strategic sports facilities: £11,500 to be allocated to the delivery of priority strategic sports facilities as identified in the Sports Facilities Strategy.

The other agreed mitigation is:

- e. The provision of 174 affordable housing units. The type, size and location will be finalised as part of the section 106 agreement.
- f. £160,000 towards upgrading Cookworthy Green specifically in accordance with the proposals in the Design and Access Statement, this includes creation of an enclosed play space for under 8's, an open play space for older children and retention and enhancement of the existing MUGA.
- g. Provision of a MOVA traffic control system and pedestrian crossing improvements as required at the junction of North Prospect Road and Beacon Park Road. Should the works cost less than £70,000 the remaining amount shall be paid to the Council

and allocated to the delivery of schemes identified in the LTP3 Transport Implementation Plan.

The applicant has also agreed to a clawback provision, therefore if the scheme does become viable in the future further contributions will be made to the Council.

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 development will offer inclusive design for safe and easy use for all. The access to all homes is designed to enable easy access by all including those with mobility impairments. Great care has been taken to ensure that the development meets the requirements of the DDA and Part M of the Building Regulations.

The steep gradients on the site do create some challenges at this location. A direct pedestrian route through the site, known as Cookworthy Lane could be used by mobility scooters which is a positive feature of the proposed development.

Conclusions

This scheme is the second step in the regeneration of North Prospect and extensive pre-application discussions have resulted in a well thought out proposal that is supported by the Local Planning Authority. Poor quality housing will be replaced by a good range of housing types and tenures, which will be integrated within a permeable network of attractive connected streets. This will both meet the needs of the existing community and encourage investment in the area. Homes will be more sustainable with many built to lifetime homes standard.

Pedestrian flows and connectivity will be improved throughout the site to create a sustainable linked community. The challenging topography of the site will be utilised in carefully designed dwellings that meet the needs of their occupants and improve the character and appearance of the area.

The applicant has agreed to much needed works to Cookworthy Green which will provide major community benefits, the application also of course makes a significant contribution towards achieving the Council's priority objective of providing better and more affordable housing. Taking into account the over-provision of certain community elements at the Community Hub in Phase I and the over provision of open space improvements proposed in this Phase it is considered that the development would be acceptable in planning terms. It is also clear from the viability studies that have been carried out that the scheme is not viable in a normal commercial sense and as such is not capable of financially supporting any additional contributions.

Therefore having taken into account the above, the Local Planning Authority have concluded that the benefit had to local people, the North Prospect community and the City as a whole are significant and for these reasons the application is

recommended for conditional approval subject to the signing of the S106 agreement, with delegated authority to refuse if the S106 is not signed by 31st January 2013.

Recommendation

In respect of the application dated **08/08/2012** and the submitted drawings NPP2 - AL02 010 - Masterplan, NPP2 - AL02 011 - Location and Demolition, NPP2 - AL02 012 - Phasing, NPP2 - AL02 013 - Tenure, NPP2 - AL02 014 - Private Amenity Space, NPP2 - AL02 015 - Roof orientation, NPP2 - AL02 016 - Existing Trees Removal and Retention, NPP2 - AL02 017 - Proposed Replacement Tree Planting
NPP2 - AL02 018 - Ecology Strategy Diagram, NPP2 - AL02 020 A - Street Elevation 1, NPP2 - AL02 021 - Street Elevation 2, NPP2 - AL02 022 - Street Elevation 3, NPP2 - AL02 023 A - Street Elevation 4, NPP2 - AL02 024 - Street Elevation 5, NPP AL02 062 - (Phase 2) Overlooking Study 1, NPP AL02 063 - (Phase 2) Overlooking Study 2, NPP AL02 064 - (Phase 2) Overlooking Study 3, NPP AL02 065 - (Phase 2) Overlooking Study 4, NPP AL02 066 - (Phase 2) Overlooking Study 5, NPP AL02 067 - (Phase 2) Overlooking Study 6, NPP AL02 068 - (Phase 2) Overlooking Study 7, NPP AL02 069 - (Phase 2) Overlooking Study 8, NPP AL02 070 - (Phase 2) Overlooking Study 9, NPP AL02 071 - (Phase 2) Overlooking Study 10, NPP2 AL02 100 AF-T3S Plan, NPP2 AL02 101 AF-T3S Elevation, NPP2 AL02 103 AF-Landmark 00 Gr, NPP2 AL02 104 AF-Landmark 01 st, NPP2 AL02 105 AF-Landmark 02 nd, NPP2 AL02 106 AF-Landmark 03 Roof, NPP2 AL02 107 AF-Landmark Elevations, NPP2 AL02 109 AH-T20 Plan, NPP2 AL02 110 AH-T20 Elevation, NPP2 AL02 112 AH-T22 Plan, NPP2 AL02 113 AH-T22 Elevation, NPP2 AL02 116 AH-T24 Plan, NPP2 AL02 117 AH-T24 Elevation, NPP2 AL02 119 AH-SL7 Plan, NPP2 AL02 120 AH-SL7 Elevation, NPP2 AL02 122 AH-P Plan, NPP2 AL02 123 AH-P Elevation, NPP2 AL02 125 AF Cookworthy Green Block 01 - 00 Gr, NPP2 AL02 126 AF Cookworthy Green Block 01 - 01 st, NPP2 AL02 127 AF Cookworthy Green Block 01 - 02 nd, NPP2 AL02 128 APF Cookworthy Green Block 01 - 03 Roof, NPP2 AL02 129 AF Cookworthy Green Block 01 - Elev, NPP2 AL02 135 PF Cookworthy Green Block 02 - 00 Gr, NPP2 AL02 136 PF Cookworthy Green Block 02 - 01 st, NPP2 AL02 137 PF Cookworthy Green Block 02 - 02 nd, NPP2 AL02 138 PF Cookworthy Green Block 02 - 03 Roof, NPP2 AL02 139 PF Cookworthy Green Block 02 - Elev, NPP2 AL02 145 AF Cookworthy Green Block 03 - 00 Gr, NPP2 AL02 146 AF Cookworthy Green Block 03 - 01 st, NPP2 AL02 147 AF Cookworthy Green Block 03 - 02 nd, NPP2 AL02 148 AF Cookworthy Green Block 03 - 03 Roof, NPP2 AL02 149 AF Cookworthy Green Block 03 - Elev, NPP2 AL02 151 PF-Escombe Plan, NPP2 AL02 152 PF-Escombe Elevation, NPP2 AL02 155 PH-Oke Plan, NPP2 AL02 156 PH-Oke Elevation, NPP2 AL02 160 PH-Onyx Plan, NPP2 AL02 161 A PH-Onyx Elevation, NPP2 AL02 165 PH-Opal Plan, NPP2 AL02 166 A PH-Opal Elevation, NPP2 AL02 170 PH-Tiverton Plan, NPP2 AL02 171 PH-Tiverton Elevation, NPP2 AL02 175 PH-Barwick Plan Front Entrance, NPP2 AL02 176 PH-Barwick Elevation Front Entrance, NPP2 AL02 177 PH-Barwick Plan Side Entrance, NPP2 AL02 178 PH-Barwick Elevation Side Entrance, NPP2 AL02 180 PH-SLI Plan, NPP2 AL02 181 PH-SLI Elevation, NPP2 AL02 185 PH-Morpeth Plan, NPP2 AL02 186 PH-Morpeth Elevation, NPP2 AL02 190 PH-Helmsley Plan, NPP2 AL02 191 PH-Helmsley Elevation, 3642-P2-LS01 - Lane Longitudinal Sections (A1), 3642-P2-RD01 - Proposed Refuse Disposal (A0), 3642-P2-SL01 - Proposed

Slab Levels (A0), Design & Access Statement, Transport Assessment prepared by Healers; Flood Risk Assessment prepared by Healers; Ecological Impact Assessment prepared by EAD; A Desk-Based Archaeological Assessment prepared by AC Archaeology; Statement of Community Involvement prepared by Remarkable; Air Quality Assessment prepared by Scott Wilson; Energy Statement and Code for Sustainable Homes Assessment prepared by Brooks Devlin; Contaminated Land Assessment prepared by Healers; and Arboricultural Constraints Report prepared by JP Associates.,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 31st January 2013**

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::NPP2 - AL02 010 - Masterplan, NPP2 - AL02 011 - Location and Demolition, NPP2 - AL02 012 - Phasing, NPP2 - AL02 013 - Tenure, NPP2 - AL02 014 - Private Amenity Space, NPP2 - AL02 015 - Roof orientation, NPP2 - AL02 016 - Existing Trees Removal and Retention, NPP2 - AL02 017 - Proposed Replacement Tree Planting, NPP2 - AL02 018 - Ecology Strategy Diagram, NPP2 - AL02 020 - Street Elevation 1, NPP2 - AL02 021 - Street Elevation 2, NPP2 - AL02 022 - Street Elevation 3, NPP2 - AL02 023 - Street Elevation 4, NPP2 - AL02 024 - Street Elevation 5, NPP AL02 062 - (Phase 2) Overlooking Study 1, NPP AL02 063 - (Phase 2) Overlooking Study 2, NPP AL02 064 - (Phase 2) Overlooking Study 3, NPP AL02 065 - (Phase 2) Overlooking Study 4, NPP AL02 066 - (Phase 2) Overlooking Study 5, NPP AL02 067 - (Phase 2) Overlooking Study 6, NPP AL02 068 - (Phase 2) Overlooking Study 7, NPP AL02 069 - (Phase 2) Overlooking Study 8, NPP AL02 070 - (Phase 2) Overlooking Study 9, NPP AL02 071 - (Phase 2) Overlooking Study 10, NPP2 AL02 100 AF-T3S Plan, NPP2 AL02 101 AF-T3S Elevation, NPP2 AL02 103 AF-Landmark 00 Gr, NPP2 AL02 104 AF-Landmark 01 st, NPP2 AL02 105 AF-Landmark 02 nd, NPP2 AL02 106 AF-Landmark 03 Roof, NPP2 AL02 107 AF-Landmark Elevations, NPP2 AL02 109 AH-T20 Plan, NPP2 AL02 110 AH-T20 Elevation, NPP2 AL02 112 AH-T22 Plan, NPP2 AL02 113 AH-T22 Elevation, NPP2 AL02 116 AH-T24 Plan, NPP2 AL02 117 AH-T24 Elevation, NPP2 AL02 119 AH-SL7 Plan, NPP2 AL02 120 AH-SL7 Elevation, NPP2 AL02 122 AH-P Plan, NPP2 AL02 123 AH-P Elevation, NPP2 AL02 125 AF Cookworthy Green Block 01 - 00 Gr, NPP2 AL02 126 AF Cookworthy Green Block 01 - 01 st, NPP2 AL02 127 AF Cookworthy Green Block 01 - 02 nd, NPP2 AL02 128 APF Cookworthy Green Block 01 - 03 Roof, NPP2 AL02 129 AF Cookworthy Green Block 01 - Elev, NPP2 AL02 135 PF Cookworthy Green Block 02 - 00 Gr, NPP2 AL02 136 PF Cookworthy Green Block 02 - 01 st, NPP2 AL02 137 PF Cookworthy Green Block 02 - 02 nd, NPP2 AL02 138 PF Cookworthy Green Block 02 - 03 Roof, NPP2 AL02 139 PF

Cookworthy Green Block 02 - Elev, NPP2 AL02 145 AF Cookworthy Green Block 03 - 00 Gr, NPP2 AL02 146 AF Cookworthy Green Block 03 - 01 st, NPP2 AL02 147 AF Cookworthy Green Block 03 - 02 nd, NPP2 AL02 148 AF Cookworthy Green Block 03 - 03 Roof, NPP2 AL02 149 AF Cookworthy Green Block 03 – Elev, NPP2 AL02 151 PF-Escombe Plan, NPP2 AL02 152 PF-Escombe Elevation, NPP2 AL02 155 PH-Oke Plan, NPP2 AL02 156 PH-Oke Elevation, NPP2 AL02 160 PH-Onyx Plan, NPP2 AL02 161 PH-Onyx Elevation, NPP2 AL02 165 PH-Opal Plan, NPP2 AL02 166 PH-Opal Elevation, NPP2 AL02 170 PH-Tiverton Plan, NPP2 AL02 171 PH-Tiverton Elevation, NPP2 AL02 175 PH-Barwick Plan Front Entrance, NPP2 AL02 176 PH-Barwick Elevation Front Entrance, NPP2 AL02 177 PH-Barwick Plan Side Entrance, NPP2 AL02 178 PH-Barwick Elevation Side Entrance, NPP2 AL02 180 PH-SLI Plan, NPP2 AL02 181 PH-SLI Elevation, NPP2 AL02 185 PH-Morpeth Plan, NPP2 AL02 186 PH-Morpeth Elevation, NPP2 AL02 190 PH-Helmsley Plan, NPP2 AL02 191 PH-Helmsley Elevation, 3642-P2-LS01 - Lane Longitudinal Sections (A1), 3642-P2-RD01 - Proposed Refuse Disposal (A0), 3642-P2-SL01 - Proposed Slab Levels (A0).

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.

LAND QUALITY

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

Reason:

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

SITE CHARACTERISATION

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

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

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwater's 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 avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SUBMISSION OF A REMEDIATION SCHEME

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

Reason:

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

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

(6) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report 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 avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

REPORTING OF UNEXPECTED CONTAMINATION

(7) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 4, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 5, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 6.

Reason:

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

WHEEL WASHES

(8) 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.

ROAD SWEEPING

(9) The roads surrounding the site must be kept free of all mud and other debris originating from the site or construction vehicles associated with the site, at all times during the development hereby permitted. Road sweepers must be deployed throughout the day as necessary to ensure that mud and debris does not accumulate and create dust.

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.

CODE OF CONSTRUCTION

(10) Prior to the commencement of development approved by this planning permission the developer shall submit a Code of Practice for the site that outlines how they intend to prevent or control any nuisance arising from any work carried out. The Code of practice must comply with all sections of the Public Protection Service, Code of practice for construction and demolition sites, with particular regards to the hours of working, crushing and piling operations, control of mud on roads and the control of dust. All sensitive properties surrounding the site boundary shall be notified in writing of the nature and duration of works to be undertaken, and the name and address of a responsible person, to whom an enquiry/complaint should be directed.

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.

STREET DETAILS

(11) Development shall not begin until details of the design, layout, levels, gradients, materials and method of construction and drainage of all NEW 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

(12) 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 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

(13) All roads and footways forming part of the development hereby permitted shall be completed in accordance with the details approved under condition 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.

SUSTAINABILITY

(14) Unless otherwise approved in writing with the Local Planning Authority, the development shall be carried out in accordance with the approved Ecological Mitigation and Enhancement Strategy dated July 2012. In addition, a Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation detailing how the ecological features of the site will be managed in perpetuity.

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 the NPPF.

BIODIVERSITY

(15) Unless otherwise approved in writing with the Local Planning Authority, the development shall be carried out in accordance with the approved Ecological Mitigation and Enhancement Strategy dated July 2012. In addition, a Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation detailing how the ecological features of the site will be managed in perpetuity.

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 the NPPF.

SURFACE WATER MANAGEMENT

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

- details of the drainage during the construction phase;
- details of the final drainage scheme;
- provision for exceedance pathways and overland flow routes;
- a timetable for construction;
- a construction quality control procedure;
- a plan for the future maintenance and management of the system and overland flow routes.

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

Reason:

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

ARBORICULTURAL METHOD STATEMENT

(17) The Arboricultural Method Statement (Ref:D2 48 02), including site monitoring, dated July 2012 must be implemented in full in order to successfully retain the existing trees.

Reason:

To ensure that the trees on site are protected during construction work in accordance with Policy CS18(4) of the Council's adopted Core Strategy.

EXISTING TREES/HEDGEROWS TO BE RETAINED/PROTECTED

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

(a) No retained 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 barriers and ground protection for the protection of any retained tree or hedgerow shall be undertaken in accordance with the approved plans and particulars. Tree Protection Plan no's D2 48 PI Rev A (1 of 2 and 2 of 2) 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 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.

ACCESS (CONTRACTORS)

(19) 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

(20) 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 PROVISION

(21) No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plan for at least 1 bicycle per dwelling to be parked. Each cycle store shall be secure and covered.

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.

EXTINGUISHMENT OF HIGHWAY

(22) The construction of the development hereby permitted shall not commence until such time that an application under the provisions of Section 247 of the Town and Country Planning Act has been made to the Government Office to extinguish the highway rights along lengths of highway as required and the cul-de-sac streets off Woodville Road and Foliot Road to facilitate the new road layout and associated widths. No construction will be permitted on any part of the highway until such time that the process to extinguish has been completed.

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.

GRAMPIAN (ACCESS/HIGHWAY IMPROVEMENTS) - Overdale Road

(23) No dwelling, hereby permitted, shall be occupied until the improvements to Overdale Road to form a two-way street, in accordance with the requirements set out in the planning consent for phase I of the North Prospect regeneration programme, have been completed.

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.

GRAMPIAN (ACCESS/HIGHWAY IMPROVEMENTS- JUNCTION IMPROVEMENTS)

(24) No dwelling hereby permitted shall be occupied until the proposed junction improvements for the provision of MOVA traffic control signalisation and pedestrian crossing enhancements to the existing highway at the junction of North Prospect Road and Beacon Park Road are completed, in accordance with plans to be submitted to and approved in writing by the Local Planning Authority.

Reason:

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

GRAMPIAN (ACCESS/HIGHWAY IMPROVEMENT- SECTION 278 AGREEMENT)

(25) No development or alterations shall commence on any part of the Publicly Maintained Highway Network, within the entire development boundary, until such time that the applicant enters into a Section 278 Agreement with the Highway Authority. The proposed alterations and improvements to the existing highway,

shown on the approved plans, shall be completed prior to occupation of any dwelling it thereby serves.

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.

TRAVEL PLAN

(26) A comprehensive Travel Plan will be developed for all elements of the development hereby permitted. The acceptability of the travel plan will need to be agreed in writing by the Local Planning Authority and Local Highway Authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport), in advance of occupation of the development.

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

- The identification of targets for trip reduction and modal shift.
- The methods to be employed to meet these targets.
- The mechanisms for monitoring and review.
- The mechanisms for reporting.
- The mechanisms for mitigation.
- Implementation of the travel plan to an agreed timescale or timetable and its operation thereafter
- Mechanisms to secure variations to the Travel Plan following monitoring and reviews.

A review of the targets shall be undertaken within 3 months of occupation of the development, and on an annual basis thereafter, at the time of submission of the Annual Travel Plan Report.

Reason:

In the interests of highway safety, the efficient operation of the local and trunk road networks, and to safeguard the amenities of neighbouring residents in accordance with policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021).

HISTORIC INVESTIGATION AND RECORDING

(27) No part of the development allowed by this permission shall commence until the applicant has completed a buildings recording programme according to a written scheme of investigation which has been submitted to, and approved by, the Local Planning Authority.

Reason:

To ensure an archival record of destroyed building types and to accord with the provisions of Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

RENDER SAMPLES

(28) No render shall be installed until render samples have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

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

LANDSCAPE MANAGEMENT PLAN

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

Reason:

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

MAINTENANCE SCHEDULE

(30) No development shall take place until a schedule of landscape maintenance for a minimum of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason:

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

LIFETIME HOMES

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

Reason:

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

SUSTAINABILITY

(32) Unless otherwise agreed previously in writing with the Local Planning Authority, prior to any development taking place, the applicant shall provide to the Local Planning Authority a final report identifying how a minimum of 15% of the carbon

emissions for which the development is responsible will be off-set by on-site renewable energy production methods. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations.

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

INFORMATIVES:

SECTION 38 AGREEMENT

(1) 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.

WORKS WITHIN THE HMPE

(2) 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.

HIGHWAY ENGINEERING DETAILS

(3) Any of the roadwork's 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.

WORKS PERMIT

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

PPG13 - Transport
PPS3 - Housing
PPS1 - Delivering Sustainable Development
PPS22 - Renewable Energy
PPS23 - Planning & Pollution Control
CS28 - Local Transport Consideration
CS32 - Designing out Crime
CS33 - Community Benefits/Planning Obligation
CS34 - Planning Application Consideration
CS22 - Pollution
CS18 - Plymouth's Green Space
CS19 - Wildlife
CS20 - Resource Use
CS21 - Flood Risk
CS03 - Historic Environment
CS01 - Sustainable Linked Communities
CS02 - Design
CS15 - Housing Provision
CS16 - Housing Sites
CS30 - Sport, Recreation and Children's Play Facilities
CS31 - Healthcare Provision
NPPF - National Planning Policy Framework March 2012

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PLANNING APPLICATION REPORT



ITEM: 07

Application Number: 12/00095/FUL

Applicant: Rotolock (Holdings) Ltd

Description of Application: Refurbishment and extensions to existing redundant buildings to form hotel development to include refurbishment of jetty, refurbishment, part demolition and extensions to Grade II listed Barrack Block, Island House, and Ablutions Block. Refurbishment and part demolition to scheduled Ancient Monument Casemated Battery and general landscaping and infrastructure works

Type of Application: Full Application

Site Address: DRAKE'S ISLAND PLYMOUTH

Ward: St Peter & The Waterfront

Valid Date of Application: 24/01/2012

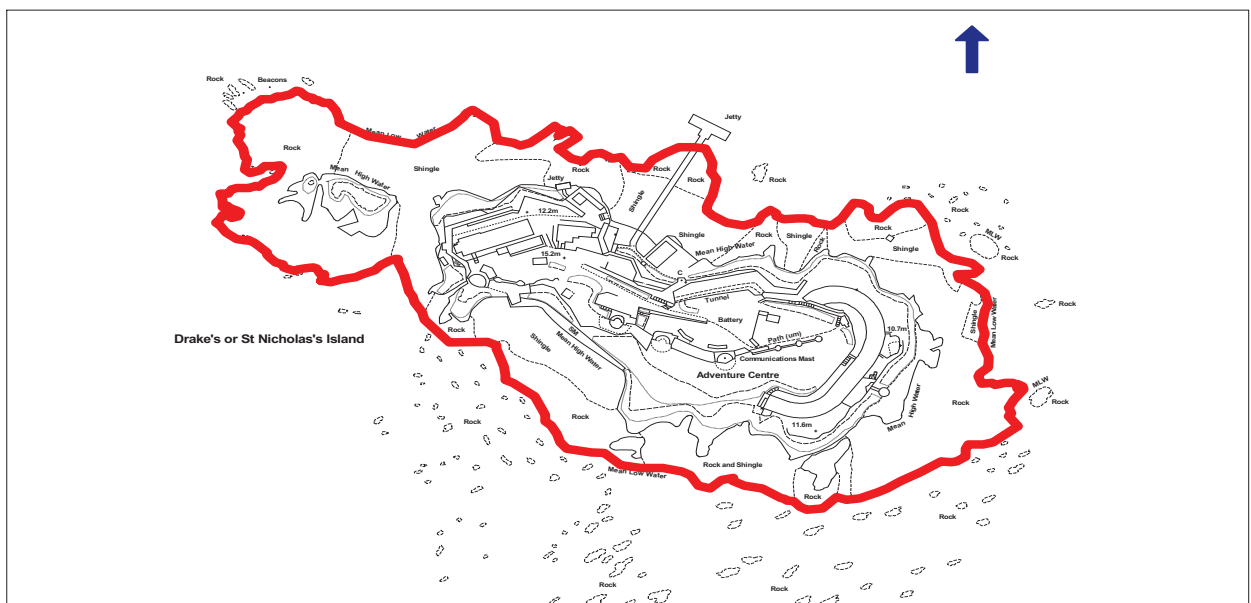
8/13 Week Date: **24/04/2012**

Decision Category: Major - 5 or more Letters of Representation received

Case Officer : Matt Coombe

Recommendation: Refuse

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



Site Description

Drake's Island is located in Plymouth Sound, about 600 metres south of the Hoe. It extends to about 2.6 hectares and is formed of limestone and volcanic rock rising to a height of some 29 metres.

Formerly known as St Nicholas Island, its strategic position on the approach to Sutton Harbour, the Cattewater, Hamoaze and Dockyard led to it being fortified from at least the 16th century. Military use of the island continued until after World War II. From 1963 to 1989, Plymouth City Council obtained a lease from the Crown and operated a youth adventure training centre there. The current owner bought the island from the Crown in 1995. Since then the island buildings have been unused, and have fallen into disrepair.

A large proportion of the island is a designated Scheduled Monument (SAM 12614), comprising three designated areas. At the western end of the island, the designated area includes the main entrance, coastal walls and the western gun battery. A small area in the north-east of the island encloses a small area believed to contain remains of a 16th century artillery tower. The largest area includes the majority of the central and eastern parts of the island, enclosing the casemated batteries of 1860-1, and most of the later artillery batteries and magazines. Although excluded from the Scheduled Monument, the group of four principal buildings occupying the north-west end of the island are Grade II listed. These buildings comprise the 18th and 19th century former Barracks, Ablution Blocks, Commanding Officer's House and Guardhouse.

The range of remains and fortifications, and the prominent location of Drake's Island, make it a heritage site of the greatest importance. It also has significant wildlife interest as it is located within the Plymouth Sound and Estuaries European Marine Site.

Proposal Description

The proposals seek to carry out conversions and extensions to existing buildings to allow the island to function as a luxury hotel resort. The intention is that the island will be made available not just to hotel residents and guests, but that arrangements will be made to allow controlled access to members of the public.

The proposed development is largely concentrated in three main areas:

- The group of buildings at the western end of the island representing the former residential quarters of soldiers and officers
- The Casemated Battery at the eastern end of the island
- The arrival point on the north side of the island

In brief, the proposals seek to convert the Barrack Block into 25 hotel bedrooms and suites, to convert Island House into bar and restaurant areas, to convert and extend the Ablution Block, to provide spa, gym and swimming pool facilities and to link the three buildings with a highly glazed linking element of contemporary architecture that will provide the core services and the main vertical circulation for the four building elements of the hotel. Space is also allocated for a conference suite, services rooms, staff support and ancillary facilities. Creation of a seating area is proposed to the rear of the Barrack Block, together with a circular viewing platform and other landscape features. To allow for this space it is proposed that the existing ammunitions store here be demolished.

The Casemated Battery at the east end of the island is proposed for conversion to provide additional hotel accommodation in the form of 19 single and double unit suites, with two “Feature Rooms” restored to reflect their original historic form and made accessible to the public.

The landing jetty at the north side of the island is proposed for repair and refurbishment and the adjacent late 20th century Boat House is proposed for demolition, to be replaced with a modern “Arrival Building” with a “scenic lift” giving access from the jetty level to the main hotel level at the top of the cliff. A boat store is also proposed within the building.

The Design & Access Statement makes reference to the provision of a gravel helipad on the upper part of the island. Here also, it is proposed that historic pathways be uncovered, low-level lighting be added and the area generally be made safe.

It is proposed that overgrown vegetation on the island be cut back. Installation of lighting is proposed for the tunnel and store room network beneath the island, which is to be generally cleaned and repaired but with no major changes.

Pre-Application Enquiry

Prior to application submission, extensive pre-application meetings took place through the Council’s Development Enquiry Service, including detailed discussions focusing on ecology and heritage (with English Heritage involvement). The pre-application process included a site visit to the island – again with English Heritage in attendance – on 17/01/11. The applicant held a day-long public consultation event on the proposal at the Royal Corinthian Yacht Club on 01/12/11 and conducted further pre-application consultation with the Plymouth Waterfront Partnership and other bodies.

Relevant Planning History

99/00981/LBC - Alterations and extensions to Officer's House, Barrack Block, and Ablution Block – REFUSED

99/00980/FUL - Change of use of Casemates to visitor attraction with cafe; Officers House to a tavern/restaurant (together with rear extension); Barrack Block to hotel (together with extension) - REFUSED

Consultation Responses

English Heritage

Supports – in latest response, subject to the following changes:

1. Removal of balcony/patio areas in front of casemate rooms.
2. Full recording of casemate shields, and their careful removal and storage on site.
3. Further discussion on casemate glazing detail.
4. Potential display of a removed shield in room 34.1 to illustrate cross-section, rather than removal of the room's existing shield.
5. Improvement to the detailing of the glazed link element between the Barrack Block, Officer's Building and Ablutions Block.

Environment Agency

Objects – on the grounds of insufficient information as follows:

1. Flood Risk Assessment (FRA) has not considered flooding to all parts of the proposed development and additional information is required to show how flood risks will be managed.
2. More information is required with regard to;
 - a. sewage treatment,
 - b. construction environment management,
 - c. contaminated land, and
 - d. waste management.

Natural England

Objects – on the grounds of insufficient information to determine impacts upon (and mitigation and enhancement strategies for);

1. Plymouth Sound and Estuaries Special Area of Conservation (SAC),
2. Tamar Estuaries Complex Special Protection Area (SPA)
3. biodiversity generally (including protected birds, bats and botany), and
4. South Devon Area of Outstanding Natural Beauty (AONB) and Cornwall AONB in terms of landscape.

Ministry of Defence

Support – subject to detailed design requirements to address explosive safeguarding concerns.

Public Protection Service

Objects – the Public Protection Service recommends refusal due to insufficient information relating to potential noise impacts, including the potential for noise to be excessive due to the proposal of a heliport, possible operational events and the construction phase. The risk is considered unacceptable because there is no evidence to indicate otherwise.

Queen's Harbour Master

Support – subject to agreement of detailed requirements including;

1. impact of lighting on navigation,
2. positioning of marker buoys,
3. construction phase navigation,
4. route of ferry,
5. impact on designated small craft anchorage, and
6. minimised impact on the SAC.

Royal Society for the Protection of Birds (RSPB)

Objects – on the basis that the information provided does not adequately address the issues raised at the scoping stage for inclusion in the Environmental Impact Assessment and is therefore insufficient to demonstrate that the existing wildlife of Drake's Island (including designated features of the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA) will be protected during construction and operation of the proposed development.

Representations

At the time of writing the Officer's report, 12 individual representations have been received.

One representation supports the proposal on the basis that it will provide new jobs.

Eight representations object to the proposal, and their issues of concern can be summarised as follows:

1. Impact on protected wildlife including protected birds (notably, Little Egrets) and bats.
2. Impact on the seagrass beds.
3. Lack of environmental mitigation measures.
4. Potential contamination risk from previous uses on island.
5. Insufficient archaeological information.
6. Public access will be limited and not affordable.

Three representations do not object or support the proposal, but raise issues with regards to the following:

1. Lack of a comprehensive ecological study.
2. Concern over potential impacts on seahorse habitat.
3. A restrictive covenant potentially affecting development of the island.

Analysis

Planning Policy Position

In the First Deposit Local Plan (FDLP) Proposal 113, Drake's Island was allocated for leisure, recreation and tourism uses, with development to make provisions including for "sensitivity to and enhancement of the island's historic, architectural and nature conservation interests". The FDLP has now been superseded by the adopted Core Strategy, and the Hoe Area Vision in this document provides general planning policy guidance relevant to Drake's Island:

Core Strategy Area Vision 4 - The Hoe

To enhance the civic quality and focus of The Hoe, including its foreshore and related spaces, promoting in particular its tourism, leisure and residential functions.

To create a balanced neighbourhood at West Hoe, encouraging sustainable mixed-use development including new community facilities.

The Council's objectives to deliver this vision are:

- 1. To maintain a unique, high quality, well-resourced and engaging tourist and leisure destination.*
- 2. To enhance the built environment and address regeneration needs through new development.*
- 3. To improve the range and quality of public facilities and information.*
- 4. To provide a more memorable link between The Hoe and the city.*
- 5. To improve pedestrian movement across The Hoe to its attractions and foreshore.*
- 6. To provide high quality public, water and sustainable transport facilities serving The Hoe and its neighbourhood.*

Drake's Island is not shown in the Hoe Vision Diagram. The emerging Plymouth Plan may include a more detailed proposal to replace the FDLP Proposal 113, but the planning issues and objectives are likely to be similar.

The following Core Strategy policies are relevant:

- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS03 - Historic Environment
- CS04 - Future Employment Provision
- CS12 - Cultural / Leisure Development Considerations
- CS13 - Evening/Night-time Economy Uses
- CS18 - Plymouth's Green Space
- CS19 - Wildlife
- CS20 - Resource Use
- CS21 - Flood Risk
- CS28 - Local Transport Consideration
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS22 - Pollution

The following Supplementary Planning Documents are relevant:

- Planning Obligations and Affordable Housing Supplementary Planning Document (Second Review 2012)
- Design Supplementary Planning Document (2009)
- Development Guidelines Supplementary Planning Document (2010)

The NPPF - National Planning Policy Framework (March 2012) – is also a key consideration.

Principle of Development

The proposed development is well aligned to planning policy objectives and is considered consistent with spirit of the City Vision - to create "one of Europe's finest, most vibrant waterfront cities". The Local Planning Authority was able to confirm strong support to the principle of the proposal in the pre-application response letter to the agent, dated 20/01/11.

Impact on Historic Environment

It must be noted that the Council's responsibility as Local Planning Authority, to the historic environment on Drake's Island, extends only to the Listed Buildings and not the Scheduled Ancient Monument (for which English Heritage is the authorising body).

Refurbishment of the jetty and the proposed Arrival Building are considered to have a minimal effect on the island's historic assets and will significantly improve the existing arrangements. The Arrival Building's bold angular design and associated landscaping measures are welcomed, as are the proposals for the gateway approach to the main hotel area.

With regards to the main hotel complex proposed for the Barrack Block/Island House/Ablutions Block, there are two key issues - the loss of original historic fabric and the proposal to "wrap" the buildings into one hotel "core". The proposal requires a significant amount of demolition of existing features and fabric, though the most significant elements to be removed are the three stairways on the southern side of the main Barrack Block. While this is regrettable, this building is only assessed as "moderate" in the Heritage Assessment and the loss is justified in both the Heritage Impact Assessment and English Heritage's letter of 06/03/12 as necessary to the viability of the development. It is therefore considered that any loss here, and with the Artillery Store, can be mitigated by recording.

Whilst the proposal to "wrap" the buildings around a central glazed "core" is considered to be a sound approach overall, the Local Planning Authority is in agreement with the English Heritage view that the front of the glazed "link block" should be pulled back behind the north frontage of the Island House, to allow this building's historic elevation to be seen in full. It is understood from the agent, that the applicant may be willing to make this change. However, at the time of writing, amended drawings have not been received and the scheme must be assessed against the submitted information.

There have also been significant negotiations with English Heritage regarding the proposals for the Casemates building – particularly with regards to the proposed loss of a number of cast iron blast shields. The applicant has sought to remove a number of historic blast shields to create larger windows (and therefore allow more light and wider views to the proposed hotel rooms within the Casemates building). English Heritage was initially concerned about the number of blast shields proposed for removal, and this position was recorded in their initial consultation response dated 06/03/12. However, English Heritage has since reviewed this position and has taken the "finely balanced decision" that they are prepared to consider the

compromise of the temporary removal of six of the casemate blast shields as proposed, subject to the following changes.

1. Removal of balcony/patio areas in front of casemate rooms.
2. Full recording of casemate shields, and their careful removal and storage on site.
3. Further discussion on casemate glazing detail.
4. Potential display of a removed shield in room 34.1 to illustrate cross-section, rather than removal of the room's existing shield.
5. Improvement to the detailing of the glazed link element between the Barrack Block, Officer's Building and Ablutions Block.

Once again, it is understood from the agent, that the applicant may be willing to make these changes. Unfortunately however, at the time of writing, amended drawings have not been received.

The proposals are therefore not considered compliant with Policy CS03 (Historic Environment) and Policy CS02 (Design) of the adopted City of Plymouth Local Development Framework Core Strategy (2007).

Impact on Wildlife

Impact on European Marine Site (EMS)

Drake's Island lies within the Plymouth Sound and Estuaries Special Area of Conservation (SAC) up to the low water mark. Inter-tidal habitats are a Biodiversity Action Plan priority for the UK. There is relatively little information on the marine habitats surrounding the island, but it is known that eel grass beds are present. Eel grass is an important habitat (including, notably, for the spiny seahorse, which is legally protected under the Wildlife and Countryside Act (1981)) and is a primary reason for the designation of the SAC.

There is potential for kelp forests to be damaged during the construction phase. There is also the potential for damage to intertidal rock and boulder shore communities from an increase in human presence in the area following construction. In addition, works on the intertidal area, including demolition of the boat house and use of machinery on the foreshore have the potential to cause damage to intertidal habitat.

Natural England advises that several aspects of the proposal have the potential to negatively impact upon the eelgrass bed to the north of Drakes Island. These include works in the intertidal area during the construction phase, whether the jetty is refurbished or completely replaced. There is little information on the refurbishment methods so it is difficult to ascertain the extent of the impact. In addition, the proposed development would likely lead to an increase in boat activity in the vicinity of the eelgrass, including risk of damage from anchoring, prop wash, and direct damage at low water, including from vessels, outboard engines and oars.

It is unclear as to whether there is any data on localised turbidity levels at the site. Eelgrass beds are sensitive to increases in turbidity as well as nutrient enrichment, which can cause excessive growth of epiphytic algae. There is insufficient information and assessment of nutrient loading and pollution levels associated with the proposed sewage discharges, and measures to address this impact on sub-tidal habitat. Natural

England advice indicates that the sewage outfall, in its present location adjacent the eelgrass bed, creates a risk of adverse effects on this protected habitat.

Impact on Protected Birds

The Local Planning Authority has records of 66 individual Little Egrets roosting in the trees on Drake's Island. This is understood to be a nationally significant number, and given that this is a species cited in the designation of the Tamar Estuaries Complex Special Protection Area, further information has repeatedly been sought on the likely level of impact - of both the development phase and the operation phase of the proposal.

Little egrets are protected under the Wildlife and Countryside Act 1981, and are vulnerable to a number of factors including:

- Scrub clearance/ ground redevelopment
- Helicopter disturbance
- Disturbance during construction
- Disturbance from increased human presence
- Possible permanent abandonment of the site if developed
- Lighting impacts

The draft Environmental Statement (ES) provided with the application makes reference to improved access on the island without consideration of impacts on the Little Egret population.

The potential for construction and operational phases of the proposal to displace Little Egrets and implications for the integrity of the SPA require detailed assessment and an appropriate evidence based approach. Unfortunately, despite extensive dialogue with the applicant's agents, together with advice provided in our consultation responses, and repeated requests, this assessment has not been provided as part of the information put forward by the applicant.

Impact on Bats

There is evidence that protected bats are present on Drake's Island, including the Lesser Horseshoe species. In the pre-application dialogue with the applicant's agent, the Local Planning Authority made it clear that a full set of bat surveys would be necessary. These surveys could have been undertaken in the Spring and Summer of 2011. Unfortunately, insufficient bat survey information was submitted with the planning application. Despite extensive dialogue with the applicant's agent, and assurances that bat survey work has been undertaken, unfortunately no further information has been supplied to the Local Planning Authority at the time of writing, and details of impacts and mitigation measures remain unclear.

Impact on Botany

The island contains notable plant species, including Corn Parsley, Broad-Leaved Everlasting-Pea, Lesser Sea-Spurrey, Sea Spleenwort, Sea Fern-Grass, Dark-Green Mouse-Ear, Tree Mallow and Round-Leaved Crane's-Bill. The Local Planning Authority has repeatedly sought sufficient information in this respect, including a Phase 2 Botanical Survey. Unfortunately, this information has not been supplied to the Local Planning Authority at the time of writing, and details of impacts and mitigation measures remain unclear.

The proposals are therefore not compliant with Policy CS19 (Wildlife) of the adopted City of Plymouth Local Development Framework Core Strategy (2007).

Flood Risk

The Environment Agency objection to the proposal identifies that the Flood Risk Assessment (FRA) has not considered flooding to all parts of the proposed development and additional information is required to show how flood risks will be managed. The areas of particular concern include the electricity substation and proposed hotel bedroom in the Casemates lower level torpedo room.

The proposals are therefore not compliant with Policy CS21 (Flood Risk) of the adopted City of Plymouth Local Development Framework Core Strategy (2007).

Noise

The Council's Public Protection Service recommends refusal due to insufficient information relating to potential noise impacts of the development, including the potential for noise to be excessive due to the proposal of a helicopter landing pad, possible operational events and the construction phase. The risk is considered unacceptable because there is no evidence to indicate otherwise.

The proposals are therefore not compliant with Policy CS22 (Pollution) of the adopted City of Plymouth Local Development Framework Core Strategy (2007).

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

Due to the lack of information in relation to this proposal, officers have not been in a position to begin detailed negotiations over heads of terms for a Section 106 agreement. However, were the proposal to be approved, there are impacts on the environment which would require mitigation. The impacts relate to offsetting the cumulative impacts on the European Marine Site.

Equalities & Diversities issues

This development affects people of all ages and from all backgrounds, as it provides hotel, spa, bar and restaurant facilities which will be made available to the general public, as well as heritage trail and historic environment exhibitions and interpretation.

Clearly, due to the island's topography and terrain, access for some groups to some areas may be challenging. The Arrival Building does however propose a lift giving access from the Jetty level to the main hotel level plateau.

Local Finance Considerations

Local finance considerations are now a material consideration in the determination of planning applications by virtue of the amended section 70 of the Town and Country Planning Act 1990. In this case the development will not generate any New Homes Bonus contributions for the authority. Therefore the development plan and other material considerations, as set out elsewhere in the report, are the only matters to be taken into account in the determination of this application.

Conclusions

The Local Planning Authority has given strong support for the principle of this proposal and officers have committed a great deal of time to working with the applicant's agent to try and resolve the various issues of concern and move the planning application forward. However, despite repeated advice and requests for updated plans and outstanding survey information, this has not been forthcoming.

In summary, the outstanding concerns with regards to the historic environment, wildlife, flood risk and noise are such that this proposal cannot be supported in its current form.

The application is therefore recommended for refusal.

Recommendation

In respect of the application dated **24/01/2012** and the submitted drawings I0057 C09.16, I0057 C09.10, I0057 C09.11, I0057 C09.12, I0057 C09.13, I0057 C09.14, I0057 C09.15, I0057 L09.01, I0057 L09.02, I0057 L09.03, I0057 L09.04, I0057 L09.05, I0057 L09.06, I0057 L09.07, I0057 L09.08, I0057 L09.09, I0057 L09.10, I0057 L09.11, I0057 L09.12, I0057 L09.13, I0057 L09.14, I0057 L09.15, I0057 L09.16, I0057 L09.17, I0057 L09.20, I0057 L09.21, I0057 L09.23, I0057 L09.24, I0057 L09.25, I0057 L09.26, I0057 L09.27, I0057 L09.28, I0057 L09.29, I0057 L09.30, I0057 L09.31, I0057 L09.32, I0057 L09.33, I0057 L09.34, I0057 L09.35, I0057 L09.36, I0057 L09.37, I0057 L00.01, I0057 L01.01, I0057 L02.01, I0057 L02.02, I0057 L02.03, I0057 L02.04, I0057 L02.05, I0057 L02.06, I0057 L02.07, I0057 L02.08, I0057 L02.09, I0057 L03.01, I0057 L03.02, I0057 L03.03, I0057 L03.04, I0057 L04.01, I0057 L04.02, I0057 L04.03, I0057 L04.04, I0057 L04.05, I0057 L04.06, I0057 L04.07, I0057 L04.08, I0057 L93.01, I0057 L93.02, I0057 L93.03, Bat Scoping Assessment, Design and Access Statement, Ecologist Report - Drake's Island Species List, Ecologist Report - EclA and Extended Phase I Habitat Survey, Ecologist Report - Phase I Habitat Survey, Ecologist Report - Phase I Habitat Survey Legend, Environmental Statement with Appendices, Heritage Assessment, Heritage Assessment Appendix One Gazetteer, Heritage Impact Assessment, Inter-Tidal Habitat Assessment, Drakes Hotel Travel Plan, Flood Risk Assessment, Foul Drainage Strategy, Phase I Environmental Assessment, Transport Statement, Transport Statement Part 2, Tree Report - Tree Constraints Plan – East, Tree Report - Tree Constraints Plan – West, Tree Report - Tree Constraints Plan Report, it is recommended to: **Refuse**

Reasons for Refusal

NEGATIVE IMPACT ON HISTORIC ENVIRONMENT

(1) The Local Planning Authority considers that the design of the central glazed core building linking the Barrack Block, Officer's Building and Ablutions Block has a negative impact on the adjacent listed buildings, and wider historic setting of the island and landscape, by virtue of its footprint, massing, external appearance and use of materials. The proposals are therefore not compliant with Policy CS03 (Historic Environment) and Policy CS02 (Design) of the adopted City of Plymouth Local Development Framework Core Strategy (2007).

IMPACT ON THE EUROPEAN MARINE SITE

(2) Insufficient information has been provided to demonstrate that the designated features of the Plymouth Sound and Estuaries Special Area of Conservation (SAC) and Tamar Estuaries Complex Special Protection Area (SPA) will be protected during construction and operation of the proposed development. The proposals are therefore not compliant with Policy CS19 (Wildlife) of the adopted City of Plymouth Local Development Framework Core Strategy (2007).

IMPACT ON EUROPEAN PROTECTED SPECIES

(3) Insufficient information has been provided to demonstrate that the development will not have a detrimental impact on bat populations that currently inhabit the island. Bats are protected under the Conservation of Habitat and Species Regulations. The proposals are therefore not compliant with Policy CS19 (Wildlife) of the adopted City of Plymouth Local Development Framework Core Strategy (2007).

IMPACT ON BIRD SPECIES AND BOTANY

(4) Insufficient information has been provided to demonstrate that the development will not have a detrimental impact on the bird populations that currently utilise the island and the botanical value of the site. The proposals are therefore not compliant with Policy CS19 (Wildlife) of the adopted City of Plymouth Local Development Framework Core Strategy (2007).

FLOOD RISK

(5) The Flood Risk Assessment (FRA) has not considered the vulnerability to flooding for all parts of the proposed development and contains insufficient information to show how flood risks will be managed. The proposed development is therefore contrary to adopted Core Strategy Policy CS21.

NOISE

(6) Insufficient information has been submitted in relation to potential noise impacts of the development, including the potential for noise to be excessive due to the proposed helicopter landing pad, possible events and the construction phase. The risk is considered unacceptable because there is no evidence to indicate otherwise. The proposals are therefore not compliant with Policy CS22 (Pollution) of the adopted City of Plymouth Local Development Framework Core Strategy (2007).

INFORMATIVE: SECTION 106 CONTRIBUTIONS

(1) Had the Local Planning Authority been minded to approve the application, the applicant's attention is drawn to the fact that the application contains insufficient provisions to mitigate the impacts of the proposal, in accordance with Policy CS33 of the adopted Core Strategy and the guidelines set out in the Planning Obligations and Affordable Housing Supplementary Planning Document (Second Review 2012). The methodology of mitigating the impacts of the proposed development is outlined in the Committee Report and, in the event of an appeal, the Local Planning Authority would seek to secure mitigation via a Section 106 Agreement.

Relevant Policies

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

CS28 - Local Transport Consideration
CS32 - Designing out Crime
CS33 - Community Benefits/Planning Obligation
CS34 - Planning Application Consideration
CS22 - Pollution
CS13 - Evening/Night-time Economy Uses
CS18 - Plymouth's Green Space
CS19 - Wildlife
CS20 - Resource Use
CS21 - Flood Risk
CS03 - Historic Environment
CS01 - Sustainable Linked Communities
CS02 - Design
CS04 - Future Employment Provision
CS12 - Cultural / Leisure Development Considerations
SPD2 - Planning Obligations and Affordable Housing
SPD1 - Development Guidelines
DSPD - Design Supplementary Planning Document
NPPF - National Planning Policy Framework March 2012

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PLANNING APPLICATION REPORT



ITEM: 08

Application Number: 12/00099/LBC

Applicant: Rotolock (Holdings) Ltd

Description of Application: Refurbishment and extensions to existing redundant buildings to form hotel development to include refurbishment of jetty, refurbishment, part demolition and extensions to Grade II listed Barrack Block, Island House, and Ablutions Block. Refurbishment and part demolition to scheduled Ancient Monument Casemated Battery and general landscaping and infrastructure works

Type of Application: Listed Building

Site Address: DRAKE'S ISLAND PLYMOUTH

Ward: St Peter & The Waterfront

Valid Date of Application: 24/01/2012

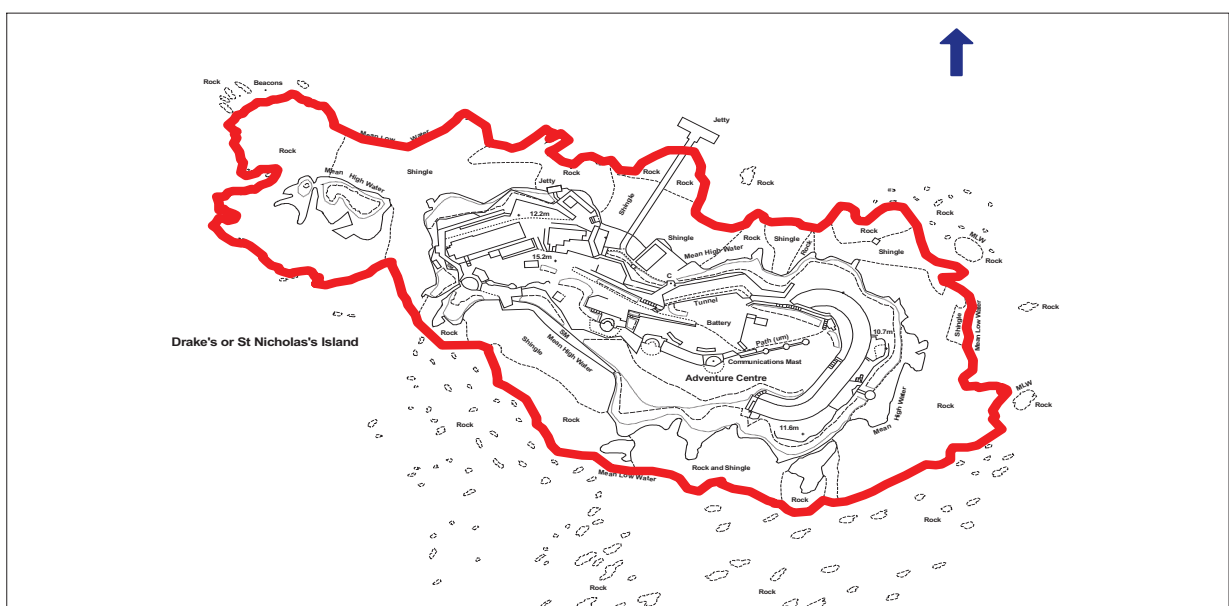
8/13 Week Date: **24/04/2012**

Decision Category: Related to a Major - 5 or more Letters of Representation received

Case Officer : Matt Coombe

Recommendation: Refuse

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



Site Description

Drake's Island is located in Plymouth Sound, about 600 metres south of the Hoe. It extends to about 2.6 hectares and is formed of limestone and volcanic rock rising to a height of some 29 metres.

Formerly known as St Nicholas Island, its strategic position on the approach to Sutton Harbour, the Cattewater, Hamoaze and Dockyard led to it being fortified from at least the 16th century. Military use of the island continued until after World War II. From 1963 to 1989, Plymouth City Council obtained a lease from the Crown and operated a youth adventure training centre there. The current owner bought the island from the Crown in 1995. Since then the island buildings have been unused, and have fallen into disrepair.

A large proportion of the island is a designated Scheduled Monument (SAM 12614), comprising three designated areas. At the western end of the island, the designated area includes the main entrance, coastal walls and the western gun battery. A small area in the north-east of the island encloses a small area believed to contain remains of a 16th century artillery tower. The largest area includes the majority of the central and eastern parts of the island, enclosing the casemated batteries of 1860-1, and most of the later artillery batteries and magazines. Although excluded from the Scheduled Monument, the group of four principal buildings occupying the north-west end of the island are Grade II listed. These buildings comprise the 18th and 19th century former Barracks, Ablution Blocks, Commanding Officer's House and Guardhouse.

The range of remains and fortifications, and the prominent location of Drake's Island, make it a heritage site of the greatest importance.

Proposal Description

The proposals seek to carry out conversions and extensions to existing buildings to allow the island to function as a luxury hotel resort. The intention is that the island will be made available not just to hotel residents and guests, but that arrangements will be made to allow controlled access to members of the public.

The proposed development is largely concentrated in three main areas:

- The group of buildings at the western end of the island representing the former residential quarters of soldiers and officers
- The Casemated Battery at the eastern end of the island
- The arrival point on the north side of the island

In brief, the proposals seek to convert the Barrack Block into 25 hotel bedrooms and suites, to convert Island House into bar and restaurant areas, to convert and extend the Ablution Block, to provide spa, gym and swimming pool facilities and to link the three buildings with a highly glazed linking element of contemporary architecture that will provide the core services and the main vertical circulation for the four building elements of the hotel. Space is also allocated for a conference suite, services rooms, staff support and ancillary facilities. Creation of a seating area is proposed to the rear of the Barrack Block, together with a circular viewing

platform and other landscape features. To allow for this space it is proposed that the existing ammunitions store here be demolished.

The Casemated Battery at the east end of the island is proposed for conversion to provide additional hotel accommodation in the form of 19 single and double unit suites, with two “Feature Rooms” restored to reflect their original historic form and made accessible to the public.

The landing jetty at the north side of the island is proposed for repair and refurbishment and the adjacent late 20th century Boat House is proposed for demolition, to be replaced with a modern “Arrival Building” with a “scenic lift” giving access from the jetty level to the main hotel level at the top of the cliff. A boat store is also proposed within the building.

The Design & Access Statement makes reference to the provision of a gravel helipad on the upper part of the island. Here also, it is proposed that historic pathways be uncovered, low-level lighting be added and the area generally be made safe.

It is proposed that overgrown vegetation on the island be cut back. Installation of lighting is proposed for the tunnel and store room network beneath the island, which is to be generally cleaned and repaired but with no major changes.

Pre-Application Enquiry

Prior to application submission, extensive pre-application meetings took place through the Council’s Development Enquiry Service, including detailed discussions focusing on ecology and heritage (with English Heritage involvement). The pre-application process included a site visit to the island – again with English Heritage in attendance – on 17/01/11. The applicant held a day-long public consultation event on the proposal at the Royal Corinthian Yacht Club on 01/12/11 and conducted further pre-application consultation with the Plymouth Waterfront Partnership and other bodies.

Relevant Planning History

99/00981/LBC - Alterations and extensions to Officer's House, Barrack Block, and Ablution Block – REFUSED

99/00980/FUL - Change of use of Casemates to visitor attraction with cafe; Officers House to a tavern/restaurant (together with rear extension); Barrack Block to hotel (together with extension) - REFUSED

Consultation Responses

English Heritage

Supports – in latest response, subject to the following changes:

1. Removal of balcony/patio areas in front of casemate rooms.
2. Full recording of casemate shields, and their careful removal and storage on site.
3. Further discussion on casemate glazing detail.
4. Potential display of a removed shield in room 34.1 to illustrate cross-section, rather than removal of the room's existing shield.
5. Improvement to the detailing of the glazed link element between the Barrack Block, Officer's Building and Ablutions Block.

Representations

At the time of writing the Officer's report, 12 individual representations have been received but none of the comments relate to the application for listed building consent.

Analysis

Planning Policy Position

In the First Deposit Local Plan (FDLP) Proposal 113, Drake's Island was allocated for leisure, recreation and tourism uses, with development to make provisions including for "sensitivity to and enhancement of the island's historic, architectural and nature conservation interests". The FDLP has now been superseded by the adopted Core Strategy. The following Core Strategy policy is relevant: CS03 - Historic Environment. The following Supplementary Planning Document is relevant: Design Supplementary Planning Document (2009). The National Planning Policy Framework (March 2012) – is also a key consideration.

Impact on Historic Environment

It must be noted that the Council's responsibility as Local Planning Authority, to the historic environment on Drake's Island, extends only to the Listed Buildings and not the Scheduled Ancient Monument (for which English Heritage is the authorising body).

Refurbishment of the jetty and the proposed Arrival Building are considered to have a minimal effect on the island's historic assets and will significantly improve the existing arrangements. The Arrival Building's bold angular design and associated landscaping measures are welcomed, as are the proposals for the gateway approach to the main hotel area.

With regards to the main hotel complex proposed for the Barrack Block/Island House/Ablutions Block, there are two key issues - the loss of original historic fabric and the proposal to "wrap" the buildings into one hotel "core". The proposal requires a significant amount of demolition of existing features and fabric, though the most significant elements to be removed are the three stairways on the southern side of the main Barrack Block. While this is regrettable, this building is only assessed as "moderate" in the Heritage Assessment and the loss is justified in both the Heritage Impact Assessment and English Heritage's letter of 06/03/12 as

necessary to the viability of the development. It is therefore considered that any loss here, and with the Artillery Store, can be mitigated by recording.

Whilst the proposal to “wrap” the buildings around a central glazed “core” is considered to be a sound approach overall, the Local Planning Authority is in agreement with the English Heritage view that the front of the glazed “link block” should be pulled back behind the north frontage of the Island House, to allow this building’s historic elevation to be seen in full. It is understood from the agent, that the applicant may be willing to make this change. However, at the time of writing, amended drawings have not been received and the scheme must be assessed against the submitted information.

There have also been significant negotiations with English Heritage regarding the proposals for the Casemates building – particularly with regards to the proposed loss of a number of cast iron blast shields. The applicant has sought to remove a number of historic blast shields to create larger windows (and therefore allow more light and wider views to the proposed hotel rooms within the Casemates building). English Heritage was initially concerned about the number of blast shields proposed for removal, and this position was recorded in their initial consultation response dated 06/03/12. However, English Heritage has since reviewed this position and has taken the “finely balanced decision” that they are prepared to consider the compromise of the temporary removal of six of the casemate blast shields as proposed, subject to the following changes.

1. Removal of balcony/patio areas in front of casemate rooms.
2. Full recording of casemate shields, and their careful removal and storage on site.
3. Further discussion on casemate glazing detail.
4. Potential display of a removed shield in room 34.I to illustrate cross-section, rather than removal of the room’s existing shield.
5. Improvement to the detailing of the glazed link element between the Barrack Block, Officer’s Building and Ablutions Block.

Once again, it is understood from the agent, that the applicant may be willing to make these changes. Unfortunately however, at the time of writing, amended drawings have not been received.

The proposals are therefore not considered compliant with Policy CS03 (Historic Environment) of the adopted City of Plymouth Local Development Framework Core Strategy (2007).

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.

Conclusions

The Local Planning Authority has given strong support for the principle of this proposal and officers have committed a great deal of time to working with the applicant's agent to try and resolve the various issues of concern and move the planning application forward. However, despite repeated advice and requests for updated plans these have not been forthcoming.

In summary, the outstanding concerns with regards to the historic environment are such that this proposal cannot be supported in its current form.

The application is therefore recommended for refusal.

Recommendation

In respect of the application dated **24/01/2012** and the submitted drawings 10057 C09.16, 10057 C09.10, 10057 C09.11, 10057 C09.12, 10057 C09.13, 10057 C09.14, 10057 C09.15, 10057 L09.01, 10057 L09.02, 10057 L09.03, 10057 L09.04, 10057 L09.05, 10057 L09.06, 10057 L09.07, 10057 L09.08, 10057 L09.09, 10057 L09.10, 10057 L09.11, 10057 L09.12, 10057 L09.13, 10057 L09.14, 10057 L09.15, 10057 L09.16, 10057 L09.17, 10057 L09.20, 10057 L09.21, 10057 L09.23, 10057 L09.24, 10057 L09.25, 10057 L09.26, 10057 L09.27, 10057 L09.28, 10057 L09.29, 10057 L09.30, 10057 L09.31, 10057 L09.32, 10057 L09.33, 10057 L09.34, 10057 L09.35, 10057 L09.36, 10057 L09.37, 10057 L00.01, 10057 L01.01, 10057 L02.01, 10057 L02.02, 10057 L02.03, 10057 L02.04, 10057 L02.05, 10057 L02.06, 10057 L02.07, 10057 L02.08, 10057 L02.09, 10057 L03.01, 10057 L03.02, 10057 L03.03, 10057 L03.04, 10057 L04.01, 10057 L04.02, 10057 L04.03, 10057 L04.04, 10057 L04.05, 10057 L04.06, 10057 L04.07, 10057 L04.08, 10057 L93.01, 10057 L93.02, 10057 L93.03, Bat Scoping Assessment, Design and Access Statement, Ecologist Report - Drake's Island Species List, Ecologist Report - EclA and Extended Phase I Habitat Survey, Ecologist Report - Phase I Habitat Survey, Ecologist Report - Phase I Habitat Survey Legend, Environmental Statement with Appendices, Heritage Assessment, Heritage Assessment Appendix One Gazetteer, Heritage Impact Assessment, Inter-Tidal Habitat Assessment, Drakes Hotel Travel Plan, Flood Risk Assessment, Foul Drainage Strategy, Phase I Environmental Assessment, Transport Statement, Transport Statement Part 2, Tree Report - Tree Constraints Plan – East, Tree Report - Tree Constraints Plan – West, Tree Report - Tree Constraints Plan Report, it is recommended to: **Refuse**

Reasons for Refusal

NEGATIVE IMPACT ON HISTORIC ENVIRONMENT

(1) The Local Planning Authority considers that the design of the central glazed core building linking the Barrack Block, Officer's Building and Ablutions Block has a negative impact on the adjacent listed buildings, and wider historic setting of the island and landscape, by virtue of its footprint, massing, external appearance and use of materials. The proposals are therefore not compliant with Policy CS03 (Historic Environment) of the adopted City of Plymouth Local Development Framework Core Strategy (2007).

Relevant Policies

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

CS03 - Historic Environment

SPD3 - Design Supplementary Planning Document

NPPF - National Planning Policy Framework March 2012

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PLANNING COMMITTEE

Decisions issued for the following period: 27 October 2012 to 23 November 2012

Note - This list includes:

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

Item No 1

Application Number: 11/01504/FUL **Applicant:** Pillar Land Securities
Application Type: Full Application
Description of Development: Change of use from A2 (bank) to A3 (café/bar) on ground floor and C2/C3 (student residential, 27 units) on the upper floors
Site 174 ARMADA WAY PLYMOUTH
Case Officer: Jeremy Guise
Decision Date: 16/11/2012
Decision: Grant Subject to S106 Obligation - Full

Item No 2

Application Number: 11/01880/FUL **Applicant:** Amber New Homes and
Application Type: Full Application
Description of Development: Change of use of former residential care home to provide a 10 bedroomed house in multiple occupancy and a separate one bedroomed ground floor flat
Site 20 MOORLAND ROAD PLYMOUTH
Case Officer: Jon Fox
Decision Date: 07/11/2012
Decision: Not Determined

Item No 3

Application Number: 12/00276/FUL **Applicant:**

Application Type: Full Application

Description of Development: TEST APPLICATION

Site TEST APPLICATION

Case Officer:

Decision Date: 08/11/2012

Decision: Application Withdrawn

Item No 4

Application Number: 12/00922/FUL **Applicant:** Knightsbridge Student Housing

Application Type: Full Application

Description of Development: New buildings of 4 to 9 storey in height, containing 517 student bedrooms (configured in 59 flats and 73 studio rooms) with ancillary rooms and facilities, also with commercial uses as ground floor frontages of Armada Way Notte Street (use classes A1,A3,B1 and D1)(Revised scheme from previous submission 10/01163/FUL variation of condition (1)(Accordance with plans) to enable Block 3 to be moved 1200mm away from eastern boundary wall

Site HOE CENTRE, NOTTE STREET PLYMOUTH

Case Officer: Mark Evans

Decision Date: 20/11/2012

Decision: Grant Conditionally

Item No 5

Application Number: 12/01097/FUL **Applicant:** Mr Andrew Mudge

Application Type: Full Application

Description of Development: Develop part of garden by erection of detached bungalow with rooms in roofspace and detached garage

Site 37 BILLACOMBE ROAD PLYMOUTH

Case Officer: Kate Saunders

Decision Date: 22/11/2012

Decision: Refuse

Item No 6

Application Number: 12/01180/FUL **Applicant:** Mr I Pugsley
Application Type: Full Application
Description of Development: Re-develop site by erection of 53 dwellings with new access from the old wharf and associated roads and footways, parking and landscaping (demolition of existing buildings)
Site BOSTONS BOAT YARD, BAYLYS ROAD PLYMOUTH
Case Officer: Robert Heard
Decision Date: 16/11/2012
Decision: Grant Subject to S106 Obligation - Full

Item No 7

Application Number: 12/01223/FUL **Applicant:** Mr C Pester
Application Type: Full Application
Description of Development: Retrospective application to change the use of ground floor shop to living accommodation for existing single dwelling
Site 190 BEAUMONT ROAD PLYMOUTH
Case Officer: Jon Fox
Decision Date: 30/10/2012
Decision: Grant Conditionally

Item No 8

Application Number: 12/01253/FUL **Applicant:** Mr Robert Wenborn
Application Type: Full Application
Description of Development: Replace wooden doors and windows in the north elevation of the club house with uPVC
Site WHITEFORD ROAD TENNIS AND BADMINTON CLUB, WHITEFORD ROAD PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 29/10/2012
Decision: Grant Conditionally

Item No 9

Application Number: 12/01255/ADV **Applicant:** Mr Robert Wenborn
Application Type: Advertisement
Description of Development: Replacement fascia sign
Site WHITEFORD ROAD TENNIS AND BADMINTON CLUB,
WHITEFORD ROAD PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 29/10/2012
Decision: Grant Conditionally

Item No 10

Application Number: 12/01321/FUL **Applicant:** Sanctuary Housing Group
Application Type: Full Application
Description of Development: Redevelopment of site with 3 storey building containing 325 square metres of office space (Use Class B1) and 21 residential units in the form of 18 flats and 3 houses with associated cycle storage, refuse storage and amenity space (demolition of existing building)
Site RIVER VIEW PLYMOUTH
Case Officer: Robert Heard
Decision Date: 19/11/2012
Decision: Grant Subject to S106 Obligation - Full

Item No 11

Application Number: 12/01323/FUL **Applicant:** Mr James Nettleton
Application Type: Full Application
Description of Development: New spa and gym building with relocated parking area and associated landscaping improvements
Site BORINGDON HALL, BORINGDON HILL PLYMOUTH
Case Officer: Robert Heard
Decision Date: 20/11/2012
Decision: Grant Conditionally

Item No 12

Application Number: 12/01381/FUL **Applicant:** Tiuta International Ltd
Application Type: Full Application
Description of Development: Erection of building containing six 2-bedroom flats (retrospective) and six 2 and 3-bedroom houses (proposed) with associated parking and access roads
Site LAND ADJACENT TO AGATON FARMHOUSE, BUDSHEAD ROAD PLYMOUTH
Case Officer: Carly Kirk
Decision Date: 13/11/2012
Decision: Refuse

Item No 13

Application Number: 12/01420/EXDE **Applicant:** Mrs Eileen Parker
Application Type: LDC Existing Develop
Description of Development: Decking at first-floor level, on flat roof
Site FLAT 4, 1 WHITEFIELD TERRACE, GREENBANK ROAD PLYMOUTH
Case Officer: Liz Wells
Decision Date: 19/11/2012
Decision: Issue Certificate - Lawful Use

Item No 14

Application Number: 12/01428/ADV **Applicant:** Scope
Application Type: Advertisement
Description of Development: Signage: fascia sign and projecting sign
Site 76 CORNWALL STREET CITY CENTRE PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 29/10/2012
Decision: Grant Conditionally

Item No 15

Application Number: 12/01439/FUL **Applicant:** Sonya Weekes
Application Type: Full Application
Description of Development: First floor rear extension
Site 9 OAKFIELD TERRACE ROAD CATTEDOWN PLYMOUTH
Case Officer: Mike Stone
Decision Date: 01/11/2012
Decision: Grant Conditionally

Item No 16

Application Number: 12/01451/FUL **Applicant:** Mr John Smith
Application Type: Full Application
Description of Development: Change of use from student HMO to single family dwelling
Site 83 STUART ROAD PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 05/11/2012
Decision: Application Withdrawn

Item No 17

Application Number: 12/01457/FUL **Applicant:** Mr Joseph Taylor
Application Type: Full Application
Description of Development: Subdivision of private residential garden to erect two 3-bed dwellings
Site 1 BEAUCHAMP ROAD PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 29/10/2012
Decision: Refuse

Item No 18

Application Number: 12/01467/FUL **Applicant:** Plymstock United Church
Application Type: Full Application
Description of Development: Demolition of walkway and erection of part two-storey, part single-storey, extension to provide improved access and additional space for church and community activities together with toilets, new kitchen facilities and levelling of front of site to provide disabled access
Site PLYMSTOCK UNITED CHURCH, 70-74 PLYMSTOCK ROAD PLYMSTOCK PLYMOUTH
Case Officer: Jon Fox
Decision Date: 19/11/2012
Decision: Grant Conditionally

Item No 19

Application Number: 12/01468/FUL **Applicant:** Mr A Nutbean
Application Type: Full Application
Description of Development: Removal of existing timber cabin and erection of two storey dwellinghouse with detached double garage
Site 29 COLTNESS ROAD PLYMOUTH
Case Officer: Liz Wells
Decision Date: 01/11/2012
Decision: Grant Conditionally

Item No 20

Application Number: 12/01476/FUL **Applicant:** Plymouth University
Application Type: Full Application
Description of Development: Erection of four-storey performing arts centre and associated landscaping works
Site UNIVERSITY OF PLYMOUTH, DRAKE CIRCUS PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 16/11/2012
Decision: Grant Conditionally

Item No 21

Application Number: 12/01502/LBC **Applicant:** Debut Services Ltd
Application Type: Listed Building
Description of Development: Installation of plaque on entrance colonnade to Building 105
Site STONEHOUSE BARRACKS, DURNFORD STREET
PLYMOUTH
Case Officer: Adam Williams
Decision Date: 15/11/2012
Decision: Grant Conditionally

Item No 22

Application Number: 12/01503/FUL **Applicant:** Mr Craig Richman
Application Type: Full Application
Description of Development: Demolition of existing side extension and erection of part single and part two storey rear extension
Site MEADOW HOUSE, HORN LANE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 23/11/2012
Decision: Grant Conditionally

Item No 23

Application Number: 12/01512/FUL **Applicant:** Mr Jon Turner
Application Type: Full Application
Description of Development: External seating areas for café/restaurant, replace 2 windows in front elevation with sliding doors, create new opening in exterior wall to give access to new seating area - variation of condition 3 of planning permission 12/00242/FUL to allow use of external areas from 08.00-22.00
Site 1 PINNACLE QUAY, NORTH EAST QUAY SUTTON HARBOUR
PLYMOUTH
Case Officer: Mike Stone
Decision Date: 13/11/2012
Decision: Grant Conditionally

Item No 24

Application Number: 12/01514/FUL **Applicant:** Thurlestone Hotel
Application Type: Full Application
Description of Development: Retrospective application for uPVC windows in rear and side elevation
Site 1 RADNOR PLACE PLYMOUTH
Case Officer: Liz Wells
Decision Date: 23/11/2012
Decision: Refuse

Item No 25

Application Number: 12/01515/LBC **Applicant:** Thurlestone Hotel
Application Type: Listed Building
Description of Development: Retrospective application for listed building consent for uPVC windows in rear and side elevation
Site 1 RADNOR PLACE PLYMOUTH
Case Officer: Liz Wells
Decision Date: 23/11/2012
Decision: Refuse

Item No 26

Application Number: 12/01516/FUL **Applicant:** Ogen Plymtrek
Application Type: Full Application
Description of Development: External plant associated with Timber Resource Recovery Centre. Including air cooled condensing unit, oil cooling unit, enclosure for gas services, extension to existing enclosure for electrical services, plant room enclosure and char bagging area
Site UNITS 21-29, 1 BELLIVER WAY PLYMOUTH
Case Officer: Carly Kirk
Decision Date: 01/11/2012
Decision: Grant Conditionally

Item No 27

Application Number: 12/01517/FUL **Applicant:** Graham Hull
Application Type: Full Application
Description of Development: Erection of pitched roof storage shed in south east corner of plot
Site 5 NIGHTINGALE CLOSE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 15/11/2012
Decision: Grant Conditionally

Item No 28

Application Number: 12/01520/FUL **Applicant:** James Dean and Kerry Everson
Application Type: Full Application
Description of Development: Retrospective application for replacement dwelling with attached double garage
Site 21 DEAN ROAD PLYMOUTH
Case Officer: Liz Wells
Decision Date: 12/11/2012
Decision: Grant Conditionally

Item No 29

Application Number: 12/01524/FUL **Applicant:** Ms Caroline Kung
Application Type: Full Application
Description of Development: Retrospective application for change of use of single dwelling to house in multiple occupation (7 bedrooms including one twin room)
Site 22 BEAUMONT ROAD PLYMOUTH
Case Officer: Jon Fox
Decision Date: 16/11/2012
Decision: Refuse

Item No 30

Application Number: 12/01525/FUL **Applicant:** Mrs Esther Bartlett
Application Type: Full Application
Description of Development: Change of use from general office (A2) to café (A3)
Site 107 ARMADA WAY PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 20/11/2012
Decision: Refuse

Item No 31

Application Number: 12/01531/FUL **Applicant:** Mr Richard Burt
Application Type: Full Application
Description of Development: Erection of chalet bungalow
Site LAND REAR OF 29-37 (ODDS) LUCAS LANE PLYMOUTH
Case Officer: Jon Fox
Decision Date: 16/11/2012
Decision: Refuse

Item No 32

Application Number: 12/01532/FUL **Applicant:**
Application Type: Full Application
Description of Development: Installation of ATM and secure room door
Site DISCOVERY HEIGHTS, 27 to 31 COBOURG STREET
PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 15/11/2012
Decision: Refuse

Item No 33

Application Number: 12/01544/FUL **Applicant:** Riversea Ltd
Application Type: Full Application
Description of Development: Demolition of garage, construction of private access road and development of 2 detached bungalows with associated car parking and landscaping
Site 33 WHITLEIGH VILLAS PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 29/10/2012
Decision: Grant Conditionally

Item No 34

Application Number: 12/01551/FUL **Applicant:** The Pathgate Partnership
Application Type: Full Application
Description of Development: Change of use, conversion and alteration of public house to form a 15-bedroom student house in multiple occupation including first-floor extension, extended dormer window and bin store
Site HILL PARK HOTEL, 32 HILL PARK CRESCENT PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 31/10/2012
Decision: Grant Subject to S106 Obligation - Full

Item No 35

Application Number: 12/01553/PR **Applicant:** Eco Concepts
Application Type: LDC Proposed Develop
Description of Development: Ground mounted PV panels
Site 30 PARK ROAD PLYMOUTH
Case Officer: Adam Williams
Decision Date: 15/11/2012
Decision: Refuse to Issue Cert - (Ex)

Item No 36

Application Number: 12/01558/LBC **Applicant:** Mr I Cantelo
Application Type: Listed Building
Description of Development: Internal alterations to basement flat and replacement of french door and fanlight window at rear
Site 4A THE ESPLANADE PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 07/11/2012
Decision: Grant Conditionally

Item No 37

Application Number: 12/01560/FUL **Applicant:** Vospers Motorhouse
Application Type: Full Application
Description of Development: Infill canopy area
Site VOSPERS MOTORHOUSE MARSH MILLS RETAIL PARK PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 14/11/2012
Decision: Grant Conditionally

Item No 38

Application Number: 12/01562/FUL **Applicant:** Mr Adrian Davie
Application Type: Full Application
Description of Development: Two storey side extension with rear single storey lean to extension replacing existing garage, shed and pergola
Site 8 ST EARTH ROAD PLYMOUTH
Case Officer: Adam Williams
Decision Date: 01/11/2012
Decision: Grant Conditionally

Item No 39

Application Number: 12/01572/FUL **Applicant:** Miss L Ward
Application Type: Full Application
Description of Development: Proposed parking bay
Site 108 WARWICK AVENUE PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 13/11/2012
Decision: Refuse

Item No 40

Application Number: 12/01574/FUL **Applicant:** Mr & Mrs WJ & PA Rogers
Application Type: Full Application
Description of Development: Change of use and conversion of post office and dwelling to form a single dwellinghouse, including provision of single private motor garage
Site 2 LAKE ROAD PLYMOUTH
Case Officer: Jon Fox
Decision Date: 30/10/2012
Decision: Grant Conditionally

Item No 41

Application Number: 12/01589/LBC **Applicant:** Mr R Errington
Application Type: Listed Building
Description of Development: Demolition of outside toilet and rebuilding tenement, together with internal alterations
Site 3 HOTHAM PLACE PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 13/11/2012
Decision: Refuse

Item No 42

Application Number: 12/01599/PR **Applicant:** Mrs G Buckley

Application Type: LDC Proposed Develop

Description of Development: Garage conversion

Site 89 FLEETWOOD GARDENS PLYMOUTH

Case Officer: Adam Williams

Decision Date: 09/11/2012

Decision: Issue Certificate - Lawful Use

Item No 43

Application Number: 12/01601/TP **Applicant:** Miss Joanne Nicholson

Application Type: Tree Preservation

Description of Development: Sycamore: reduce by 30%

Site 24 POWDERHAM ROAD PLYMOUTH

Case Officer: Chris Knapman

Decision Date: 05/11/2012

Decision: Refuse

Item No 44

Application Number: 12/01602/FUL **Applicant:** Mr and Mrs Dutta

Application Type: Full Application

Description of Development: External repairs demolition of single-storey rear extension and construction of new single-storey garden room, enlargement of light well at front and replacement of external render on front and rear elevations

Site 51 EMMA PLACE PLYMOUTH

Case Officer: Olivia Wilson

Decision Date: 02/11/2012

Decision: Grant Conditionally

Item No 45

Application Number: 12/01603/LBC **Applicant:** Mr & Mrs Dutta
Application Type: Listed Building
Description of Development: Internal alterations, external repairs, demolition of single-storey rear extension and construction of new single-storey garden room, enlargement of light well at front and replacement of external render on front and rear elevations
Site 51 EMMA PLACE PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 02/11/2012
Decision: Grant Conditionally

Item No 46

Application Number: 12/01605/FUL **Applicant:** Executive Lets
Application Type: Full Application
Description of Development: Rear extension (existing ground floor tenement to be removed) and alterations to basement and shopfront door to provide additional office and staff spaces
Site 48 NORTH HILL PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 06/11/2012
Decision: Grant Conditionally

Item No 47

Application Number: 12/01606/FUL **Applicant:** Mr T Hill
Application Type: Full Application
Description of Development: Single storey rear extension
Site 52 POWISLAND DRIVE PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 29/10/2012
Decision: Grant Conditionally

Item No 48

Application Number: 12/01609/FUL **Applicant:** WH Joce & Son
Application Type: Full Application
Description of Development: External alterations to existing premises including enclosure of open storage area, new windows and roller shutter doors, new roof, provision of new entrance lobby, escape door and personnel entrances
Site 47 ELLIOTT ROAD PLYMOUTH
Case Officer: Jon Fox
Decision Date: 06/11/2012
Decision: Grant Conditionally

Item No 49

Application Number: 12/01610/FUL **Applicant:** Mr and Mrs T Achilles
Application Type: Full Application
Description of Development: Extensions to provide an annexe for an elderly relative, above the existing garage and a swimming pool adjacent to the existing garage
Site 3 BAINBRIDGE AVENUE PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 13/11/2012
Decision: Refuse

Item No 50

Application Number: 12/01620/FUL **Applicant:** Mr Dominic Green
Application Type: Full Application
Description of Development: Erection of fence above existing side boundary wall and brick pavier driveway to front and part side of dwelling
Site 9 OLD WOODLANDS ROAD PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 19/11/2012
Decision: Refuse

Item No 51

Application Number: 12/01622/FUL **Applicant:** Mr David Holt
Application Type: Full Application
Description of Development: Develop side garden by erection of detached dwellinghouse
Site 108 BILLACOMBE ROAD PLYMOUTH
Case Officer: Jon Fox
Decision Date: 08/11/2012
Decision: Refuse

Item No 52

Application Number: 12/01632/FUL **Applicant:** Devon and Cornwall Police
Application Type: Full Application
Description of Development: Continue use of part of site as temporary police station including continued siting of temporary building and retention of a pedestrian access (renewal of limited period planning permission 09/01315)
Site DEVON AND CORNWALL CONSTABULARY POLICE STATION, MOUNT BATTEN WAY PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 31/10/2012
Decision: Grant Conditionally

Item No 53

Application Number: 12/01643/TP **Applicant:** Mr N Rowe
Application Type: Tree Preservation
Description of Development: Lime Tree - Prune back to previous pruning points
Site 18 WANTAGE GARDENS EAST STONEHOUSE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 06/11/2012
Decision: Grant Conditionally

Item No 54

Application Number: 12/01644/TP **Applicant:** Mrs Julie Hahn
Application Type: Tree Preservation
Description of Development: Sweet chestnut - fell
Site 131 UNDERLANE PLYMSTOCK PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 01/11/2012
Decision: Refuse

Item No 55

Application Number: 12/01645/FUL **Applicant:** Mr and Mrs Wills
Application Type: Full Application
Description of Development: Proposed alterations to garage and outbuilding including formation of wet room and utility room
Site 62 DURBAN ROAD PLYMOUTH
Case Officer: Adam Williams
Decision Date: 01/11/2012
Decision: Grant Conditionally

Item No 56

Application Number: 12/01649/FUL **Applicant:** Mr Quarm
Application Type: Full Application
Description of Development: Removal of existing steps and construction of new steps with stair lift
Site 14 PONSONBY ROAD PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 13/11/2012
Decision: Grant Conditionally

Item No 57

Application Number: 12/01652/TP **Applicant:** Mr R Scholefield
Application Type: Tree Preservation
Description of Development: Tree maintenance programme including some tree removal
Site STOTT CLOSE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 12/11/2012
Decision: Grant Conditionally

Item No 58

Application Number: 12/01653/FUL **Applicant:** Waterfield Homes Ltd
Application Type: Full Application
Description of Development: Change of use of two self-contained flats to 7- bedroom student house in multiple occupation
Site 43 ARMADA STREET PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 14/11/2012
Decision: Grant Conditionally

Item No 59

Application Number: 12/01659/FUL **Applicant:** Selleck Industrial (UK) Ltd
Application Type: Full Application
Description of Development: Alterations to shopfront, and change of use of first and second floor to form flat and maisonette including front and rear dormer windows and external stairs to rear garden
Site 159 RIDGEWAY PLYMOUTH
Case Officer: Liz Wells
Decision Date: 15/11/2012
Decision: Grant Conditionally

Item No 60

Application Number: 12/01665/FUL **Applicant:** Mr P Hocking
Application Type: Full Application
Description of Development: Rear conservatory
Site 316 HEMERDON HEIGHTS PLYMOUTH
Case Officer: Mike Stone
Decision Date: 02/11/2012
Decision: Grant Conditionally

Item No 61

Application Number: 12/01670/TP **Applicant:**
Application Type: Tree Preservation
Description of Development: 2 Oak trees - Crown lifting works
Site ROSEMARY HOUSE, 23 BEECHWOOD RISE MANOR PARK
PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 15/11/2012
Decision: Grant Conditionally

Item No 62

Application Number: 12/01673/TP **Applicant:** Peverel Retirement
Application Type: Tree Preservation
Description of Development: Tree maintenance programme
Site HILLSIDE COURT, 31 STATION ROAD PLYMPTON
PLYMOUTH
Case Officer: Jane Turner
Decision Date: 12/11/2012
Decision: Grant Conditionally

Item No 63

Application Number: 12/01675/FUL **Applicant:** Riversea Ltd
Application Type: Full Application
Description of Development: Alterations to conservatory including replace existing plastic
and wooden doors with Upvc, substitute one door with a window
and replace existing roof with acrylic
Site 33 WHITLEIGH VILLAS PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 15/11/2012
Decision: Grant Conditionally

Item No 64

Application Number: 12/01676/24 **Applicant:** The Harlequin Group
Application Type: GPDO PT24
Description of Development: Openreach broadband cabinet
Site DEVONPORT ROAD PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 13/11/2012
Decision: Prior approval not req PT24

Item No 65

Application Number: 12/01677/ADV **Applicant:** Happy Days Nursery (SW) Ltd
Application Type: Advertisement
Description of Development: Two fascia signs, two totem signs and one logo on the north gable
Site PLYMOUTH HOSPITALS NHS TRUST 3 DERRIFORD PARK PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 16/11/2012
Decision: Grant Conditionally

Item No 66

Application Number: 12/01679/FUL **Applicant:** Sutton Harbour Holdings Plc
Application Type: Full Application
Description of Development: Erection of single-storey café with outdoor seating area and canopy roof, and enclosure of bin storage area adjacent to public toilets
Site QUAY POINT, THE BARBICAN PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 19/11/2012
Decision: Application Withdrawn

Item No 67

Application Number: 12/01686/LBC **Applicant:** Mr Michael Gladdish
Application Type: Listed Building
Description of Development: Retrospective listed building consent for double glazed
hardwood windows in front elevation
Site 25 UNDERWOOD ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 16/11/2012
Decision: Grant Conditionally

Item No 68

Application Number: 12/01687/FUL **Applicant:** Debut Services Ltd
Application Type: Full Application
Description of Development: Installation of portable accommodation units to replace existing
units
Site ROYAL MARINE BARRACKS, DURNFORD STREET
PLYMOUTH
Case Officer: Adam Williams
Decision Date: 23/11/2012
Decision: Grant Conditionally

Item No 69

Application Number: 12/01691/FUL **Applicant:** Plymouth City Council
Application Type: Full Application
Description of Development: Replace existing mesh cladding on north stair tower with grey
kingspan cladding panel
Site THE LIFE CENTRE, MAYFLOWER DRIVE PLYMOUTH
Case Officer: Robert Heard
Decision Date: 21/11/2012
Decision: Grant Conditionally

Item No 70

Application Number: 12/01695/FUL **Applicant:** Mr & Mrs Dobson
Application Type: Full Application
Description of Development: Single storey rear conservatory
Site 15 LINKETTY LANE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 16/11/2012
Decision: Grant Conditionally

Item No 71

Application Number: 12/01696/FUL **Applicant:** Ms A James
Application Type: Full Application
Description of Development: Change of existing carport into garage with reduction in roof height
Site 109 WILTON STREET MILLBRIDGE PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 20/11/2012
Decision: Grant Conditionally

Item No 72

Application Number: 12/01701/FUL **Applicant:** Mr Nick Strachan
Application Type: Full Application
Description of Development: Change of use of first floor office to 6 bed house in multiple occupation
Site 153 VAUXHALL STREET PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 19/11/2012
Decision: Grant Conditionally

Item No 73

Application Number: 12/01702/FUL **Applicant:** Mr Paul Body
Application Type: Full Application
Description of Development: First floor extension on south elevation
Site GULLAND HOUSE, WINSTON AVENUE PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 15/11/2012
Decision: Grant Conditionally

Item No 74

Application Number: 12/01703/PR **Applicant:** Mr and Mrs J Chilton
Application Type: LDC Proposed Develop
Description of Development: Alterations to roof including a rear dormer and a hip-to-gable extension
Site 11 ORESTON ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 15/11/2012
Decision: Issue Certificate - Lawful Use

Item No 75

Application Number: 12/01705/ADV **Applicant:** Blacks Outdoor Retail Limited
Application Type: Advertisement
Description of Development: Internally illuminated fascia and projecting signage
Site 40 NEW GEORGE STREET PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 15/11/2012
Decision: Grant Conditionally

Item No 76

Application Number: 12/01709/31 **Applicant:** Marine Academy Plymouth
Application Type: GPDO PT31
Description of Development: Demolition of the 1930's red brick building (prior notification procedure)
Site MARINE ACADEMY PLYMOUTH, TREVITHICK ROAD PLYMOUTH
Case Officer: Robert McMillan
Decision Date: 13/11/2012
Decision: Prior approval not req PT24

Item No 77

Application Number: 12/01717/FUL **Applicant:** Mr Paul Foulkes
Application Type: Full Application
Description of Development: First floor extension
Site WHITE OAKS, WIDEWELL LANE PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 15/11/2012
Decision: Grant Conditionally

Item No 78

Application Number: 12/01720/FUL **Applicant:** Sutton Harbour Company
Application Type: Full Application
Description of Development: Retrospective application for a fully glazed entrance, additional window at the rear and external elevation improvements
Site TIN QUAY HOUSE, NORTH QUAY PLYMOUTH
Case Officer: Adam Williams
Decision Date: 21/11/2012
Decision: Grant Conditionally

Item No 79

Application Number: 12/01732/FUL **Applicant:** Mrs Lee Everett
Application Type: Full Application
Description of Development: Internal alterations to rear extension, replacement roof and add new rooflight, replace rear timber windows with UPVC windows
Site 58 FORE STREET PLYMPTON PLYMOUTH
Case Officer: Mike Stone
Decision Date: 15/11/2012
Decision: Grant Conditionally

Item No 80

Application Number: 12/01733/CA **Applicant:** Mrs Lee Everett
Application Type: Conservation Area
Description of Development: Partial demolition works, including removal of chimney stack and felt-covered flat roof
Site 58 FORE STREET PLYMPTON PLYMOUTH
Case Officer: Mike Stone
Decision Date: 15/11/2012
Decision: Grant Conditionally

Item No 81

Application Number: 12/01737/FUL **Applicant:** Mr David Weeks
Application Type: Full Application
Description of Development: Erection of front porch
Site 60 LONGSTONE AVENUE PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 15/11/2012
Decision: Grant Conditionally

Item No 82

Application Number: 12/01740/FUL **Applicant:**
Application Type: Full Application
Description of Development: Erection of conservatory to the rear of the dwelling
Site 34 IVANHOE ROAD PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 14/11/2012
Decision: Grant Conditionally

Item No 83

Application Number: 12/01743/FUL **Applicant:** Mr P Quirm
Application Type: Full Application
Description of Development: Erection of front porch
Site 38 RENDLESHAM GARDENS PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 15/11/2012
Decision: Grant Conditionally

Item No 84

Application Number: 12/01744/FUL **Applicant:** EDF Energy
Application Type: Full Application
Description of Development: External wall insulation
Site 1-19 VIRGINIA GARDENS PLYMOUTH
Case Officer: Adam Williams
Decision Date: 21/11/2012
Decision: Grant Conditionally

Item No 85

Application Number: 12/01745/FUL **Applicant:** EDF Energy
Application Type: Full Application
Description of Development: External wall insulation
Site 1-19 MAINE GARDENS PLYMOUTH
Case Officer: Adam Williams
Decision Date: 21/11/2012
Decision: Grant Conditionally

Item No 86

Application Number: 12/01746/FUL **Applicant:** EDF Energy
Application Type: Full Application
Description of Development: External wall insulation
Site 1-11 CAROLINA GARDENS PLYMOUTH
Case Officer: Adam Williams
Decision Date: 21/11/2012
Decision: Grant Conditionally

Item No 87

Application Number: 12/01747/FUL **Applicant:** EDF Energy
Application Type: Full Application
Description of Development: External wall insulation
Site 1-20 DELAWARE GARDENS PLYMOUTH
Case Officer: Adam Williams
Decision Date: 21/11/2012
Decision: Grant Conditionally

Item No 88

Application Number: 12/01748/FUL **Applicant:** EDF Energy
Application Type: Full Application
Description of Development: External wall insulation
Site 1-20 VERMONT GARDENS PLYMOUTH
Case Officer: Adam Williams
Decision Date: 21/11/2012
Decision: Grant Conditionally

Item No 89

Application Number: 12/01749/FUL **Applicant:** EDF Energy
Application Type: Full Application
Description of Development: External wall insulation
Site 1-21 MARYLAND GARDENS PLYMOUTH
Case Officer: Adam Williams
Decision Date: 21/11/2012
Decision: Grant Conditionally

Item No 90

Application Number: 12/01764/TP **Applicant:** Mrs Susan Chamberlain
Application Type: Tree Preservation
Description of Development: 5 Sycamore
1 Beech - Reduce lateral branches back to main stem
1 Ash
Site 21 LAVINGTON CLOSE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 20/11/2012
Decision: Grant Conditionally

Item No 91

Application Number: 12/01765/FUL **Applicant:** Mr Glyn Jones
Application Type: Full Application
Description of Development: Ground and first floor extensions to rear
Site 5 WARDLOW CLOSE PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 20/11/2012
Decision: Grant Conditionally

Item No 92

Application Number: 12/01774/PR **Applicant:** Mr and Mrs Dann
Application Type: LDC Proposed Develop
Description of Development: Hip-to-gable enlargement, rear dormer and loft conversion
Site 15 OAKFIELD ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 16/11/2012
Decision: Issue Certificate - Lawful Use

Item No 93

Application Number: 12/01775/TP **Applicant:** Richard Prowse
Application Type: Tree Preservation
Description of Development: Various tree management works including removal and coppicing of Oak.
Site VALLEY WALK, GLENHOLT PARK, GLENFIELD ROAD PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 16/11/2012
Decision: Grant Conditionally

Item No 94

Application Number: 12/01782/TP **Applicant:** Esso
Application Type: Tree Preservation
Description of Development: Macrocarpa - Crown lift over road and around canopy
Ash - Remove
Ash - Reduce branches over road
2x Macrocarpa - Remove major deadwood
Site ESSO, 89 OUTLAND ROAD PLYMOUTH
Case Officer: Jane Turner
Decision Date: 20/11/2012
Decision: Grant Conditionally

Item No 95

Application Number: 12/01811/TP **Applicant:** Mr Alan Whittle
Application Type: Tree Preservation
Description of Development: Sycamore - Removed
3 Oak - Raise crown by 2m, reduce lower and mid crown by up to 3m
1 Oak - Reduce limbs over road by 3m and house side by 2m
Site NETHERTON HOUSE, THE ELMS PLYMOUTH
Case Officer: Jane Turner
Decision Date: 20/11/2012
Decision: Grant Conditionally

Item No 96

Application Number: 12/01973/CA **Applicant:** Mr & Mrs Wannell
Application Type: Conservation Area
Description of Development: PROPOSAL DOES NOT INVOLVE DEMOLITION WORKS
Site 14 THORN PARK PLYMOUTH
Case Officer:
Decision Date: 07/11/2012
Decision: CAC Not Required

Item No **97**

Application Number: 12/02046/CA **Applicant:** Mr & Mrs Gribble

Application Type: Conservation Area

Description of Development: Removal of existing first floor balcony in rear

Site 3A CLOVELLY VIEW PLYMOUTH

Case Officer: Jess Maslen

Decision Date: 22/11/2012

Decision: CAC Not Required

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

Application Number	11/01791/FUL
Appeal Site	64 SALISBURY ROAD PLYMOUTH
Appeal Proposal	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
Case Officer	Olivia Wilson
Appeal Category	REF
Appeal Type	Written Representations
Appeal Decision	Allowed
Appeal Decision Date	25/10/2012
Conditions	
Award of Costs	Awarded To

Appeal Synopsis

- a) The National Planning Policy Framework requires local planning authorities to plan for a mix of housing, and student housing is an important part of this mix. Currently, the Mount Gould area has a low proportion of student housing which means that the cumulative impact from noise and disturbance is likely to be low compared to areas closer to the University. He therefore concludes that it is not detrimental to the area's character and appearance in accordance with SPD1.
- b) The number of occupiers of a 10-bed HMO compared to 2 4-bed maisonettes is not significant and so can't be given much weight in the decision. The property is located on a relatively busy road junction where it is less likely to have a detrimental impact than if it were in a residential side street. Concerns expressed over the ground floor window openings and bin storage provisions can be overcome by conditions requesting these changes. He therefore concludes that the development will not cause unacceptable noise and nuisance to neighbouring residential properties and complies with policies CS22 and CS34.
- c) He considers that the property is located near to a regular bus service, local shops are within easy walking distance and the University is within a longer walking distance, which help to offset the parking requirement. He notes that the property is for occupation by full time students, and this can be conditioned. He considers that conditions requiring cycle storage and provision of an additional parking space will overcome parking and highway concerns and complies with policy CS28 and SPD1.
- d) He notes that the Council has issued an HMO licence for 5 years which indicates that the property offers an acceptable standard of accommodation.
- e) The fact that the appellant converted the property first and applied for permission afterwards is not a material planning consideration.

The applicant applied for costs on the basis that members failed to provide reasonable planning grounds for overturning the officer recommendation and the Local Planning Authority failed to substantiate their reasons for refusal by not submitting an appeal statement. The Inspector did not award costs because the reasons for refusal were based on planning policies and the fact that no appeal statement was submitted was not unreasonable behaviour on the part of the Authority as all other required paperwork was submitted.

Application Number **11/01863/FUL**
Appeal Site **FORMER BLUE MONKEY SITE, 538 CROWNHILL ROAD PLYMOUTH**
Appeal Proposal Development of site by erection of 5 terraced dwellinghouses, with 5 off street parking spaces and new footpath
Case Officer Carly Kirk

Appeal Category
Appeal Type Written Representations
Appeal Decision Dismissed
Appeal Decision Date 05/11/2012
Conditions
Award of Costs Awarded To

Appeal Synopsis

The Inspector agrees with the Council's view that the height and mass of the proposed terrace would dominate the adjacent Green and that the lack of ground floor windows would diminish its active frontage making natural surveillance more difficult contrary to the Design Guidelines SPD. He agrees with the Council's view that the poor relationship with the Green is exacerbated by the dominance of integral garaging at ground floor level. He also considers that the modern design and use of contemporary materials would further detract from the setting of the listed building. The Inspector therefore concludes that the proposal would harm the character and appearance of the Green, the setting of the church and the neighbouring dwellings to the north contrary to the NPPF and Core Strategy policies CS02 and CS03.

Note:

Copies of the full decision letters are available to Members in the Ark Royal Room and Plymouth Rooms. Copies are also available to the press and public at the First Stop Reception.