

Public Document Pack



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20 December 2012

PLANNING COMMITTEE

Thursday 3 January 2013
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.

This meeting will be broadcast live to the internet and will be capable of subsequent repeated viewing. By entering the Council Chamber and during the course of the meeting, Councillors are consenting to being filmed and to the use of those recordings for webcasting.

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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.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

(Pages 1 - 8)

The Committee will be asked to confirm the minutes of the meeting held on 6 December 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

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.

6.1. 39 WALNUT DRIVE, PLYMOUTH 12/02129/FUL

(Pages 9 - 14)

Applicant: Mr Richard Wood
Ward: Plympton Chaddlewood
Recommendation: Grant Conditionally

6.2. DRAKES ISLAND, PLYMOUTH 12/00095/FUL

(Pages 15 - 30)

Applicant: Rotolock (Holdings) Ltd
Ward: St. Peter and the Waterfront
Recommendation: Refuse

6.3. DRAKES ISLAND, PLYMOUTH 12/00099/LBC (Pages 31 - 46)

Applicant: Rotolock (Holdings) Ltd
Ward: St. Peter and the Waterfront
Recommendation: Refuse

6.4. LAND EAST AND WEST OF PENNYCROSS CLOSE, PLYMOUTH 12/01700/FUL (Pages 47 - 64)

Applicant: Taylor Wimpey (Exeter) UK Ltd
Ward: Ham
Recommendation: Refuse

7. BREACHES OF PLANNING CONDITIONS IMPOSED UPON PLANNING REF 11/00750/FUL (FOR THE CONSTRUCTION OF AN ENERGY FROM WASTE PLANT IN HER MAJESTY'S NAVAL BASE, DEVONPORT) (Pages 65 - 74)

The Director for Place will submit a written report on the 'Breaches of Planning Conditions Imposed Upon Planning Ref 11/00750 (For the Construction of an Energy From Waste Plant in Her Majesty's Naval Base, Devonport).

8. PLANNING APPLICATION DECISIONS ISSUED (Pages 75 - 114)

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 24 November 2012 to 19 December 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.

9. APPEAL DECISIONS (Pages 115 - 118)

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.

10. 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 6 December 2012

PRESENT:

Councillor Stevens, in the Chair.

Councillor Tuohy, Vice Chair.

Councillors Mrs Bowyer, Churchill (substituting Councillor Darcy), Sam Davey, Mrs Foster, Nicholson, John Smith, Stark, Jon Taylor, Tuffin (substituting Councillor Vincent) and Wheeler.

Apologies for absence: Councillors Darcy and Vincent.

Also in attendance: Peter Ford – Lead Planning Officer, Julie Rundle – Lawyer, Ross Jago – Democratic Support Officer.

The meeting started at 4 pm and finished at 8.50 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.

62. 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	66.1 Plym Valley, Plymouth. 12/01712/FUL	Member of the National Trust	Personal
Councillor Nicholson	66.3 95 To 99 Ridgeway, Plymouth. 12/01780/FUL	Member of the Plympton Conservative Club	Personal
Councillor Nicholson	66.4 95 To 99 Ridgeway, Plymouth. 12/01780/FUL	Member of the Plympton Conservative Club	Personal
Councillor Churchill	66.2 10 Third Avenue, Billacombe, Plymouth. 12/01425/FUL	Ward member having expressed a view on the proposals.	Prejudicial
Councillor Churchill	66.3 95 To 99 Ridgeway, Plymouth. 12/01780/FUL	Employer in contract with the applicant	Personal
Councillor Churchill	66.4 95 To 99 Ridgeway, Plymouth. 12/01780/FUL	Employer in contract with the applicant.	
Councillor Stark	66.1 Plym Valley, Plymouth. 12/01712/FUL	Member of the National Trust	Personal

Councillor Tuohy	66.6 Woodville Road, Plymouth. 12/01304/FUL	Plymouth Community Homes Resident	Personal
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63. **MINUTES**

Agreed the minutes of the meeting held on 8 November 2012.

64. **CHAIR'S URGENT BUSINESS**

The Chair confirmed that the energy from waste plant would no longer be included as a standing item on future agendas, but officers will prepare reports on request by Members.

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

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

Question No	Question By	Cabinet Member or Committee Chair	Subject
Q8-12/13	Mr Kilvington	Chair of Planning Committee	Energy from Waste Plant

Six reports of incinerator noise excess were under investigation at the time of the October Planning Committee Meeting. What is the result of that investigation and how many additional incidents of noise level and duration have been identified since that meeting?

Response:

A report was presented to Planning Committee on 18th October 2012 explaining that 2 separate instances of breaches of the noise construction limits established by condition 19 attached to the Waste to Energy Plant planning permission had been recorded since construction work began on the site. These incidences occurred on the 28th September 2012 and 10th October 2012.

Since then a further noise limit breach has been recorded on the 28th November 2012. All 3 breaches are in respect of noise levels recorded at the same Savage Road receptor.

In view of these incidents, and a further 5 separate ones relating to breach of working hours, which have also occurred during construction, a planning compliance investigation case (12/02114/OPR) has been opened by the Planning Department in accordance with its standard compliance procedures. The National Planning Policy Framework (NPPF) requires the Local Planning Authority to take into account that enforcement action is discretionary, and, that it should act proportionately in responding to suspected breaches of planning control.

A comprehensive report on enforcement options will therefore be considered by the Planning Committee at its 3 January meeting.

66. **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 66.1, 66.3, 66.5, 66.6 and 66.7.

66.1 PLYM VALLEY, PLYMOUTH. 12/01712/FUL

(National Trust)

Decision:

Application **GRANTED** conditionally. Approval of the condition relating to the site management plan is delegated to the Assistant Director of Planning in consultation with the Chair, Vice Chair and nominated opposition spokesman.

(The Committee heard representations against the application from Councillor Fox, ward member).

(The Committee heard representations against the application from Councillor Casey, ward member).

(The Committee heard representations against the application).

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

(Councillor Stark and Nicholson declared personal interests in this item).

66.2 10 THIRD AVENUE, BILLACOMBE, PLYMOUTH. 12/01425/FUL

(Mr P McMullin)

Decision:

Application **REFUSED** as the application was detrimental to the character and appearance of the area in terms of height, mass and visual impact, its overbearing appearance and loss of light. (Core Strategy Policy C34).

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

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

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

66.3 95 TO 99 RIDGEWAY, PLYMOUTH. 12/01780/FUL

(JD Wetherspoon PLC)

Decision:

Application **GRANTED** conditionally with the following additional conditions-

- (1) public access to the site via the rear gate is prohibited;
- (2) During construction phase the site is subject to the council's code of practice for construction sites

Councillors also added an informative prohibiting smoking on the public highway to the front of the site.

(The Committee heard representations against the application).

(Councillor Churchill and Nicholson declared personal interests in this item).

66.4 95 TO 99 RIDGEWAY, PLYMOUTH. 12/01781/LBC

(JD Wetherspoon PLC)

Decision:

Application **GRANTED** conditionally.

(Councillor Churchill and Nicholson declared personal interests in this item).

66.5 DURSTON HOUSE, LONGLANDS ROAD, PLYMOUTH. I2/01894/FUL

(Mr Paul Harte)

Decision:

Application **GRANTED** conditionally. Approval of the condition relating to the Code of Construction is delegated to the Assistant Director of Planning in consultation with the Chair, Vice Chair and nominated opposition spokesman

(The Committee heard representations against the application from Councillor Foster, ward member).

(The Committee heard representations against the application).

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

66.6 WOODVILLE ROAD, PLYMOUTH. I2/01304/FUL

(BDW Trading Limited)

Decision:

Application **GRANTED** conditionally subject to a S106 obligation, with delegated authority to refuse in the event that the S106 obligation is not completed by 31 January 2013.

(The Committee heard representations in support of the application from Councillor Gordon, ward member).

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

(Councillor Tuohy declared a personal interest in this item).

66.7 DRAKE'S ISLAND, PLYMOUTH. I2/00095/FUL

(Rotolock (Holdings) Ltd)

Decision:

Application **DEFERRED** to the next Planning Committee to allow the submission of information to inform the habitat regulation assessment and enable consideration by the authority of the potential impacts on the European marine site.

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

66.8 DRAKE'S ISLAND, PLYMOUTH. I2/00099/LBC

(Rotolock (Holdings) Ltd)

Decision:

Application **DEFERRED** to the next Planning Committee to allow officers to consider the amended plans related to heritage issues.

67. PLANNING APPLICATION DECISIONS ISSUED

The Committee received a report from the Assistant Director, Planning Services, on decisions issued for the period 27 October 2012 to 23 November 2012, including –

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

- Applications returned as invalid

68. **APPEAL DECISIONS**

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

69. **EXEMPT BUSINESS**

There were no items of exempt business.

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

PLEASE NOTE

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

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SCHEDULE OF VOTING

Minute number and Application	Voting for	Voting against	Abstained	Absent due to interest declared	Absent
6.1 PLYM VALLEY, PLYMOUTH. 12/01712/FUL To amend the recommendation	Councillors Wheeler, Davey, Tuffin, Smith, Tuohy, Stevens, Nicholson.		Councillors Churchill, Stark, Mrs Foster and Taylor.		Councillor Mrs Bowyer.
6.1 PLYM VALLEY, PLYMOUTH. 12/01712/FUL	Councillors Wheeler, Davey, Tuffin, Smith, Taylor, Tuohy, Stevens.	Councillors Nicholson and Stark.	Councillor Mrs Foster and Churchill.		Councillor Mrs Bowyer.
6.2 10 THIRD AVENUE, BILLACOMBE, PLYMOUTH. 12/01425/FUL (Refusal)	Councillors Nicholson, Stark, Mrs Foster, Wheeler, Davey, Tuffin, Smith, Taylor, Tuohy, Stevens.			Councillor Churchill.	Councillor Mrs Bowyer.
6.3 95 TO 99 RIDGEWAY, PLYMOUTH. 12/01780/FUL (Additional condition and informative)	Councillors Churchill, Stark, Mrs Foster, Wheeler, Davey, Tuffin, Smith, Taylor, Tuohy, Stevens.	Councillor Nicholson			Councillor Mrs Bowyer.
6.4 95 TO 99 RIDGEWAY, PLYMOUTH. 12/01780/FUL (Additional condition and informative)	Councillors Nicholson, Stark, Mrs Foster, Wheeler, Davey, Tuffin, Smith, Taylor, Tuohy, Stevens.				Councillor Mrs Bowyer.
6.5 DURSTON HOUSE, LONGLANDS ROAD, PLYMOUTH. 12/01894/FUL (Amended)	Councillors Stark, , Wheeler, Davey, Tuffin, Smith, Taylor, Tuohy, Stevens.	Councillor Mrs Foster			Councillors Mrs Bowyer, Nicholson.
6.5 DURSTON HOUSE, LONGLANDS ROAD, PLYMOUTH. 12/01894/FUL	Councillors Wheeler, Davey, Tuffin, Smith, Taylor, Tuohy, Stevens.	Councillor Mrs Foster	Councillor Stark		Councillors Mrs Bowyer, Nicholson.

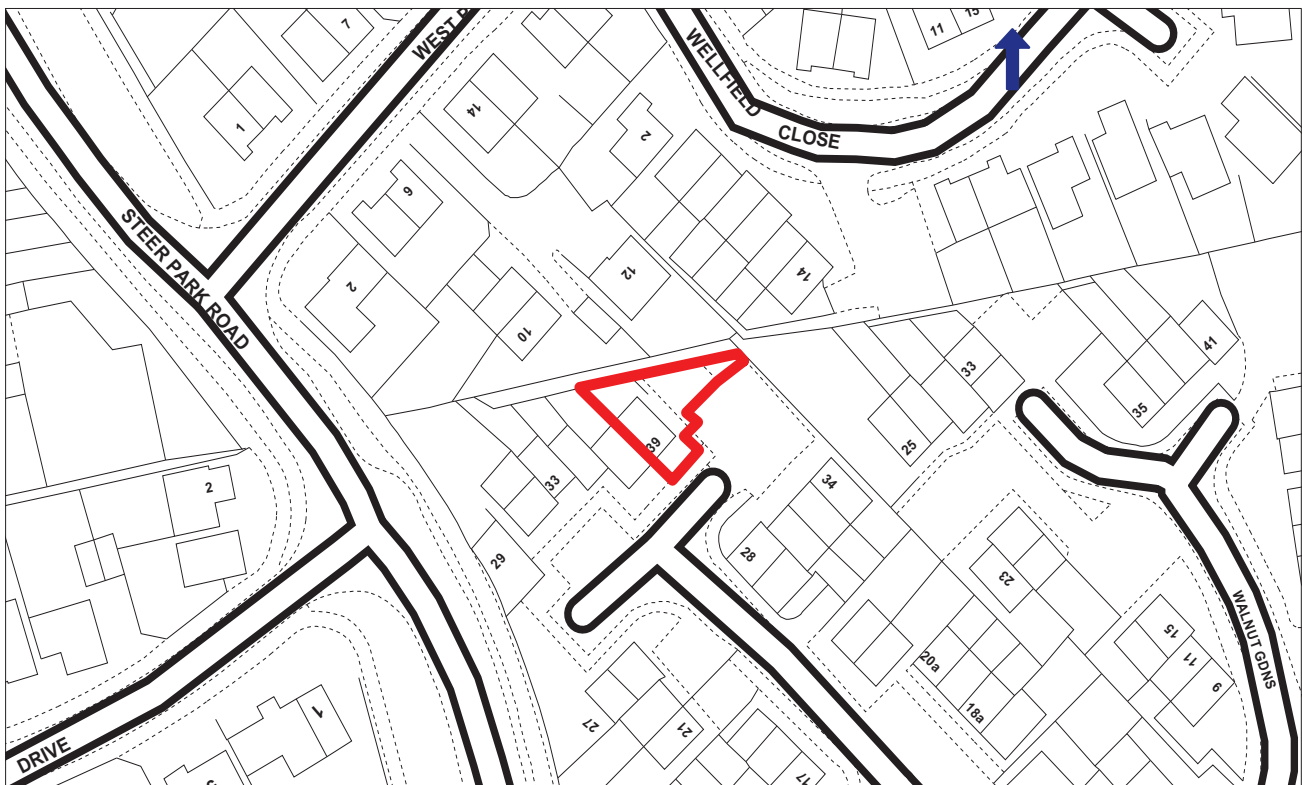
Minute number and Application	Voting for	Voting against	Abstained	Absent due to interest declared	Absent
6.6 WOODVILLE ROAD, PLYMOUTH. 12/01304/FUL	Councillors Stark, Mrs Foster, Wheeler, Davey, Tuffin, Smith, Taylor, Tuohy, Stevens.				Councillor Mrs Bowyer.
6.7 DRAKE'S ISLAND, PLYMOUTH. 12/00095/FUL	Councillors Stark, Mrs Foster, Wheeler, Tuffin, Smith, Tuohy, Stevens.	Councillor Davey	Councillor Taylor		Councillors Mrs Bowyer, Nicholson.
6.8 DRAKE'S ISLAND, PLYMOUTH. 12/00099/LBC	Councillors Stark, Mrs Foster, Wheeler, Tuffin, Smith, Tuohy, Stevens.	Councillor Davey	Councillor Taylor		Councillors Mrs Bowyer, Nicholson.

PLANNING APPLICATION REPORT



ITEM: 01

Application Number:	12/02129/FUL
Applicant:	Mr Richard Wood
Description of Application:	Two-storey side extension, diversion of footpath and erection of detached garage.
Type of Application:	Full Application
Site Address:	39 WALNUT DRIVE PLYMOUTH
Ward:	Plympton Chaddlewood
Valid Date of Application:	29/11/2012
8/13 Week Date:	24/01/2013
Decision Category:	Member/PCC Employee
Case Officer :	Mike Stone
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



This Householder application comes before Committee because the agent, Mr Nick Brewer, is an employee of Plymouth City Council.

Site Description

39, Walnut Drive is a two storey end terraced property located at the end of a cul-de-sac. At the side of the house is a narrow tarmaced footpath that provides access to the rear of the short terrace of 5 houses. Next to the path are two parking spaces allocated to the property and finally a small triangle of land formed between the property and the neighbours parking bays.

Proposal Description

Two-storey side extension, diversion of footpath and erection of detached garage.

Pre-Application Enquiry

12/001411/HOU – the design and neighbour impacts were considered to be acceptable, Transport objected to the loss of a parking space.

Relevant Planning History

None.

Consultation Responses

Awaiting responses from Transport

Public Protection Service – recommend approval subject to a condition controlling the hours of construction and demolition.

Representations

None received.

Analysis

The application turns upon policies CS02 (Design), CS28 (Local transport considerations) 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 (SPD) (2010), and the National Planning Policy Framework. The primary planning considerations in this case are the impact on neighbour amenity, the impact on the character and appearance of the area and highway safety.

In August 2012 the applicants submitted a pre-application enquiry for a two storey side extension to be built on the footpath and an existing parking space, diversion of the footpath and construction of a brick shed between the parking bays. This scheme was considered to be acceptable in terms of appearance and neighbour amenity but Transport objected to the loss of a parking space. The current proposal retains the two storey side extension and the relocated path but replaces the brick shed with a garage.

Impact on neighbour amenity

In terms of neighbour amenity the proposed two storey side extension would be built on the side of the house that is well separated from the other properties in the street and would not result in any adverse impact on privacy, overbearing

appearance and loss of light. The properties behind Walnut Drive in West Park Drive are slightly higher and sit on a bank. The upper sections of the proposed garage would be visible from the front garden and living room of 12, West Park Drive. The garden of no. 12 is unenclosed and currently has views of the car park, the turning area and the opposite properties. The section of garage wall that would be visible is not felt to detract from their amenity and could fairly easily be mitigated by the addition of a boundary fence.

The diverted footpath is in the joint ownership of all the occupants of the terrace. As the applicants do not own all the land they are required to serve what is called a Notice No. 1 on the other owners advising them what is proposed and giving them the opportunity to object to the planning authority. The agent advises that this has been done and to date no objections have been received.

Impact on the character and appearance of the area

The SPD states that side extensions should not over-dominate the existing house and should appear subordinate. The proposed extension will have a 2 metre set back in line with the guidance set out in the SPD. The extension is shown on the plans as being 4.5 metres wide which is the same as the main house and this will need to be reduced in order to retain an appearance of subordination. The ridge of the roof is at the same height as that of the main house but given the generous set back, the location at the end of the cul-de-sac and the presence of the much higher neighbour's roof level this is considered to be acceptable.

The proposed extension would be built of similar materials to and follow the design of the main house in accordance with the guidance set out in the SPD.

Highway safety

Awaiting response from Transport.

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

Section 106 Obligations

Not applicable.

Equalities & Diversities issues

None.

Conclusions

Subject to a satisfactory response from Transport the application is recommended for approval.

Recommendation

In respect of the application dated **29/11/2012** and the submitted drawings Site location plan, block plan, 03, 04, 05, 06, 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: Site location plan, block plan, 03, 04, 05, 06

Reason:

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

HOURS OF CONSTRUCTION AND DEMOLITION

(3) Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason:

To safeguard the amenities of the occupiers of adjoining properties and to comply with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 of Plymouth City Council's Local Development Framework.

INFORMATIVE: CONDITIONAL APPROVAL (WITH NEGOTIATION)

(1) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant [including pre-application discussions] and has negotiated amendments to the application to enable the grant of planning permission.

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, the impact on the character and appearance of the area and highway safety, 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

CS02 - Design

SPDI - Development Guidelines

NPPF - National Planning Policy Framework March 2012

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PLANNING APPLICATION REPORT



ITEM: 02

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

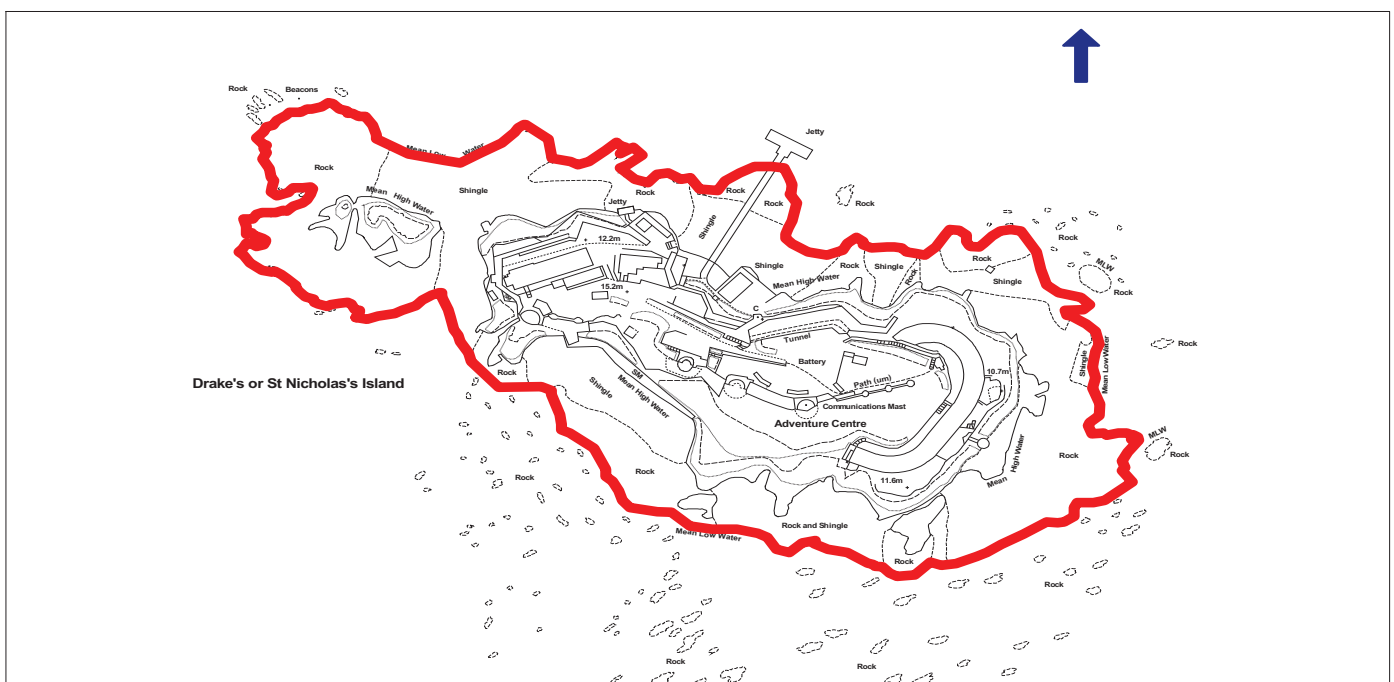
8/13 Week Date: **24/04/2012**

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

Case Officer : Matt Coombe

Recommendation: Refuse

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



Update

On 06/12/12, Planning Committee took the decision to defer this application until 03/01/13 to allow the submission of information to inform the Habitat Regulation Assessment and enable consideration by the Planning Authority of the potential impacts on the European Marine Site. Since that time officers have also again attempted to persuade the applicant to withdraw the scheme to allow time for the outstanding information to be gathered and submitted. Officers have suggested a positive way forward, whereby the applicant could withdraw the application and then resubmit – entering into a Planning Performance Agreement with the Planning Authority, which would give more certainty, and allow a sufficient timeframe for the missing spring and summer ecological surveys to be completed. Unfortunately, the applicant has not been willing to withdraw the application.

Just before the 06/12/12 Planning Committee, officers received a CD from the applicant’s agent containing the following information:

Planning Application Drawings

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 C09 16 PI, C010057 C09.10, 10057 C0911 PI, 10057 C0912 PI, 10057 C0913 PI, 10057 C0914 PI, 10057 C0915 PI, 10057 L09.01 PI, 10057 L09.02 PI, 10057 L09.03 PI, 10057 L09.05 PI, 10057 L09.06 PI, 10057 L09.07 PI, 10057 L09.08 PI, 10057 L09.09 PI, 10057 L09.10 PI, 10057 L09.11 PI, 10057 L09.12 PI, 10057 L09.13 PI, 10057 L09.14 PI, 10057 L09.15 PI, 10057 L09.16 PI, 10057 L09.17 PI, 10057 L0001 PI, 10057 L0101 PI, 10057 L0201 PI, 10057 L0202 PI, 10057 L0203 PI, 10057 L0204 PI, 10057 L0205 PI, 10057 L0206 PI, 10057 L0207 PI, 10057 L0208 PI, 10057 L0209 PI, 10057 L0301 PI, 10057 L0302 PI, 10057 L0303 PI, 10057 L0304 PI, 10057 L0401 PI, 10057 L0403 PI, 10057 L0404 PI, 10057 L0405 PI, 10057 L9301 PI, 10057 L9302 PI, 10057 L9303 PI

Supporting Documents

Tree Report, Phase 1 Seagrass Report v1, ERI I-156 Drake’s Island Inter-tidal habitat assessment, Inter-tidal CEMP v2 (DRAFT), Marine and Inter-tidal Ecology - ES Chapter VI, Bat Report DRAFT 2 I (2), Drake’s Island Botanical Report DRAFT with Appendices, Heritage Impact Assessment 16DEC2011, Heritage Assessment Final 19/12/11 78970.01, Heritage Assessment Gazeteer, Energy Statement (Issue 2a), External Lighting Report (Issue 2), CS20 Statement (Issue 2), Drake’s Hotel Travel Plan B, Transport Statement P9595/T/B , Phase 1 Environmental Assessment P9595/G200/B, Flood Risk Assessment P9595/G201/C, Foul Drainage Strategy P9595/H001/B, Construction Environment Management Plan P9595/G203/A, Bird Survey Final Report B2, Bird Survey Report P1B, EclA & Extended Phase 1 Habitat Survey

Officers worked hard to analyse this late information in time to provide a verbal update to the 06/12/12 Planning Committee. This update is summarised by subject area in the table below:

Subject area	Comments
Environmental Impact Assessment (EIA) /	No new information submitted. Latest information not incorporated.

Environmental Statement (ES)	
Habitat Regulations Assessment (HRA)	No new information submitted. Latest information not incorporated.
Environmental Management Plan	Not received.
Construction Environmental Management Plan (CEMP)	Received, but in draft form, with missing information. Does not cross refer to either the EIA or the HRA.
Inter-tidal Construction Environmental Management Plan	Received, but in draft form with insufficient information. Document does not feed into the other report entitled 'CEMP' and does not provide information on how the jetty or any foreshore works will be undertaken in order to protect the marine environment.
European Marine Site & Eelgrass	The survey material is complete, and a new report has been received. There are a number of measures which are put forward as mitigation measures to avoid impacts, but further work is required to ensure that they will go ahead given that they require work with other relevant authorities and agencies. Recommendations are made for the CEMP, relating to access for the construction barge being limited to certain tide times, but this is not reflected in the CEMP. More detail is required on the mitigation strategy as part of a single ES, EIA and HRA.
Bats	Draft report provided with no new information. No mitigation suggested. Surveys agreed in the Scoping Report [May, June and July 2012] were not carried out. There may be a breeding colony of bats but no surveys were carried out between March and August 2012.
Botany	No new information submitted. Recommendations have not been incorporated into the EIA or the Design and Access Statement. Impacts and mitigation measures are unknown.
Birds	Bird report received. Bird surveys have not been conducted in a manner that would inform the planning decision. April and May surveys were not undertaken. Winter surveys were not undertaken. The bird report refers to a survey conducted in mid-June 2012 which identifies 69 Little Egrets using the island as a year round roost. Any number over 45 individuals exceeds the threshold for being "nationally important". The report suggests that if the project goes ahead there is the possibility of significant damage to existing, breeding and/or roosting bird populations, which in turn would impact upon the relevant SAC and SPA.

	No bird survey data has been incorporated into the EIA or HRA. Impacts and mitigation measures are unknown.
Ecology [Phase I]	No new information submitted.
Flood Risk	No new information submitted.
Foul Drainage	Draft drawing provided showing sewage treatment outfall moved to west side of island.
Noise	One reference to the proposed helipad has been amended in the Design & Access Statement, to emphasise its use for “more serious emergency needs”. Further references to the helipad elsewhere remain unchanged.
Historic Environment	Revised set of drawings received, showing removal of Casemate patio terraces and set-back of main hotel central glazed link. Further changes include major revisions to the Arrival Building and swimming pool extension design.

Since the 06/12/12 Planning Committee, officers have had further dialogue with English Heritage regarding the design changes outlined above. English Heritage has welcomed the reduction in the scale of the main hotel glazed link element, and the fact that it no longer obscures the view of the historic Officer’s Building. English Heritage also welcomes the removal of the patio terrace areas to the front of the Casemate hotel rooms. Some concern remains about the detail of the new Casemate glazing apertures, which English Heritage consider to not respond adequately to the design of the existing shields, but suggest that this could be dealt with by a modification condition.

Officers consider that it is possible that the historic environment refusal reason at the end of this report could be removed subject to the consideration of any further comments that were received after a period of re-advertising that included these amended drawings. However, it is considered that it would not be in the public interest, to re-advertise and re-consult formally on this application at this stage - given that much information remains in draft or incomplete form. Advertising amendments in a piecemeal way is both confusing for the public and would not enable interested parties to consider the inter relationships between the different elements of the new information.

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
CS22 - Pollution
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 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, 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, and accompanying Design and Access Statement, 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).

INSUFFICIENT INFORMATION PROVIDED TO INFORM A HABITATS REGULATION ASSESSMENT

(5) The application has the potential to significantly impact on the Plymouth Sound and Estuaries European Marine Site which has been designated to protect features (habitats and species) under the Conservation of Habitat and Species Regulations 2010. Insufficient information has been provided on both the use of the site by key species and the potential development impacts on the European Marine Site features. The Conservation of Habitats and Species Regulations 2010 clearly state in regulation 61 that 'a person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable them to determine whether an appropriate assessment is required'. The Applicant has not currently provided this information and therefore it can not be concluded that the development will not have a significant impact on the European Marine 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

(6) 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

(7) 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.

INFORMATIVE: REFUSAL (WITH ATTEMPTED NEGOTIATION)

(2) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant [including pre-application discussions] [including [the offer of] a Planning Performance Agreement] and has looked for solutions to enable the grant of planning permission. However the proposal remains contrary to the planning policies set out in the reasons for refusal and was not therefore considered to be sustainable development.

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

PLANNING APPLICATION REPORT



ITEM: 03

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

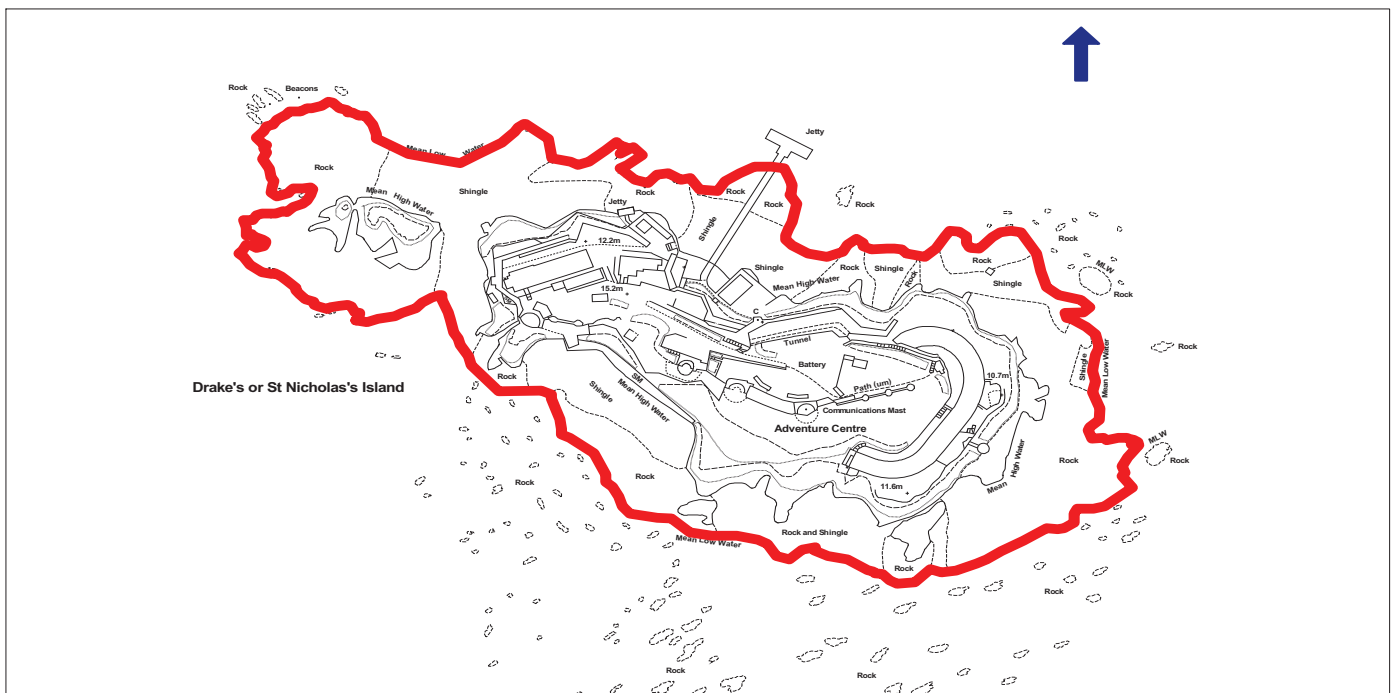
8/13 Week Date: **24/04/2012**

Decision Category: Related to a major - more than 5 Letters of Representation received

Case Officer : Matt Coombe

Recommendation: Refuse

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



Update

On 06/12/12, Planning Committee took the decision to defer this application until 03/01/13 to allow the Planning Authority time to consider the historic environment implications of amended drawings received on CD just before the 06/12/12 Planning Committee meeting.

Since the 06/12/12 Planning Committee meeting, officers have also again attempted to persuade the applicant to withdraw the scheme to allow time for the other outstanding information to be gathered and submitted – as this missing information has potential to impact on the design and historic environment aspects of the scheme. Officers have suggested a positive way forward, whereby the applicant could withdraw the application and then resubmit – entering into a Planning Performance Agreement with the Planning Authority, which would give more certainty, and allow a sufficient timeframe for the missing spring and summer ecological surveys to be completed. Unfortunately, the applicant has not been willing to withdraw the application.

The information received on CD just before the 06/12/12 Planning Committee meeting was as follows:

Planning Application Drawings

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 C09 16 PI, C010057 C09.10, 10057 C0911 PI, 10057 C0912 PI, 10057 C0913 PI, 10057 C0914 PI, 10057 C0915 PI, 10057 L09.01 PI, 10057 L09.02 PI, 10057 L09.03 PI, 10057 L09.05 PI, 10057 L09.06 PI, 10057 L09.07 PI, 10057 L09.08 PI, 10057 L09.09 PI, 10057 L09.10 PI, 10057 L09.11 PI, 10057 L09.12 PI, 10057 L09.13 PI, 10057 L09.14 PI, 10057 L09.15 PI, 10057 L09.16 PI, 10057 L09.17 PI, 10057 L0001 PI, 10057 L0101 PI, 10057 L0201 PI, 10057 L0202 PI, 10057 L0203 PI, 10057 L0204 PI, 10057 L0205 PI, 10057 L0206 PI, 10057 L0207 PI, 10057 L0208 PI, 10057 L0209 PI, 10057 L0301 PI, 10057 L0302 PI, 10057 L0303 PI, 10057 L0304 PI, 10057 L0401 PI, 10057 L0403 PI, 10057 L0404 PI, 10057 L0405 PI, 10057 L9301 PI, 10057 L9302 PI, 10057 L9303 PI

Supporting Documents

Tree Report, Phase 1 Seagrass Report v1, ERI I-156 Drake's Island Inter-tidal habitat assessment, Inter-tidal CEMP v2 (DRAFT), Marine and Inter-tidal Ecology - ES Chapter VI, Bat Report DRAFT 2 I (2), Drake's Island Botanical Report DRAFT with Appendices, Heritage Impact Assessment 16DEC2011, Heritage Assessment Final 19/12/11 78970.01, Heritage Assessment Gazeteer, Energy Statement (Issue 2a), External Lighting Report (Issue 2), CS20 Statement (Issue 2), Drake's Hotel Travel Plan B, Transport Statement P9595/T/B, Phase 1 Environmental Assessment P9595/G200/B, Flood Risk Assessment P9595/G201/C, Foul Drainage Strategy P9595/H001/B, Construction Environment Management Plan P9595/G203/A, Bird Survey Final Report B2, Bird Survey Report P1B, EclA & Extended Phase 1 Habitat Survey

Officers worked hard to analyse this late information in time to provide a verbal update to the 06/12/12 Planning Committee. This update is summarised by subject area in the table below:

Subject area	Comments
Environmental Impact Assessment (EIA) / Environmental Statement (ES)	No new information submitted. Latest information not incorporated.
Habitat Regulations Assessment (HRA)	No new information submitted. Latest information not incorporated.
Environmental Management Plan	Not received.
Construction Environmental Management Plan (CEMP)	Received, but in draft form, with missing information. Does not cross refer to either the EIA or the HRA.
Inter-tidal Construction Environmental Management Plan	Received, but in draft form with insufficient information. Document does not feed into the other report entitled 'CEMP' and does not provide information on how the jetty or any foreshore works will be undertaken in order to protect the marine environment.
European Marine Site & Eelgrass	The survey material is complete, and a new report has been received. There are a number of measures which are put forward as mitigation measures to avoid impacts, but further work is required to ensure that they will go ahead given that they require work with other relevant authorities and agencies. Recommendations are made for the CEMP, relating to access for the construction barge being limited to certain tide times, but this is not reflected in the CEMP. More detail is required on the mitigation strategy as part of a single ES, EIA and HRA.
Bats	Draft report provided with no new information. No mitigation suggested. Surveys agreed in the Scoping Report [May, June and July 2012] were not carried out. There may be a breeding colony of bats but no surveys were carried out between March and August 2012.
Botany	No new information submitted. Recommendations have not been incorporated into the EIA or the Design and Access Statement. Impacts and mitigation measures are unknown.
Birds	Bird report received. Bird surveys have not been conducted in a manner that would inform the planning decision. April and May surveys were not undertaken. Winter surveys were not undertaken. The bird report refers to a survey conducted in mid-June 2012 which identifies 69 Little Egrets

	using the island as a year round roost. Any number over 45 individuals exceeds the threshold for being “nationally important”. The report suggests that if the project goes ahead there is the possibility of significant damage to existing, breeding and/or roosting bird populations, which in turn would impact upon the relevant SAC and SPA. No bird survey data has been incorporated into the EIA or HRA. Impacts and mitigation measures are unknown.
Ecology [Phase I]	No new information submitted.
Flood Risk	No new information submitted.
Foul Drainage	Draft drawing provided showing sewage treatment outfall moved to west side of island.
Noise	One reference to the proposed helipad has been amended in the Design & Access Statement, to emphasise its use for “more serious emergency needs”. Further references to the helipad elsewhere remain unchanged.
Historic Environment	Revised set of drawings received, showing removal of Casemate patio terraces and set-back of main hotel central glazed link. Further changes include major revisions to the Arrival Building and swimming pool extension design.

Since the 06/12/12 Planning Committee, officers have had further dialogue with English Heritage regarding the design changes outlined above. English Heritage has welcomed the reduction in the scale of the main hotel glazed link element, and the fact that it no longer obscures the view of the historic Officer’s Building. English Heritage also welcomes the removal of the patio terrace areas to the front of the Casemate hotel rooms. Some concern remains about the detail of the new Casemate glazing apertures, which English Heritage consider to not respond adequately to the design of the existing shields, but suggest that this could be dealt with by a modification condition.

Officers consider that it is possible that the historic environment refusal reason at the end of this report could be removed subject to the consideration of any further comments that were received after a period of re-advertising that included these amended drawings. However, it is considered that it would not be in the public interest, to re-advertise and re-consult formally on this application at this stage - given that much information remains in draft or incomplete form. Advertising amendments in a piecemeal way is both confusing for the public and would not enable interested parties to consider the inter relationships between the different elements of the new information.

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
- CS22 - Pollution
- 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 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, 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, and accompanying Design and Access Statement, 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).

REFUSAL (WITH ATTEMPTED NEGOTIATION)

(1) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant [including pre-application discussions] [including [the offer of] a Planning Performance Agreement] and has looked for solutions to enable the grant of planning permission. However the proposal remains contrary to the planning policies set out in the reasons for refusal and was not therefore considered to be sustainable development.

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 APPLICATION REPORT



ITEM: 04

Application Number: 12/01700/FUL

Applicant: Taylor Wimpey (Exeter) UK Ltd

Description of Application: Demolition and clearance of existing industrial and warehouse premises; hybrid planning application with detailed proposals for development of 209 dwellings, with access, landscaping and public open space; and outline proposals (with all matters reserved except for access) for the development of 1000sqm in total of A1 Shops (maximum floorspace of 1000sqm), A2 Financial and Professional Services (maximum floorspace of 1000sqm), A3 Restaurants and Cafes (maximum floorspace of 500sqm), A4 Drinking Establishments (maximum floorspace of 250sqm) and A5 Hot Food Takeaway (maximum floorspace of 250sqm), and 1300sqm of B1 (a, b and c) employment

Type of Application: Full Application

Site Address: LAND EAST AND WEST OF PENNYCROSS CLOSE
PLYMOUTH

Ward: Ham

Valid Date of Application: 10/10/2012

8/13 Week Date: **09/01/2013**

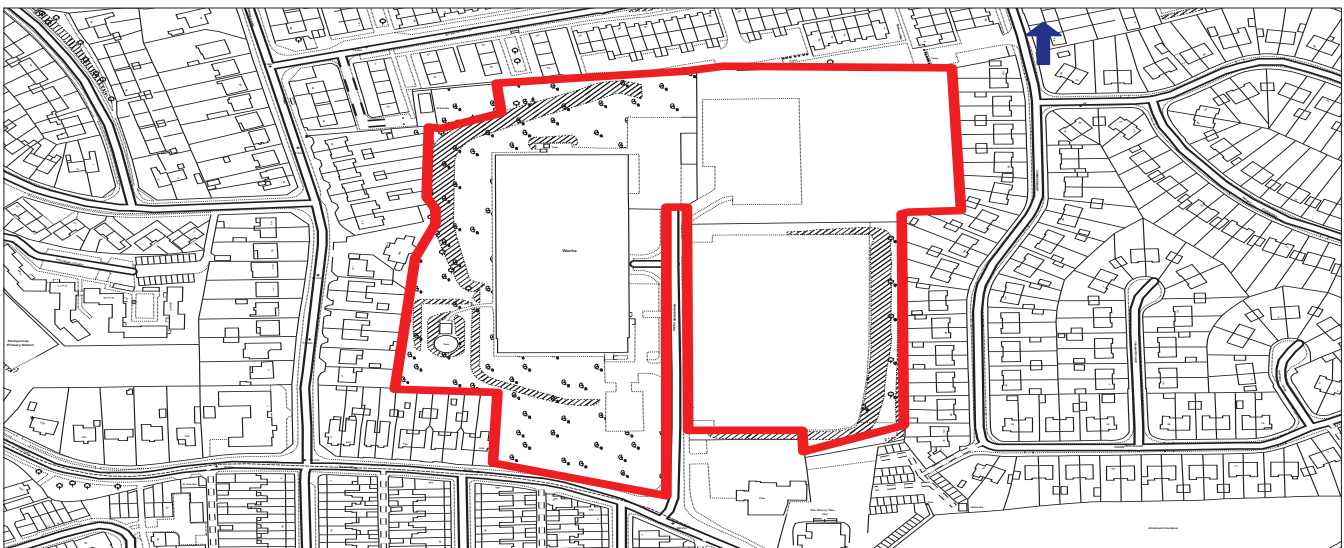
Decision Category: Major – More than 5 Letters of Representation received

Case Officer : Ray Williams

Recommendation: Refuse

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Documents:



Site Description

As described in the submitted Design and Access Statement, the site consists of two distinct land parcels: to the east of Pennycross Close the land consists of hard standing concrete, a result of the demolition of the Merchant Navy Industrial Unit in 2009. The site is open in character, vacant and unmanaged. The periphery of this part of the site has a number of trees on a bank rising to the adjoining residential development. On the western parcel of land is a corrugated steel and redbrick warehouse which was previously the warehouse and office of Hellerman Tyton electrical manufacturing company. The remaining building was used to manufacture and produce electrical parts. The surrounding grounds are landscaped, with a lawned grass area to the south which is split by the employees and visitors car park.

The development site is generally open with views to and from Pennycross Close and Ham Drive. There are some trees and shrubs in the south. The north and western boundaries fall steeply away to the steel boundary fence which borders adjoining residential development. There are groupings of mature trees on the banks which currently form a visual screen between the existing warehouse and adjoining residential properties. The topography of the site is generally flat other than the site boundaries which are steeply banked in parts.

Proposal Description

This is a hybrid planning application (ie. it seeks outline planning permission for one part of the site and full planning permission for another) for the following;

- Demolition and clearance of 7,525sqm of B2 use Warehousing
- Detailed approval for 209 dwellings including;
- 27 x 2 bed apartments
- 45 x 2 bed houses
- 102 x 3 bed houses
- 35 x 4 bed houses
- Ancillary car parking, public open space and landscaping
- On site affordable housing contribution of 25%
- Outline consent for 1300 sqm of B1, a, b c, employment
- Outline consent for 1000sqm of A1, A2, A3, A4 and A5 retail uses

Pre-Application Enquiry

The site was the subject of a scheme for housing and employment buildings, based on a master plan, in 2008/2009, and this scheme was submitted to the Council seeking pre application advice. It was also presented to the South West Design Panel. The pre application discussions were not progressed to a conclusion, and this process was not followed then by any planning application.

A further proposal was submitted as a formal Development Enquiry Service scheme in May of this year. Your officers engaged with the developers and their agents during the summer months. Before these discussions could be drawn to a conclusion, and before any agreement could be reached on the final form and content of the scheme, the planning application (which is the subject of this report) was submitted on 26 September 2012.

In paragraphs 14.1-14.4 of this report, comments are made on the future handling of the development proposals for this scheme. These paragraphs describe the negotiations held with the applicant since the planning application was submitted, and the actions recommended now.

Relevant Planning History

The site was used as a greyhound track between 1928 and 1931. It was then a speedway track until 1970 - the stadium being demolished in 1972.

Planning permission notice no. 67/2382 granted consent, in 1972, for the development of the site for industrial and warehousing purposes.

Planning permission notice no. 74/1199 granted consent for the erection of a factory for the manufacture of dental equipment (the premises being occupied by Dentsply Ash Instruments until 2007). The building was demolished in 2008.

Planning permission notice no.77/472 granted consent for the erection of a factory with offices in 1977 (subsequently occupied by HellermanTyton – a cable fixing component firm). Subsequent planning permissions were granted for the extension and alterations to these premises. The Company was relocated to the Plymouth International Medical Technology Park in August 2011.

Despite marketing attempts, the whole site has remained vacant since 2011.

Planning permission notice no.11/01605/fult granted consent for temporary site hoardings – and the site has been enclosed with these for some 14 months.

Consultation Responses

Local Highway Authority (LHA)

Negotiations are ongoing with the transport consultants for the applicant, but at the present time the position is:-

The LHA considers that the development would add approx 5% to the saturation levels of traffic in some parts of the immediate highway network, resulting in the degree of saturation, in some cases, to over 90%. This must be addressed.

Improvements to the traffic light system at the Honicknowle Lane/Ham Drive junction are required, since it is considered that the development will exacerbate the peak hour congestion there.

The development will also have an impact on traffic conditions in Outland Road, but there are no proposals by the Council to improve this road – therefore this development should look towards reducing the number of car trips it generates – as an alternative form of mitigation. Work is being carried out to investigate the option of subsidising, through a S106 Agreement, to provide an enhanced evening and weekend bus services past the development site. This would cost circa £35,000 for a year and would help to reduce car trips and subsequent impacts. It would also tie-in well with any modal shift targets within the Travel Plan. A subsidy for 2 years would be required.

Improvements are required to the junction immediately outside of the site, at the junction of Ham Lane and Langstone Road, since the development will exacerbate traffic difficulties here as well. It is considered that it should contribute £20,000 towards the provision of a pedestrian refuge and other associated improvements.

Police Architectural Liaison Officer

Devon and Cornwall Police are opposed to the granting of planning permission for the current scheme. There is nothing in the Design and Access Statement to say how the applicant will comply with Core Strategy Policy CS 32 Designing out Crime. The site borders a “challenging area” for policing, and security should be paramount.

The crime statistics for the past 12 months, for an area of a one mile radius out from the centre of the proposed Pennycross site, (anti social behaviour and general crimes statistics) show that the numbers of incidents are very high. These figures give weight to the seriousness that the applicant should take any crime reduction measures proposed.

Most of the house types do not have gable end windows so there will be no overlooking of vulnerable areas, i.e roads, and public open spaces, car parking etc. There are no lockable gates shown on any of the footpaths to the rear and side of properties. Defensible space should be shown around end plots.

In respect of the footpath link adjacent to plot 67, it is feared that it will be a crime generator, and a quick escape route for offenders committing crime and anti social behaviour on this estate. The Police preference would be that it is not

included as part of the development. If it has to stay, then the Police would request that it linked into the proposed road so that there is added surveillance and lighting for persons using it, and that its design accords with government guidelines.

South West Water

No objection to the development – capacity exists in SWW infrastructure to support the proposals.

Public Protection Service

Overall recommendation is to refuse

Noise Assessment for the commercial unit does not provide sufficient detail to assess impact, especially for the A1, A2, A3, A4 and A5 uses and associated activities, and any associated extract and ventilation equipment. A construction code of conduct is recommended for the construction phase.

From a land quality perspective – no objections to the granting of planning permission, subject to recommended conditions.

Education Authority

The development at Pennycross Close will generate an additional 209 dwellings. Based on the mix indicated in the planning application, the Education Authority would expect an additional 43 Primary aged children and 33 Secondary aged pupils to live within the development once complete.

There are three primary schools within the vicinity of this development; Pennycross Primary School, Montpelier Primary School and Manadon Vale Primary School. Montpelier Primary and Manadon Vale Primary are both full or will be full within the next couple of years & Pennycross currently has some capacity. However, if the total expected numbers for each of these primary schools (NOR) are taken, and compared to the combined capacity, the numbers will exceed the capacity in 2013, and additional places will need to be added.

Since this development will add additional pressure to the primary schools within the surrounding area, a Section 106 contribution should be sought to mitigate the impact it has on the surrounding infrastructure. The Education Authority's current plans will expand Pennycross Primary school by 105 places and we would expect this development to contribute to the overall project cost; the suggested contribution is £398,914

Secondary school numbers are currently in decline and will continue to decline until 2015, at which point the numbers will begin to climb with all secondary school capacity being used up by the year 2020. The Education Authority is not suggesting contributions for adding additional secondary places as present, but the secondary capacity should be considered if this development begins to impact on pupil numbers after 2020.

Economic Development

We would have preferred to see the business element of the development to have been included in the detailed rather than the outline part the planning application. We would also have preferred that the office floor space was in a separate building from the retail. In view of these aspects of the scheme, we have concerns about the deliverability of the business elements of the scheme.

Street Services

Public open space adoption will require a commuted lump sum – this will need to be the subject of negotiation. Expresses concern at the design of the layout in terms of part of one of the open spaces, and questions aspects of the woodland belt management plan.

Street scene – asks if rear access lanes will be adopted? If not management needs to be clearly addressed for future occupiers – to ensure adequate maintenance.

In terms of Waste Collection, advises that care is needed regarding the size of storage units for the apartments. In respect of single family dwellings – has concerns that bins will not be returned to back garden storage areas, since bins will be emptied each time in front street. Bin storage should be in front of each property. The installation of “sacrificial boards” to stop bins damaging render are encouraged, and sufficient space should be allowed for green waste bins. It is advised that adequate space should be allowed for trade waste from commercial units.

Representations

At the time of drafting this report, 7 Representations have been received from local residents.

One objects in principle.

Two have concerns about the impact on a property in Honicknowle Lane, causing a loss of privacy, and allowing easy access to the rear garden. The letter seeks clarification on intended measures to preserve privacy, prevent access from rear woodland, and prevent fly tipping. It comments also that proposed drinking and hot food takeaway uses are not needed in area.

One comments on the likely aggravation of traffic difficulties on Ham Drive, between Honicknowle Lane and Outland Road, including at the Langstone Road junction. This writer also has fears about the impact of the commercial users’ car park in terms of noise, fumes and possible damage to rear wall.

Two from Carnock Road have concerns about the loss of the existing bank and the consequent impact on privacy, and the loss of existing trees, greenery and wildlife. One of these also expresses concern about the perceived aggravation of traffic difficulties in Ham Drive, and the possible resulting increase in traffic in Carnock Road.

One from St Pancras Avenue has severe reservations about the proposed pedestrian link to St Pancras Avenue, fearing that it will render the property and any cars parked in adjacent existing streets vulnerable to opportunist crime, reduce privacy, and cause parking problems – some new residents choosing to park in St Pancras Avenue rather than within the new estate.

Analysis

1.1 The main Local Development Framework (LDF) Core Strategy policies are CS01 – Development of Sustainable Linked Communities, CS02 – Design, CS15 – Overall Housing Provision, CS18 Plymouth’s Green Space, CS28 Local Transport Considerations, CS32 – Designing Out Crime, CS33 Community Benefits/Planning Obligations and CS34 – Planning Application Considerations. The National Planning Policy Framework, (NPPF) and the adopted Design and Development Guidelines Supplementary Planning Documents also apply.

GENERAL LAND USE PLANNING POLICY

2.1 The National Planning Policy Framework is now an important material consideration, and the proposed development accords with many of this document’s key principles. It would bring forward development, which would be “sustainable” in some respects – except for the weaknesses identified in the following paragraphs of this report – from 3.1, “DESIGN” onwards.

2.2 It has been acknowledged by your officers, that the concept of developing this former employment land with essentially housing would be acceptable in land use terms, and would accord with the Core Strategy and the NPPF. Our, and the applicant’s, studies show that there is a sufficient supply of employment land to meet the City’s needs, that there are vacant sites currently on the market, and that new sites are coming forward. Furthermore the Pennycross Close site has proved unattractive to the market. (Never the less, negotiations have secured an element of mixed use – including retail and commercial uses to provide some local employment.)

2.3 The Pennycross and Beacon Park Sustainable Neighbourhood assessment suggested that this site was suitable for a residentially led mixed use development, and that intensifying the density of residential use in this way would assist in the support of local services. Furthermore the Strategic Housing Land Availability Assessment (2009), which identifies strategic sites which have potential to meet housing land requirements over the Core Strategy period (to 2021), described this site as a “deliverable site, unconstrained by policy”.

2.4 It is also important to note that the former employment site has come forward for residential development largely due to the relocation of Hellerman Tyton to the Derriford Technology and Medical Park, in 2011. The company generated approx 130-140 jobs on this site at this time (coincidentally this number of jobs is similar to the number predicted by the applicants to be generated by the retail/commercial development within the site). The Company advise that its long term sustainability is partially reliant on the capital receipts from the sale of this site. These receipts will ultimately be re-invested in the Company’s long term growth and development – ensuring further benefits beyond the site itself.

DESIGN

3.1 The submitted layout of the proposed development utilises the industrial estate access road of Pennycross Close, and sets out a grid/culs de sac road system from this central spine road. It is considered that the design of this layout has some unacceptable weaknesses, which cause it to conflict with design policies in the Core Strategy (policies CS02, and CS34), design advice in the adopted Design and Development Guidelines SPDs, and Core Strategy policy CS32 Designing Out Crime.

3.2 Firstly the street layout is unsatisfactory, since it incorporates some unnecessary culs de sac, which frustrate pedestrian and vehicular movement. The estate layout concept should, instead, be based on connective grids. Also the street layout has no clear street hierarchy, and the streets would lack individual character. It is likely, in the circumstances, that the road network within the site would also not be conducive to low vehicle speeds.

3.3 Car Parking spaces (at a ratio of between 1.5-2 spaces per household) are mainly provided within front gardens. This has resulted in a very unsatisfactory car dominated environment in most streets.

3.4 The site description part of this report makes reference to the steep slopes on parts of the western and northern boundaries of the site, in particular. The site contours were probably significantly remodelled at some time, perhaps in association with the creation of the dog racing stadium. The result is that there are some changes in level which need very careful handling. In the north west part of the site, hedges, or bunds exist – rising above the general site levels, before dropping very steeply to a level several metres below the main site. These banks have some tree cover, and in some places they are too steep to even walk along. The submitted layout proposes to make these areas into public open space. Your officers have severe concerns about the practicalities of this proposed land use. Members of the public seeking to use these spaces would be open to danger because of the extreme slopes, and there are tracts of land within this public open space designation which would not enjoy any natural surveillance at all. This combination of factors would make the surrounding existing residential properties very vulnerable. Their rear gardens and rear boundaries would be prone to vandalism and trespass, and there would be a severe overlooking issue between some of the elevated parts of the proposed open spaces to the existing properties' rear windows.

3.5 In some parts of the site, the street and housing layout has not taken full account of the site levels. There is insufficient information available about the treatment of levels in some areas, and in other parts of the site – it appears that the proposals would simply not work. The impact of the adjacent hedge/bund on the western boundary to the nearest new dwellings has not been properly addressed. The rising land and trees will cause the rear gardens in particular to be difficult to use, and in some cases to be overshadowed by high land and trees. The hedge/bund on the eastern side also might raise some practical issues, and further information ought to have been provided to clarify the intended treatment of this part of the site.

3.6 Boundary enclosure information is inadequate and in some cases unacceptable. The proposed development allows the public to gain access to new public open spaces – mainly around the periphery of the site. These areas are on land which has been part of a private and controlled employment estate, for years. We would expect the rear gardens of these neighbouring existing residential properties to be suitably enclosed and protected from these new public spaces, but there is nothing to confirm that this will be done. Also the visual environment of the new development will be down graded if the existing residential properties', uncoordinated, sometimes prominent and poor quality boundary enclosures are left to be visible from new public areas.

3.7 The success or otherwise of the public open spaces will to some extent depend on the manner in which they are managed in the future. No discussions have been held with the relevant Council officers over the adoption of open spaces, yet it is clear that the developer will expect many of them to come to the Council, for adoption. It would be inappropriate to grant planning permission for a development of this type, without have some guarantees that the undeveloped areas will be properly managed.

3.8 Furthermore, the comments by the Police Architectural Liaison Officer, having regard to the crime statistics for the area, highlight other significant design weaknesses, ie including the lack of overlooking to vulnerable areas, the lack of lockable gates, the lack of defensible space around end plots, and the lack of information on (or possible the poor design of) the northern footpath link.

3.9 There are also some site specific design issues and weaknesses, for example:-

- the new dwellings on the west side of the site turn their back or side elevations to the retained trees, and so fail to utilise the best amenity of the site.
- The retail/business building is sited on an inappropriate building line, compared with the rest of the new residential street.
- The sub station adjacent to the retail/business building is in an inappropriate place.
- The two dwellings in the south east corner of the scheme (plots 30 and 31), and the adjacent car parking spaces, would have an unacceptable impact on the functioning and appearance of the neighbouring proposed public open space.

HIGHWAY ISSUES

4.1 The LHA has advised (see Consultation Responses above) that the development would have a detrimental impact on the local highway network, and that mitigation measures are required. None have been put forward or agreed by the applicant. The development has, therefore, to be considered to conflict with LDF Core Strategy policies CS 28 Local Transport Considerations, CS33 Community Benefits/Planning Obligations and CS 34 Planning Application Considerations.

RETAIL DEVELOPMENT

5.1 The proposal seeks outline consent for 1000sqm of A1, A2, A3, A4 and A5 retail uses – to be accommodated in one building on the Ham Drive frontage. The submitted application shows that the applicants have assessed this part of the development by applying a sequential test to the floor space proposed (ie by showing that there are no other suitable sites for this retail floor space in the area). But your officers are concerned about the possible impact of the proposed new retail floor space on existing shops in the locality. To this end we have requested a retail impact assessment, but none has been forthcoming. We have therefore to conclude that inadequate information has been provided to demonstrate that the development will not have an unacceptable adverse impact on the vitality and viability of existing surrounding local and district shopping centres (contrary to Core Strategy policy CS08 Retail Development Considerations)

AFFORDABLE HOUSING

6.1 The Core Strategy sets out Plymouth’s housing affordability problem (relatively low local incomes compared to high house prices). A further report for 2010 showed this affordability gap has widened, to create even greater Affordable Housing needs shortages than those cited in the Core Strategy. Para 10.19 sets out the strategy response to these unmet housing needs, by setting an ‘Affordable Housing requirement’ of at least 30%. The applicant treats this as an Affordable Housing “target”.

6.2 Policy CS15 requires that on developments of 15 or more dwelling units a minimum of 30% affordable housing should be provided on site without public grant, at a ratio of 60:40 in terms of rented and shared ownership.

6.3 Applying policy CS15 to the development proposal, the requirement would be as follows:

209 total dwellings would require 62.7 Affordable Housing units at 30%. However, bearing in mind the policy wording of ‘at least 30%’ this figure should be rounded up to 63 Affordable Housing units.

6.4 The suggested Affordable Housing package of 52 units is outlined on the submitted proposed site plan, with further information provided in an affordable housing statement, and would equate to 24.8% Affordable Housing provision. No discussion or evidence has been submitted to justify this policy shortfall, and on this basis the proposal is not considered to be in accordance with national and locally adopted planning policy. In the absence of required justification/viability evidence affordable housing proposal is considered to be unacceptable.

6.5 In addition to the deficiency in affordable housing total units –it is notable that there is a deficiency in 4 bed houses and the over-supply of 2 bed apartments in the proposed package. Essentially the proposed affordable housing provision profile is skewed, proposing too many flats and insufficient larger houses. In order to make the affordable housing mix more representative (if not fully compliant), it is suggested

that the applicant should delete 2 flat blocks (ie 6 flats) from the proposed affordable housing package and to swap these flats for more 4 bed houses and 3 bed houses.

RENEWABLE ENERGY

7.1 Core Strategy policy CS 20 requires new residential developments of 10 or more units to incorporate on site renewable energy equipment to off set at least at least 15% of predicted carbon emissions. To date insufficient information has been submitted to address this issue.

BIODIVERSITY

8.1 Core Strategy policy CS19 requires that new development should seek to produce a net gain in biodiversity, by designing in wildlife, and ensuring that unavoidable impacts are appropriately mitigated for. To date insufficient information has been submitted to address this issue.

POLLUTION

9.1 Core Strategy policy CS22 requires that people and the environment should be protected from unsafe, unhealthy and polluted environments through ensuring that development proposals will be refused which cause unacceptable noise, nuisance or light pollution. Your officers have reservations about the submitted Noise Assessment for the commercial unit. It does not provide sufficient detail to assess the impact, especially for the A1, A2, A3, A4 and A5 uses and associated activities, and any associated extract and ventilation equipment. It will be noted that one of the letters of representation received comments on this matter. This writer has fears about the impact of the commercial users' car park in terms of noise, fumes and possible damage to rear wall. Whilst some of the impact might be able to be controlled by planning condition, (for example through hours of operation conditions), some elements- such as the relationship of the commercial car park to the neighbouring existing dwelling, and the possible impact of cooking food on neighbouring amenity remains an issue. It therefore has to be concluded that the development would be in conflict with policy CS 22.

OTHER ISSUES

10.1 There are several other issues which require further examination and negotiation. Given the nature of these matters, Members are advised that these would probably have been progressed further by your officers, in negotiation, and then controlled by planning condition, or through the expected S106 Obligation. Whilst they should be noted, they are not considered to be worthy of being identified within the recommended refusal reasons. The matters included in this list are:-

- the deliverability of A/B use class building

- landscaping specification/details

waste collection

Section 106 Obligations

11.1 The applicant advised, at the time of submitting the planning application, that the proposed development is on brown field land, and that this has led the company to pursue a market recovery submission, in accordance with the Market Recovery Scheme of July 2012. Unfortunately the viability assessment to justify this was submitted approximately 8 weeks after the planning application was registered, and your officers have not had sufficient time, yet, to analyse its contents and to negotiate – if appropriate.

11.2. As a guide in considering this planning application, in accordance with the current Planning Obligations and Affordable Housing Supplementary Planning Document, and having regard to the representations received from service providers, infrastructure mitigation costs for this location would normally be in the order of the figures set out in the table below:-

Infrastructure Element	Full (undiscounted) infrastructure mitigation payment for element
Local Infrastructure	
Schools	£398,914
Green space (see note 1 below)	£98,921.56
Children's play space (see note 1 below)	£70,794.52
Playing pitches	£179,440.47
Strategic Infrastructure	
Green space	£220,621.63
European Marine Site	£5,222.40
Sports facilities	£140,973.00
Public realm	£16,824.00
Transport (see note 2 below)	£621,501.00
Total Full Mitigation payment	£1,753,212.58

Table note 1.

These figures, for local green space and local children's play space, are included to indicate what would be normally the appropriate mitigation costs. In the proposed development, however, on site provision is proposed, and so a commuted sum for the adoption/maintenance of these facilities will be negotiated instead. The financial costs of adoption and maintenance has yet to be calculated.

Table note 2

This transport cost is included to indicate what would be the normally expected cost for this strategic infrastructure. In this proposed development, however, there are highway infrastructure mitigation requirements in the immediate locality of the site (see para 4.1 above). The final full costs of these works have yet to be confirmed (see Local Highway Authority Response in the Consultation Responses part of this report). This strategic transport mitigation element will need to be examined in more detail, and re-assessed, taking into account the local highway mitigation requirements.

11.3. Although the applicant has submitted a draft heads of terms, as described below, no agreement has been reached on the financial contributions which are required and will be paid to mitigate the impact of the development on local and strategic infrastructure. The applicants Heads of Terms statement offers no specific financial contribution figures, but comments:-

- a) that a 50% market recovery discount is sought on the basis of the viability of developing this brown field site.
- b) Primary school contributions are expected to be made for the increased number of primary children and other children's services for the open market housing only (the affordable units are considered to serve the local need for families already in Plymouth)
- c) Playing pitch contributions will be considered on the basis of further evidence and clarification of local need.
- d) Local green space and local play space is proposed within the site, and will be transferred into the control and management of the Council. The Heads of Terms therefore assumes that these contributions will not be required.
- e) The proposal of 25% affordable housing is re-iterated.
- f) A contribution towards off site strategic transport is anticipated.
- g) In respect of strategic sports facilities – The Heads of Terms comments that contributions must relate to local infrastructure which is directly impacted upon by the development, and that only a contribution for local sports facilities is anticipated.

11.4 In the absence of an infrastructure mitigation package, confirmed in a signed S106 Obligation, it has to be concluded that the development is not compliant with Core Strategy policy CS33. There is no evidence to demonstrate that the development will meet the reasonable costs of the new infrastructure, made necessary by the proposal, and where necessary, that it will contribute to the delivery of strategic infrastructure, to enable cumulative impacts of developments to be managed in a sustainable and effective way and support the delivery of the City Vision.

Equalities & Diversities issues

LIFETIME HOMES

12.1 Core Strategy Policy Policy CS15- requires that 20% of all new dwellings built within Plymouth shall be constructed to Lifetime Homes. Your housing officers recommend that Lifetime Homes “Habinteg” Standards are applicable, which allow for the future proofing of all new dwellings (Habinteg is a Housing Association with nationally recognised expertise in Lifetime Homes matters).

12.2 Reference is made in the design and access statement to the provision of Lifetime Homes (LTH) as follows: The proposals include an excess of the min. 20% LTH standards, as the affordable units are readily adaptable to Joseph Rowntree LTH standards. This general statement is not considered to be sufficient to confirm capability to achieve compliance the new revised Habinteg LTH standards.

12.3 Adequate Lifetime Homes provision is required to in order to achieve compliance with policy CS15. Lifetime Homes provision should be available in both the open market and affordable properties – in order to allow potential purchasers the option of choosing a Lifetime Home. The applicant should identify the lifetime homes plots and annotate the related housing layouts/elevations/floor plans to illustrate how all 16 of the Lifetime Homes criteria are capable of being met. This requirement has not been met, to date, but could probably have been dealt with through the imposition of a planning condition, had the application been recommended to be granted permission.

Conclusions

13.1 The proposed development, as detailed in the current planning application, has several design problems, and these must be addressed before planning permission can be recommended to be granted. Negotiations must also be progressed to evaluate the highway and other infrastructure implications of the development, but to date the scheme seems not to be bringing forward adequate mitigations to meet its own impacts. There are also several other topic areas, explored in the analysis part of this report, and detailed in the recommended refusal reasons, which have not been adequately addressed in this application, and which therefore demonstrate that it should be refused.

Negotiations and the future handling of the development of the site.

14.1 This report’s analysis of issues demonstrates that the fundamental problems raised by this planning application centre around the subject areas of design, highway impact and general impact on infrastructure. It is unfortunate that the applicants chose to submit this planning application at the end of September, before the pre application discussions were concluded. These matters were under discussion then, and might well have been resolved – shaping the submitted scheme.

14.2 It had become clear to your officers and our statutory consultees, by November, that the scheme submitted with the formal planning application still had these serious issues to resolve. The applicants were invited to withdraw the scheme to allow both sides time to address the issues. They were advised that there was insufficient time, within the statutory 13 weeks planning application determination period, to redesign the scheme, reconsult the neighbours, report the planning application to the Planning Committee, and conclude a S106. The request to withdraw was declined by the applicants. Instead they chose to make significant changes to the layout and design, and these were submitted on Friday 14 December. The proposed changes, in the opinion of your officers, constitute a significant improvement to the development, and demonstrate the applicant's commitment to seek a way forward. However, the revised scheme includes changes which are significant to interested parties, and your officers are strongly of the opinion that the changed scheme should be progressed through a fresh planning application, and not by revising the existing one. The revised drawings have not been accepted as part of the current planning application. There is insufficient time to re-advertise the revised drawings, for public comment (3 weeks are required for this), to seek further statutory consultee comments, and to report the application to the Planning Committee. The statutory 13 week planning application determination period falls on 9 January.

14.3 It should also be noted that agreement has not yet been reached over the mitigation proposals required to deal with the impact of the development on the highway network, on the mitigation required for other infrastructure demands, and for the affordable housing proposals. There is insufficient time, before the 9 January, deadline to complete these negotiations, draft a legal agreement and for it to be signed by all parties.

14.4 The Committee is therefore recommended to refuse the application, with the originally submitted drawings, for the reasons given below, but to also note that the difficulties raised by the scheme appear capable of being resolved, assuming that the cooperation recently shown by the applicant, can be carried forward to the remaining issues.

15.1 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.

Recommendation

In respect of the application dated **10/10/2012** and the submitted drawings , it is recommended to: **Refuse**

Reasons for Refusal

LAYOUT

(1) The layout of the proposed development is unsatisfactory, providing unacceptable facilities for pedestrian and vehicular movement. The street layout has no clear street hierarchy, the streets would lack individual character, and it is likely, that the road network within the site would also not be conducive to low vehicle speeds. The development would therefore conflict with the design policies in the Local Development Framework Core Strategy (2006-2021) (policies CS02, and CS34) and design advice in the adopted Local Development Framework Design and Development Guidelines Supplementary Planning Documents.

DESIGN PRINCIPLES

(2) The proposed development has been designed on the basis of most car parking spaces being provided in the front gardens of the proposed dwellings. This would create a new neighbourhood with a very unattractive car dominated environment, contrary to the design policies in the Local Development Framework Core Strategy (2006-2021) (policies CS02, and CS34) and design advice in the adopted Local Development Framework Design and Development Guidelines Supplementary Planning Documents

PUBLIC OPEN SPACES

(3) The layout and design of the proposed public open spaces pays inadequate regard to the existing levels of the site, the siting of existing trees, and the existing means of enclosure of surrounding residential properties. The resulting public areas would function unsatisfactorily, would have a poor quality appearance, would cause detriment to surrounding residential properties and would be likely to increase the number of incidents of crime and antisocial behaviour in the area, contrary to the design policies in the Local Development Framework Core Strategy (2006-2021) (policies CS02, and CS34), and contrary to design advice in the adopted Local Development Framework Design and Development Guidelines Supplementary Planning Documents, and Local Development Framework Core Strategy Policy CS 32 Designing out Crime.

DESIGNING OUT CRIME

(4) Inadequate attention has been given to the need to design out crime in the proposed development. There would be a lack of overlooking to vulnerable areas, a lack of lockable gates, a lack of defensible space around end plots, and there is a lack of information on (and possibly a poor design of) the northern footpath link. As such the development would be in conflict with Local Development Framework Core Strategy (2006-2021) Policy CS 32 Designing out Crime.

IMPACT ON HIGHWAY NETWORK

(5) The development, because of the increase in traffic it would generate, would have a detrimental impact on the local highway network, and upon highway safety. No measures of mitigation measures are put forward. The development is considered to conflict with Local Development Framework Core Strategy (2006-2021) policies CS 28 Local Transport Considerations, and CS 34 Planning Application Considerations.

RETAIL IMPACT - INADEQUATE INFORMATION

(6) Inadequate information has been provided to demonstrate that the proposed retail development will not have an unacceptable adverse impact on the vitality and viability of existing surrounding local and district shopping centres. In the absence of this information, it is considered that the proposed development may have a detrimental impact on existing shopping centres in this part of the City, and as such might be contrary to Local Development Framework Core Strategy (2006-2021) policy CS08 Retail Development Considerations .

AFFORDABLE HOUSING

(7) The proposed development would bring forward an inadequate number of affordable housing units. Local Development Framework Core Strategy Policy (2006-2021) CS15 requires that, in developments of 15 or more dwelling units, a minimum of 30% affordable housing should be provided on site without public grant. The proposed development would only provide 52 units, which is less than 25% of the total number, and as such the proposed development is contrary to that policy.

INADEQUATE INFRASTRUCTURE MITIGATION

(8) No agreement has been reached with the applicant on the financial contributions which are required and should be paid to mitigate the impact of the development on local and strategic infrastructure. In the absence of an infrastructure mitigation package, confirmed in a signed S106 Obligation, it is concluded that the development is not compliant with the Local Development Framework Core Strategy (2006-2021) policy CS33. There is no evidence to demonstrate that the development will mitigate its impact, or will meet the reasonable costs of the new infrastructure, made necessary by the proposal, and where necessary, that it will contribute to the delivery of strategic infrastructure, to enable cumulative impacts of developments to be managed in a sustainable and effective way and support the delivery of the City Vision.

RENEWABLE ENERGY INSUFFICIENT INFORMATION

(9) Insufficient information has been submitted to demonstrate that adequate on site renewable energy equipment will be provided for each dwelling to off set at least at least 15% of predicted carbon emissions, as required by Local Development Framework Core Strategy (2006-2021) policy CS 20.

BIODIVERSITY INSUFFICIENT INFORMATION

(10) Insufficient information has been submitted to demonstrate that the new development will produce a net gain in biodiversity, by designing in wildlife, and ensuring that unavoidable impacts are appropriately mitigated for, as required by Local Development Framework Core Strategy (2006-2021) policy CS19.

POLLUTION

(11) The siting of the proposed retail use building (with commercial offices above), its ancillary car park and vehicular access, are likely to give rise to conditions which would have a detrimental impact on the residential amenities of nearby existing neighbouring occupiers, and the occupiers of the proposed new nearby dwellings, by virtue of noise from pedestrian and vehicular comings and goings, and potentially by virtue of smell/odour nuisance from the cooking of food. As such, this part of the

proposed development is considered to be contrary to the Local Development Framework Core Strategy Policy(2006-2021) CS22 Pollution.

LIFETIME HOMES INSUFFICIENT INFORMATION

(12) Local Development Framework Core Strategy Policy (2006-2021) CS15- requires that 20% of all new dwellings built within Plymouth shall be constructed to Lifetime Homes standard. Insufficient information has been submitted to demonstrate the proposed development would bring forward an adequate number of Lifetime Homes, to the required standard, to meet this adopted policy.

REFUSAL (WITH ATTEMPTED NEGOTIATION)

(1) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant [including pre-application discussions] and has looked for solutions to enable the grant of planning permission. However the proposal remains contrary to the planning policies set out in the reasons for refusal and was not therefore considered to be sustainable development.

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
- CS34 - Planning Application Consideration
- CS18 - Plymouth's Green Space
- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS15 - Housing Provision

PLYMOUTH CITY COUNCIL

Breaches of planning conditions imposed upon Plan ref 11/00750/FUL (for the construction of an energy from waste plant in Her Majesty's Naval Base, Devonport.)

Committee:	Planning Committee
Date:	3 rd January 2013
Cabinet Member:	Councillor Brian Vincent
CMT Member:	Anthony Payne Director of Place
Author:	Christopher Watson of Planning Services on behalf of the Assistant Director for Planning Paul Barnard.
Contact:	Tel: 01752 304367 e-mail: chris.watson@plymouth.gov.uk
Ref:	11/00750/FUL
Key Decision:	No
Part:	I

Purpose of the report:

Planning permission was granted by Plymouth City Council on 3rd February 2012 for the construction of an Energy from Waste plant in Her Majesty's Naval Base Devonport, Plymouth. The applicant was MVV Environment Devonport Limited, in association with the South West Devon Waste Partnership, of which Plymouth City Council is a member.

Construction work on the approved development commenced on site on 20th February 2012. The development work being undertaken is the subject of extensive monitoring designed to check that the work is being carried out in accordance with agreed code of construction practice type conditions. This monitoring process has identified a series of breaches of the agreed condition details in recent weeks. The purpose of this report is to clarify what action the Council is taking with regard to these identified breaches.

Corporate Plan 2012-2015:

Working with other organisations in the sub region to reduce costs in waste disposal services; dealing with waste in a way to reduce carbon emissions whilst also using planning powers as a key lever to facilitate the potential for further carbon savings, social enterprise and Community Trust development and the delivery of business support in relation to the maritime sector

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

The use of planning powers associated with the imposition and monitoring of conditions and obligations will secure acceptable development at a short, medium and long term cost to the applicants that is considered reasonable and in the community interest whilst saving public expenditure and the development itself secures a pooling of sub regional resources to address rising landfill costs. There are no abnormal financial implications for the local planning authority in monitoring conditions and clauses although the developer will have costs through providing information required by the S106.

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

The use of planning powers associated with the imposition and monitoring of conditions and obligations will secure acceptable development mindful that the principle Health and Safety and Risk Management issues and the framework for fostering good community relations has been addressed in the determination of the planning application.

Recommendations & Reasons for recommended action:

Recommendations:

The Committee are invited to note:

- (1) the position regarding compliance with planning conditions and obligations to date, and that eight reported breaches have been identified and are under investigation.**
- (2) what compliance action is being proposed, if any is to be pursued by the Council in response to the investigation.**
- (3) that a Planning Contravention Notice (PCN), subject to Section 171C of the Town & Country Planning Act 1990, has been served on MVV putting them on formal alert that further planning compliance action is being actively considered by the Council.**

Reasons for recommendation (1) and (2):

Breaches of noise or working hours limitations attached to Planning Permission 11/00750/FUL are known to have occurred, and further details of these are outlined in the attached briefing note (Appendix 1) and chronology of the incidents in question (Appendix 2).

Reason for recommendation (3):

Breaches of noise or working hours limitations attached to Planning Permission 11/00750/FUL are known to have occurred, and the issuing of the Planning Contravention Notice in respect of these breaches acts a legal precursor to possible further planning compliance action by the Council should this prove to be necessary.

Alternative options considered and reasons for recommended action:

Where a breach is identified the response has to be appropriate and mindful of any demonstrable harm arising from it. The Council is under a legal duty to investigate reports of breaches of planning control, and to consider what action might be appropriate if a breach is identified.

Background papers:

The planning conditions clauses drawings and schemes can all be found on the planning website for I1/00750/FUL

(<http://www.plymouth.gov.uk/planningonline.htm?ApplicationNumber=11%2F00750&AddressPrefix=&Postcode=&Sort2=DateReceived+DESC&innoLink=http://www.plymouth.gov.uk/planningapplications2/results.asp>)

Sign off:

Fin	PC. Plac eF PD1 213 009. 181 212.	Leg	JAR/ 1624 6A	HR		Corp Prop		IT		Strat Proc	
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Originating SMT Member: N/A

Have you consulted the Cabinet Member(s) named on the report? No

Appendix 1 –

Breaches of planning conditions imposed upon Plan reference 11/00750/FUL
(for the construction of an energy from waste plant in Her Majesty's Naval Base, Devonport.)

Briefing Note

The construction of the energy from waste plant is a major construction project involving complex construction techniques with a potential to impact significantly during the construction phase of the development both on the local environment and on neighbouring residents. Because of this and as is normal with such major projects, the development is subject to specific planning conditions and limitations on such issues as construction noise and permitted working hours at the development. The details of these are as follows;

Condition 19 defines noise limits and requires the following:

“The noise levels indicated within the submitted Acoustics Technical Note dated 28th July 2011 are the maximum permitted levels. If during the stage 1 and stage 2 construction phases of the development noise levels exceed the approved limits then the noisy activity shall cease until such time as noise reduction measures have been carried out. Noise monitoring shall then be carried out to verify that the noise levels do not exceed the approved limits.”

Condition 18 requires the approved Construction Environment Management Plan (CEMP) to be implemented in full throughout the duration of the construction works, unless a variation is agreed in writing by the Local Planning Authority, in advance. The agreed CEMP construction hours reflect the City Council's Code of Practice and are 8am - 6pm on Mondays –Fridays and the CEMP states that “should work be required outside of these hours prior permission must be sought from the local authority including details of any noise that may result from the activities”.

Following the grant of planning permission significant efforts have been made by the developer (MVV) and the Council to set up monitoring systems to record the impact of the development on the local environment and neighbouring residents.

The majority of the requirements of the planning conditions and obligations have been, and are currently being, complied with; however, site monitoring has shown that there have been eight recorded instances of breaches of noise or working hours limitations. Details of these are set out in the attached Appendix 2.

Three of these incidents involve noise above permitted levels, while the other five involve work taking place outside of the permitted hours of construction.

It is clearly unacceptable that these incidents are occurring and it is important to note that the site developer is entirely responsible for ensuring all necessary planning conditions and limitations are being adhered to at all stages.

Although the developer has put forward specific reasons explaining the breaches and arguing on each occasion that unexpected special circumstances have given rise to these incidents, the Council cannot in any sense condone or accept that these problematic incidents should be occurring.

For this reason, and in line with normal planning compliance procedure in respect of such issues, a compliance case file has been opened (12/02114/OPR) to formally record these breaches. Furthermore in order to put the developer on formal alert that the Council is unhappy at the continuation of these reported breaches, a Planning Contravention Notice has been served on them under Section 171C of the Town & Country Planning Act 1990.

This Notice also acts a legal precursor to possible further planning compliance action by the Council should this prove to be necessary.

Paragraph 207 of the National Planning Policy Framework (NPPF), published on 27 March 2012, sets out clearly how Local Planning Authorities should approach planning compliance work, and states as follows;

Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.

Taking this guidance into account and having considered very carefully the extent of the breaches to date and the impact of these on the local environment and nearby residents, it is considered that the action taken so far is proportionate and sufficient. If further breaches are identified, and where significant environmental harm is suspected as occurring as a result, then the Council can proceed to consider further action against the developer which could include one or more of the following actions in addition to the already issued Planning Contravention Notice;

1. Planning Contravention Notice (PCN)

Section 171C Town and Country Planning Act (TCPA) 1990

- This gives a Local Planning Authority (LPA) a power to require information about activities on land
- It can be served if it appears that there may have been a breach of planning control.
- Specific information can be required in regard to certain activities which are of concern
- It is an offence under s171D for any person on whom a PCN has been served to fail within 21 days to comply with any requirement of it.
- A person found guilty of an offence shall be liable on a summary conviction to a fine.

2. **Breach of Condition Notice (BCN)**

Section 187A TCPA 1990

- This notice is mainly intended as an alternative to an enforcement notice for remedying a breach of control arising from failure to comply with any planning condition or limitation.
- The notice must allow for a period of compliance.
- If a person does not comply with the requirements of a BCN then they will be guilty of an offence.
- Summary prosecution is in the Magistrates Court.
- No right of appeal but validity of notice can be challenged by way of a judicial review.

3. **Planning Enforcement Notice (PEN)**

Section 172 TCPA 1990

- Must be some evidence of breach.
- Power to issue an enforcement notice is discretionary.
- A notice requires remedial steps to be taken within a specified time.
- Should only be used where the LPA are satisfied that there has been a breach of planning control **and** it is expedient to issue a notice having regard to the provisions of the development plan and to any other material considerations.
- Time limits apply 4 years (operational development and change of use) and 10 years for other breaches.
- There is a right of appeal against the notice.

4. **Temporary Stop Notice (TSN)**

Section 171E TCPA 1990

- Different from a Stop Notice as it is freestanding (not necessarily served in conjunction with an enforcement notice)
- Allows LPA to stop alleged breach of planning control for a limited period while a decision is taken whether further enforcement action is appropriate and what form it should take.
- Allows 28 days.
- However, there is a risk of compensation if the notice is withdrawn or activity is actually lawful.

5. **Stop Notice (SN)**

Section 183 TCPA 1990

- Allows LPA to impose a “ban” almost immediately on activities that are being carried on in breach of planning control.
- Must be used in conjunction with an enforcement notice.
- The stop notice ceases to have effect once the enforcement notice is quashed or withdrawn or when the period allowed for compliance with the enforcement notice has expired.
- There can be a risk of compensation.

6. Injunction

Section 187B TCPA 1990

- The LPA can, where they consider it expedient for any actual or apprehended breach of planning control to be restrained to apply to the High Court or the County Court for an injunction.
- Can apply whether or not other enforcement powers have been used.
- Criteria for using injunctive relief
 - (i) the LPA have taken account of what appear to be the relevant considerations in deciding whether its necessary or expedient to use this form of action;
 - (ii) there is clear evidence that a breach has already occurred or is likely to occur;
 - (iii) injunctive relief is a proportionate remedy in the circumstance of the case;
 - (iv) important to serve on appropriate parties if persons identity is unknown.
- When considering this form of action costs needs to be assessed in bringing the case to court.
- Decision to grant injunction is at the absolute discretion of the court.
- Types of injunction:
 - (i) Interlocutory – temporary
 - (ii) Permanent – final relief
 - (iii) Mandatory – demands the performance of a positive act
 - (iv) District Wide ban

Each of these possible actions is subject to potential challenge by the developer, either through the planning appeal process or by means of Judicial Review (JR), and it is for this reason that the Council must carefully heed the advice contained in the National Planning Policy Framework. For example the Council would be expected to show that it had used lower level enforcement powers initially before progressing to a higher level action such as a stop notice, or at the extreme end of the compliance action scale, injunction action.

Planning officers will continue to closely monitor the development, in conjunction with colleagues in the Council's Public Protection Service, and will consider pursuing one or more of the above further actions, over and above the action taken so far, if conditions indicate this is required.

In response to concerns about these planning permission breaches, MVV has confirmed it is taking the following steps to mitigate against further problems during the construction phase of the development;

1. Introduction of additional acoustic noise barriers.
2. Reminder of standing Instructions to contractors and sub contractors about working hours and the need for them to plan work so that it does not continue beyond permitted hours and to agree programmes of work with MVV site management.

3. Weekly monitoring of construction related noise activities (instead of fortnightly) to be implemented from January throughout the remaining piling stage (to be reviewed in February).

MVV publish details of the noise exceedances on the construction website for the purposes of transparency and have sent apologies to residents who may have potentially been affected by them in the Savage Road area (200 letters were delivered to properties in Talbot Gardens, Savage Road and Poole Park Road in November).

Although MVV are working to lower maximum noise levels than those in the Council's published Code of Practice the levels were the subject of pre-Committee discussion mindful that the proposed large construction project that in places would be in close proximity to residential areas. The maximum noise limits were approved by the December 2011 Planning Committee. MVV have been contacted on the Planning Committee's suggestion (18th October 2012 Planning Committee) that lower maximum permitted noise levels be investigated, (below those indicated within the submitted Acoustic Technical Note and condition 19 imposed upon plan ref I/00750). MVV has responded that they would not accept a reduction. MVV believe that it has compromised sufficiently over this matter prior to the determination of the planning application and pointed out that MVV would have preferred an assessment over a 10 hour average but had reluctantly agreed to work to a tighter requirement of assessments over a 2 hour average.

Finally, it should be noted that whatever planning compliance action is taken by the Council in respect of such matters; this does not prevent or preclude the Council from considering pursuing action against the developer under other statutory provisions for environmental control such as the Environmental Protection Act 1990 should such action be considered necessary.

In this respect, it should be noted that planning controls in general, and construction practice planning conditions in particular, exist to protect the quality of the local environment in a fairly wide ranging and general sense. This does include, as far as is practicable, seeking to protect the living conditions of residents living in close proximity to development sites. The powers available to the Public Protection Service provided for by the Environmental Protection Act 1990, on the other hand, are primarily concerned with protecting the health and general well being of residents in terms of the conditions they experience whilst they are in their home environment, including as a result of the impact of a local development. There is therefore some overlap here in terms of the legal extent of these controls. More specifically, the Council's Public Protection Service can look at such matters in terms of statutory nuisance, and did carefully consider these throughout the planning process, and put forward conditions to control any nuisance arising from the site. The planning controls that are in place are aimed to minimise any nuisance issues.

Appendix 2 -

Breaches of planning conditions imposed upon Plan reference

11/00750/FUL (for the construction of an energy from waste plant in Her Majesty's Naval Base, Devonport.)

Details of breach incidents;

- 1. 20 September 2012 - Breach of working hours beyond 6pm by 20 mins**

- 2. 28 September 2012 – Exceedence of permitted noise level by 3dBLA and 1dBLA**

- 3. 02 October 2012 - Breach of working hours beyond 6pm by 15 mins**

- 4. 10 October 2012 - Exceedence of permitted noise level by 5dBLA and 4dBLA**

- 5. 02 November 2012 - Breach of working hours beyond 6pm by 7 mins**

- 6. 16 November 2012 - Breach of working hours beyond 6pm by 7 mins**

- 7. 21 November 2012 - Breach of working hours beyond 6pm by 25 mins**

- 8. 28 November 2012 - Exceedence of permitted noise level by 5dBLA and 1dBLA**

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PLANNING COMMITTEE

Decisions issued for the following period: 24 November 2012 to 19 December 2012

Note - This list includes:

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

Item No 1

Application Number: 12/00721/OUT **Applicant:** Mrs P Lower
Application Type: Outline Application
Description of Development: Redevelopment of site by demolition of existing dwelling and construction of a three storey building containing 9 apartments and provision of 7 car parking spaces and turning area
Site THE COTTAGE, HILLSBOROUGH PLYMOUTH
Case Officer: Jon Fox
Decision Date: 13/12/2012
Decision: Grant Subject to S106 Obligation - Outline

Item No 2

Application Number: 12/00866/FUL **Applicant:** Mr A Wright
Application Type: Full Application
Description of Development: Demolition and re-build of central section of building including formation of roof terrace; new retaining wall to Old Laira Road and formation of new vehicle access to Bramley Road and creation of parking areas.
Site LAIRA UNITED CHURCH, 247 OLD LAIRA ROAD PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 17/12/2012
Decision: Grant Conditionally

Item No 3

Application Number: 12/00898/REM **Applicant:** Cavanna Homes (Cornwall) Ltd
Application Type: Reserved Matters
Description of Development: Erection of 175 dwellings with associated garages; parking, footpaths, and roads: application for approval of reserved matters pursuant to outline planning permission 08/01968 for a mixed use development that included airside works and the erection of up to 312 dwellings on the former runway land
Site FORMER RUNWAY, PLYMOUTH CITY AIRPORT, PLYMBRIDGE LANE PLYMOUTH
Case Officer: Robert McMillan
Decision Date: 04/12/2012
Decision: Grant Conditionally

Item No 4

Application Number: 12/01112/FUL **Applicant:** English Cities Fund
Application Type: Full Application
Description of Development: Redevelopment to provide 102 residential units (87 apartments and 15 houses) and 77.0 sqm of Commercial floorspace (Shops (class A1), Financial and Professional Services (class A2), Restaurant/Café (class A3), and/or Business Use (class B1)) and associated public realm works, vehicular access and waterfront walkway, and vehicular parking
Site PLOT A1, BRUNEL WAY, MILLBAY PLYMOUTH
Case Officer: Mark Evans
Decision Date: 18/12/2012
Decision: Grant Subject to S106 Obligation - Full

Item No 5

Application Number: 12/01330/FUL **Applicant:** Aster Homes
Application Type: Full Application
Description of Development: Redevelop site by erection of affordable housing development containing 18 apartments and 7 dwellings with associated parking and landscaping (amendment to previously approved application ref 11/01742/FUL)
Site FORMER ROYAL MARINE PUB SITE, TORRIDGE WAY PLYMOUTH
Case Officer: Robert Heard
Decision Date: 18/12/2012
Decision: Grant Subject to S106 Obligation - Full

Item No 6

Application Number: 12/01402/FUL **Applicant:** Mr and Mrs R Yeates
Application Type: Full Application
Description of Development: Single storey rear extension and decking to existing outbuilding
Site 74 HERMITAGE ROAD PLYMOUTH
Case Officer: Adam Williams
Decision Date: 26/11/2012
Decision: Grant Conditionally

Item No 7

Application Number: 12/01425/FUL **Applicant:** Mr P McMullin
Application Type: Full Application
Description of Development: Extension to bungalow to provide a first-floor, forming a two-storey dwellinghouse, including front first floor balconies and rear first floor Juliet balconies.
Site 10 THIRD AVENUE BILLACOMBE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 12/12/2012
Decision: Refuse

Item No 8

Application Number: 12/01429/FUL **Applicant:** Student Rooms 4 Plymouth Ltd
Application Type: Full Application
Description of Development: Change of use and conversion of offices to student accommodation consisting of 17 studios and 3 cluster flats containing 17 bedspaces, including replacement windows and doors
Site 56 TO 58 NORTH ROAD EAST PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 12/12/2012
Decision: Grant Subject to S106 Obligation - Full

Item No 9

Application Number: 12/01477/ADV **Applicant:** Plymouth University
Application Type: Advertisement
Description of Development: LED screen, digital display screen and banner signs
(associated with new Performing Arts Centre application
12/01476/FUL)
Site UNIVERSITY OF PLYMOUTH, DRAKE CIRCUS PLYMOUTH

Case Officer: Kate Saunders
Decision Date: 30/11/2012
Decision: Grant Conditionally

Item No 10

Application Number: 12/01486/FUL **Applicant:** Transport Repair Garage Ltd
Application Type: Full Application
Description of Development: Part repair and part redevelopment of fire-damaged transport
repair and car sales garage - variation of condition (3) of
planning permission 10/02140/FUL to allow 28 vehicles to be
displayed for sales purposes)
Site 2 NEWNHAM ROAD PLYMOUTH

Case Officer: Jon Fox
Decision Date: 26/11/2012
Decision: Refuse

Item No 11

Application Number: 12/01504/FUL **Applicant:** ConsertoneZed Plymouth Ltd
Application Type: Full Application
Description of Development: Full planning permission for a maximum 91 residential Code 6
dwellings with an overall gross internal floor area of 12,520 m2
(Class C3); a 672 m2 assembly area with covered arcade
(Class B1) to be used for flexible Class A3/A4/B1/D1 use on
completion of development ((Blocks A & B); 117 m2 of flexible
Class A3/A4/B1/D1 use (Block C); 368 m2 of Class B1/live-work
accommodation fronting Tavistock Road together with
associated carparking, community green open space and
landscaping, village square and new vehicular access off
Woolwell Crescent and Towerfield Drive

Site LAND OFF TOWERFIELD DRIVE PLYMOUTH

Case Officer: Robert McMillan
Decision Date: 19/12/2012
Decision: Grant Subject to S106 Obligation - Full

Item No 12

Application Number: 12/01580/FUL **Applicant:** Mr J Woodley and Mrs L Ellisseos
Application Type: Full Application
Description of Development: Two-storey rear extension and provision of mansard roof to provide improved communal facilities and eight additional student bedspaces
Site 114 and 116 NORTH ROAD EAST PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 11/12/2012
Decision: Refuse

Item No 13

Application Number: 12/01584/REM **Applicant:**
Application Type: Reserved Matters
Description of Development: 94 residential units with new access from Efford Road and retention of existing bowling green (reserved matters application for appearance, landscaping, layout and scale following outline planning permission 08/02266/OUT) - variation of condition 1 of planning permission 12/00255/REM to allow substitution of approved plans showing plots 1-8 moved back 2 metres from Efford Road, closeboard fence to courtyard adjacent to plots 1-18 and alternative layout to plots 68-70
Site UNITY PARK, EFFORD ROAD PLYMOUTH
Case Officer: Robert Heard
Decision Date: 10/12/2012
Decision: Grant Conditionally

Item No 14

Application Number: 12/01595/FUL **Applicant:** Mr Essy Kamaie
Application Type: Full Application
Description of Development: Develop vacant land by erection of detached dwelling, with variation of condition 13 of planning permission 11/01776/FUL to allow substitution of approved drawings: the revised proposals relating to alteration of internal plans to change ground floor bedroom and en suite to kitchen/dining room and first floor kitchen/dining room to master bedroom with en suite; provision of French doors and Juliet balconies to south elevation of master bedroom and lounge at first floor level; provision of French doors and Juliet balcony to east elevation of lounge at first floor level; extension of approved first floor balcony and provision of French doors from master bedroom onto the extended balcony; provision of French doors to east elevation of kitchen/dining room at ground floor level; confirmation of opaque non-openable window on north elevation
Site FREEDOM HOUSE,45 GREENBANK TERRACE PLYMOUTH
Case Officer: Jon Fox
Decision Date: 13/12/2012
Decision: Refuse

Item No 15

Application Number: 12/01608/FUL **Applicant:** Mrs K Brown
Application Type: Full Application
Description of Development: Front porch (demolition of existing porch)
Site 21 TURNQUAY PLYMOUTH
Case Officer: Mike Stone
Decision Date: 28/11/2012
Decision: Grant Conditionally

Item No 16

Application Number: 12/01613/LBC **Applicant:** Royal Bank of Scotland Group
Application Type: Listed Building
Description of Development: Replace copper roof covering, repairs to clock and flag pole, new galvanised handrail and walkway and man safe system
Site 6 ST ANDREWS CROSS PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 26/11/2012
Decision: Grant Conditionally

Item No 17

Application Number: 12/01614/FUL **Applicant:** ReSound (Health) Ltd
Application Type: Full Application
Description of Development: Retention of a residential care unit for tier 4 child and adolescent mental health services (12-15 beds) comprising a part single/part 2 storey building with the removal of Condition 9 of Planning Permission 08/00531/OUT removing the need for the forum of interested parties to meet bi-annually
Site A140 PLYMOUTH INTERNATIONAL BUSINESS PARK, TAVISTOCK ROAD PLYMOUTH
Case Officer: Robert McMillan
Decision Date: 10/12/2012
Decision: Grant Conditionally

Item No 18

Application Number: 12/01621/LBC **Applicant:** Mr R Hough
Application Type: Listed Building
Description of Development: Replacement 3 windows
Site 3 ST ANDREW STREET PLYMOUTH
Case Officer: Adam Williams
Decision Date: 26/11/2012
Decision: Grant Conditionally

Item No 19

Application Number: 12/01624/FUL **Applicant:** Devon & Cornwall Housing Group
Application Type: Full Application
Description of Development: Replacement of certain existing timber windows/doors with uPVC windows/doors
Site 1- 27 CASTLEHAYES GARDENS PLYMOUTH
Case Officer: Liz Wells
Decision Date: 03/12/2012
Decision: Grant Conditionally

Item No 20

Application Number: 12/01640/TPO **Applicant:** Mr R Chadbourn
Application Type: Tree Preservation
Description of Development: 1 Ash - reduce to branches to boundary
1 Sycamore - reduce branch to boundary
Site REAR OF 36 AND 38 WALNUT GARDENS CHADDLEWOOD
PLYMOUTH
Case Officer: Jane Turner
Decision Date: 28/11/2012
Decision: Grant Conditionally

Item No 21

Application Number: 12/01647/FUL **Applicant:** Mr Darren Tallon
Application Type: Full Application
Description of Development: Change of use and conversion to a 10-bedroom student house
in multiple occupation
Site 44 CONNAUGHT AVENUE PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 30/11/2012
Decision: Refuse

Item No 22

Application Number: 12/01648/FUL **Applicant:** Mr G Freeman
Application Type: Full Application
Description of Development: Change of use of single dwelling to 6-bed house in multiple
occupation for student accommodation
Site 44 ALEXANDRA ROAD MUTLEY PLYMOUTH
Case Officer: Jon Fox
Decision Date: 17/12/2012
Decision: Refuse

Item No 23

Application Number: 12/01669/LBC **Applicant:** Mount Wise (Devon) Ltd
Application Type: Listed Building
Description of Development: Listed building consent to demolish modern additions, extend and alter Admiralty House in connection with change of use to form a boutique hotel and 18 residential units
Site ADMIRALTY HOUSE, MOUNT WISE CRESCENT PLYMOUTH

Case Officer: Jeremy Guise
Decision Date: 07/12/2012
Decision: Grant Conditionally

Item No 24

Application Number: 12/01671/TPO **Applicant:** Miss Colette Litton
Application Type: Tree Preservation
Description of Development: Tree pruning works up to 2.5m in length
Site 25 TOR ROAD PLYMOUTH

Case Officer: Chris Knapman
Decision Date: 12/12/2012
Decision: Grant Conditionally

Item No 25

Application Number: 12/01672/FUL **Applicant:** Claverton Estates Ltd
Application Type: Full Application
Description of Development: Change of use of first and second floors to student house in multiple occupation (6 persons), change of use of basement to one bedroom self-contained flat and demolition of existing garage to form parking area for 3 vehicles
Site 47 MUTLEY PLAIN PLYMOUTH

Case Officer: Jon Fox
Decision Date: 30/11/2012
Decision: Refuse

Item No 26

Application Number: 12/01678/FUL **Applicant:** Cann Bridge School
Application Type: Full Application
Description of Development: Variation of condition 20 of application 08/01698/FUL to add plan numbers 1395L/021 rev C4, 022 rev C4, 023 rev C4, 1395/5K/120330/MB/01 and 02 to allow the erection of a hydrotherapy pool plant room
Site ESTOVER COMMUNITY COLLEGE, MILLER WAY PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 17/12/2012
Decision: Grant Conditionally

Item No 27

Application Number: 12/01680/FUL **Applicant:** Creative Construction (SW) Ltd
Application Type: Full Application
Description of Development: Use of part of existing store to extend existing office space including alterations to northwest elevation; and retrospective application for single storey infill extension for store (existing stores to be demolished) in southwest of site
Site CREATIVE COURT, CENTRAL PARK AVENUE PLYMOUTH
Case Officer: Liz Wells
Decision Date: 03/12/2012
Decision: Grant Conditionally

Item No 28

Application Number: 12/01683/FUL **Applicant:** Plymouth University
Application Type: Full Application
Description of Development: Erection of three-storey wellbeing centre
Site 25 ENDSLEIGH PLACE PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 26/11/2012
Decision: Grant Conditionally

Item No 29

Application Number: 12/01688/FUL **Applicant:** Marks and Spencer PLC
Application Type: Full Application
Description of Development: Installation of temporary storage container within the rear service yard between November to January annually
Site MARKS AND SPENCER PLC, 1 CORNWALL STREET CITY CENTRE PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 28/11/2012
Decision: Grant Conditionally

Item No 30

Application Number: 12/01689/FUL **Applicant:** Mr Alan Brawn
Application Type: Full Application
Description of Development: Replacement of existing refrigeration plant units, relocation of existing AC condenser units, addition of new safety barrier to flat roof, installation of new access door to flat roof and installation of new auto-entrance/exit door to store
Site CO-OP STORE, 10 REGENT STREET PLYMOUTH
Case Officer: Jon Fox
Decision Date: 03/12/2012
Decision: Grant Conditionally

Item No 31

Application Number: 12/01690/FUL **Applicant:** Mr & Mrs Mason
Application Type: Full Application
Description of Development: Two storey side extension
Site 26 HILTON AVENUE PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 28/11/2012
Decision: Grant Conditionally

Item No 32

Application Number: 12/01697/FUL **Applicant:** Mr Sean Gibson
Application Type: Full Application
Description of Development: Retrospective application for single storey rear extension with pitched roof (existing flat roof removed, revision to previously approved scheme 12/00219/FUL)
Site 199 ELBURTON ROAD PLYMOUTH
Case Officer: Liz Wells
Decision Date: 13/12/2012
Decision: Grant Conditionally

Item No 33

Application Number: 12/01711/FUL **Applicant:** Plymouth Community Homes
Application Type: Full Application
Description of Development: Replacement of single glazed timber windows with double glazed uPVC windows
Site KINGS COURT FLATS, KING STREET PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 28/11/2012
Decision: Grant Conditionally

Item No 34

Application Number: 12/01712/FUL **Applicant:** National Trust
Application Type: Full Application
Description of Development: Development of an off road cycle track, re-arrangement and enlargement of car park and use of part of car park for mobile catering
Site PLYM VALLEY PLYMOUTH
Case Officer: Adam Williams
Decision Date: 07/12/2012
Decision: Grant Conditionally

Item No 35

Application Number: 12/01715/FUL **Applicant:** Mr S J Pearce
Application Type: Full Application
Description of Development: Erect a pair of three storey semi-detached dwellings with integral garages (resubmission following expired permission 08/02185/FUL)
Site 24-26 MERAFIELD ROAD PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 12/12/2012
Decision: Application Withdrawn

Item No 36

Application Number: 12/01716/ADV **Applicant:** St Barnabas Parochial Church
Application Type: Advertisement
Description of Development: Erection of freestanding notice board
Site LAND IN FRONT OF ST BARNABAS CHURCH, ST BARNABAS TERRACE PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 30/11/2012
Decision: Grant Conditionally

Item No 37

Application Number: 12/01721/FUL **Applicant:** Mount Wise (Devon) Ltd
Application Type: Full Application
Description of Development: Installation of 7 CCTV poles
Site ADMIRALTY HOUSE, MOUNT WISE CRESCENT PLYMOUTH
Case Officer: Adam Williams
Decision Date: 26/11/2012
Decision: Grant Conditionally

Item No 38

Application Number: 12/01730/FUL **Applicant:** Kingscastle Limited
Application Type: Full Application
Description of Development: Change of use and conversion of four dwellings to eight one-bed self contained flats
Site 39 CATTEDOWN ROAD AND 2 - 6 (EVENS) MAINSTONE AVENUE PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 26/11/2012
Decision: Refuse

Item No 39

Application Number: 12/01741/LBC **Applicant:** Mrs Judith Sheehy
Application Type: Listed Building
Description of Development: Demolition of part of listed wall to leave a gap to allow for tree growth
Site 9 ALBERT ROAD PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 30/11/2012
Decision: Refuse

Item No 40

Application Number: 12/01750/FUL **Applicant:** Mrs C Thomas
Application Type: Full Application
Description of Development: Two storey side extension
Site 65 BAMPFYLDE WAY PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 04/12/2012
Decision: Grant Conditionally

Item No 41

Application Number: 12/01767/FUL **Applicant:** SSI Electrical Services
Application Type: Full Application
Description of Development: Installation of three wall-mounted air conditioning condensers
Site UNIT 28 (B10) PLYMPTON PARK, BELL CLOSE PLYMOUTH

Case Officer: Jon Fox
Decision Date: 29/11/2012
Decision: Grant Conditionally

Item No 42

Application Number: 12/01770/LBC **Applicant:** Plymouth City Council
Application Type: Listed Building
Description of Development: Installation of two storey platform wheelchair lift to main public area of the Central Library
Site CENTRAL LIBRARY, DRAKE CIRCUS PLYMOUTH

Case Officer: Mike Stone
Decision Date: 11/12/2012
Decision: Application Withdrawn

Item No 43

Application Number: 12/01772/FUL **Applicant:** Mr and Mrs Keith Batchelor
Application Type: Full Application
Description of Development: First floor extension
Site 122 PLYMSTOCK ROAD PLYMOUTH

Case Officer: Rebecca Exell
Decision Date: 28/11/2012
Decision: Grant Conditionally

Item No 44

Application Number: 12/01773/TCO **Applicant:** Dr Richard Sawyer
Application Type: Trees in Cons Area
Description of Development: Wych Elm - Crown reduce by 2 metres
Site THE FERNS, SEYMOUR ROAD MANNAMEAD PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 12/12/2012
Decision: Grant Conditionally

Item No 45

Application Number: 12/01776/FUL **Applicant:** Plymouth Judo Club
Application Type: Full Application
Description of Development: Develop land at south of Rocky Park Road by erection of building for use as martial arts club, including rooms in roofspace - variation of condition 9 of planning permission 10/01431/FUL to allow substitution of approved drawing: minor material amendment to change proposed roof material from slate to grey tiles
Site ROCKY PARK ROAD PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 13/12/2012
Decision: Grant Conditionally

Item No 46

Application Number: 12/01780/FUL **Applicant:** JD Wetherspoon PLC
Application Type: Full Application
Description of Development: 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
Site 95 TO 99 RIDGEWAY PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 10/12/2012
Decision: Grant Conditionally

Item No 47

Application Number: 12/01781/LBC **Applicant:** JD Wetherspoon PLC
Application Type: Listed Building
Description of Development: 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
Site 95 TO 99 RIDGEWAY PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 10/12/2012
Decision: Grant Conditionally

Item No 48

Application Number: 12/01783/FUL **Applicant:** Mrs D Rosson
Application Type: Full Application
Description of Development: Conversion of dwelling into 2 self-contained flats including demolition of part of rear extension and side wall to create off-street parking
Site 26 ANSTIS STREET PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 04/12/2012
Decision: Grant Conditionally

Item No 49

Application Number: 12/01784/FUL **Applicant:** Mr Michael O'Brien
Application Type: Full Application
Description of Development: Single-storey rear extension
Site 59 PENNYCROSS PARK ROAD PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 03/12/2012
Decision: Grant Conditionally

Item No 50

Application Number: 12/01785/LBC **Applicant:** Plymouth Community Homes
Application Type: Listed Building
Description of Development: Install damp proof membranes to external walls, replace lime plaster to external walls, new boiler and flue, replacement front door and windows, new stud wall, removal of the surround and the paint from the granite surround to fireplace and extraction vents
Site 51B SOUTHSIDE STREET PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 17/12/2012
Decision: Application Withdrawn

Item No 51

Application Number: 12/01786/FUL **Applicant:** Mr Peter Anderson
Application Type: Full Application
Description of Development: Change of use and conversion of single dwellinghouse to five self-contained residential units
Site 9 BEAUMONT AVENUE PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 11/12/2012
Decision: Refuse

Item No 52

Application Number: 12/01797/FUL **Applicant:** Eagle One Homes Ltd
Application Type: Full Application
Description of Development: Change of use, conversion and alterations to existing building to provide 12 apartments and new 4/5 storey building containing 55 retirement flats with ancillary car parking, cycle and refuse storage (demolition of existing extension)
Site ROYAL EYE INFIRMARY, APSLEY ROAD PLYMOUTH
Case Officer: Robert Heard
Decision Date: 17/12/2012
Decision: Application Withdrawn

Item No 53

Application Number: 12/01798/TPO **Applicant:** Mr M Gobby
Application Type: Tree Preservation
Description of Development: Tree management works
Site 1 RAGLAN ROAD PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 28/11/2012
Decision: Grant Conditionally

Item No 54

Application Number: 12/01799/LBC **Applicant:** Eagle One Homes Ltd
Application Type: Listed Building
Description of Development: Change of use, conversion and alterations to existing building to provide 12 apartments and new 4/5 storey building containing 55 retirement flats with ancillary car parking, cycle and refuse storage (demolition of existing extension)
Site ROYAL EYE INFIRMARY, APSLEY ROAD PLYMOUTH
Case Officer: Robert Heard
Decision Date: 17/12/2012
Decision: Application Withdrawn

Item No 55

Application Number: 12/01803/FUL **Applicant:** Mr Jonathan Wilson
Application Type: Full Application
Description of Development: Change of use of dwellinghouse to seven-bedroom student house in multiple occupation
Site 5 CHANNEL VIEW TERRACE PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 04/12/2012
Decision: Refuse

Item No 56

Application Number: 12/01809/TPO **Applicant:** Mr Michael Booth
Application Type: Tree Preservation
Description of Development: Copper beech - peripheral prune by 2 metres
Site 16 HAZEL DRIVE PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 30/11/2012
Decision: Application Withdrawn

Item No 57

Application Number: 12/01810/FUL **Applicant:** Mr Jack Arghrou
Application Type: Full Application
Description of Development: Single storey rear extension with pitched roof
Site 78 BEAUMARIS ROAD PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 26/11/2012
Decision: Grant Conditionally

Item No 58

Application Number: 12/01812/FUL **Applicant:** Mr R Thomas
Application Type: Full Application
Description of Development: Re-profiling of garden to form level area (partly retrospective) by importation of clean material and increase in height of gabion baskets by 1 metre - variation of condition (1) of planning permission 12/01388/FUL to substitute plan number 1217/04 for 1217/03 to allow boundary fence to be placed on the outer edge of the gabion baskets to provide the maximum amount of garden area
Site 25 COLTNESS ROAD PLYMOUTH
Case Officer: Liz Wells
Decision Date: 28/11/2012
Decision: Refuse

Item No 59

Application Number: 12/01813/FUL **Applicant:** Mr Andrew Norton
Application Type: Full Application
Description of Development: Single storey side extension and two storey rear extension
Site 11 BARNINGHAM GARDENS PLYMOUTH
Case Officer: Mike Stone
Decision Date: 10/12/2012
Decision: Grant Conditionally

Item No 60

Application Number: 12/01815/FUL **Applicant:** Plymouth City Council
Application Type: Full Application
Description of Development: Change of use of informal green space to children's play area including installation of play equipment
Site LANCASTER GARDENS PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 07/12/2012
Decision: Application Withdrawn

Item No 61

Application Number: 12/01830/FUL **Applicant:** Mr Paul Urry
Application Type: Full Application
Description of Development: Extension to front porch
Site 29 MANADON DRIVE PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 13/12/2012
Decision: Grant Conditionally

Item No 62

Application Number: 12/01831/FUL **Applicant:** Plymouth Community Homes
Application Type: Full Application
Description of Development: Provision of 10 parking spaces
Site STONEHALL FLATS PLYMOUTH
Case Officer: Adam Williams
Decision Date: 04/12/2012
Decision: Grant Conditionally

Item No 63

Application Number: 12/01832/LBC **Applicant:** Mr Bob Stuckey
Application Type: Listed Building
Description of Development: Retention of flue
Site FIRST FLOOR FLAT, 3 VAUXHALL QUAY PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 30/11/2012
Decision: Grant Conditionally

Item No 64

Application Number: 12/01833/FUL **Applicant:** Mr & Mrs Nichols
Application Type: Full Application
Description of Development: Single storey rear extension to garage and dwelling.
Site 18 LYNDHURST ROAD PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 30/11/2012
Decision: Grant Conditionally

Item No 65

Application Number: 12/01836/FUL **Applicant:** Mr Stephen Fitzpatrick
Application Type: Full Application
Description of Development: Two storey side extension
Site 31 HELE GARDENS PLYMOUTH
Case Officer: Mike Stone
Decision Date: 18/12/2012
Decision: Refuse

Item No 66

Application Number: 12/01837/FUL **Applicant:** Plymouth Property Lettings Ltd
Application Type: Full Application
Description of Development: Change of use and conversion of dwellinghouse to a 5-bedroom House in Multiple Occupation (Use Class C4)
Site 64 STANGRAY AVENUE PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 11/12/2012
Decision: Grant Conditionally

Item No 67

Application Number: 12/01840/FUL **Applicant:** Mr C Pethick
Application Type: Full Application
Description of Development: Retrospective application for part two storey, part single storey side extension
Site 1 STADDISCOMBE PARK PLYMOUTH
Case Officer: Liz Wells
Decision Date: 10/12/2012
Decision: Grant Conditionally

Item No 68

Application Number: 12/01841/FUL **Applicant:** British Overseas Bank
Application Type: Full Application
Description of Development: Change of use from shop (Class A1) to restaurant/café (Class A3) or hot food takeaway (Class A5)
Site 75 AND 77 CORNWALL STREET CITY CENTRE PLYMOUTH

Case Officer: Karen Gallacher
Decision Date: 12/12/2012
Decision: Grant Conditionally

Item No 69

Application Number: 12/01842/FUL **Applicant:** Mr & Mrs Hotchin
Application Type: Full Application
Description of Development: Single storey rear extension and associated works
Site 4 BERRY PARK CLOSE PLYMOUTH
Case Officer: Liz Wells
Decision Date: 12/12/2012
Decision: Grant Conditionally

Item No 70

Application Number: 12/01848/TPO **Applicant:** Mr Mark Ingall
Application Type: Tree Preservation
Description of Development: 12 Beech trees - crown reduce by 2-3 metres
Site 10 SHACKLETON COURT PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 07/12/2012
Decision: Grant Conditionally

Item No 71

Application Number: 12/01850/FUL **Applicant:** Mr Ian Holloway
Application Type: Full Application
Description of Development: Change of use and conversion from a flat and maisonette to 3 flats
Site 41 STATION ROAD KEYHAM PLYMOUTH
Case Officer: Jon Fox
Decision Date: 12/12/2012
Decision: Refuse

Item No 72

Application Number: 12/01853/FUL **Applicant:** Mr & Mrs Greener
Application Type: Full Application
Description of Development: Erection of private motor garage and retrospective application for front porch
Site 32 THE DELL PLYMOUTH
Case Officer: Mike Stone
Decision Date: 30/11/2012
Decision: Grant Conditionally

Item No 73

Application Number: 12/01863/TCO **Applicant:** Plymouth Barbican Trust Limited
Application Type: Trees in Cons Area
Description of Development: Mulberry Tree - Lift by 10%
Site ELIZABETHAN GARDEN REAR OF 39 TO 40 NEW STREET
PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 30/11/2012
Decision: Application Withdrawn

Item No 74

Application Number: 12/01864/FUL **Applicant:** Mr and Mrs B Rodgers
Application Type: Full Application
Description of Development: Conversion of garage to living accommodation and single
storey front extension
Site 24 MANADON DRIVE MANADON PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 28/11/2012
Decision: Grant Conditionally

Item No 75

Application Number: 12/01870/FUL **Applicant:** Mr & Mrs Johnston
Application Type: Full Application
Description of Development: Rear conservatory, joining to existing outhouse
Site 71 ST PANCRAS AVENUE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 14/12/2012
Decision: Grant Conditionally

Item No 76

Application Number: 12/01876/FUL **Applicant:** Mr and Mrs M Eke
Application Type: Full Application
Description of Development: Erection of balcony to rear of dwelling
Site 149 PEMROS ROAD ST BUDEAUX PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 28/11/2012
Decision: Grant Conditionally

Item No 77

Application Number: 12/01877/FUL **Applicant:** Mr Wayne Mann
Application Type: Full Application
Description of Development: Erection of private motor garage to front of property
Site 146 BLANDFORD ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 30/11/2012
Decision: Refuse

Item No 78

Application Number: 12/01880/FUL **Applicant:** Mr J Bazley
Application Type: Full Application
Description of Development: Installation of step lift and new handrail, improved access ramp and new steps to front of property
Site 36 GRASMERE CLOSE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 30/11/2012
Decision: Grant Conditionally

Item No 79

Application Number: 12/01888/FUL **Applicant:** Mr Graham Quigley
Application Type: Full Application
Description of Development: Private motor garage, single storey rear extension incorporating roof terrace, enlarge existing front elevation
Site SALTMORE, HOLLY PARK CLOSE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 30/11/2012
Decision: Grant Conditionally

Item No 80

Application Number: 12/01892/FUL **Applicant:** Mrs Shute
Application Type: Full Application
Description of Development: Change of use and redevelopment of Post Office (Use Class A1) and dwellinghouse to Nursery (Use Class D1) and flat, including two-storey side and rear extension (existing garage to be removed)
Site 10 CHURCH HILL PLYMOUTH
Case Officer: Liz Wells
Decision Date: 13/12/2012
Decision: Grant Conditionally

Item No 81

Application Number: 12/01893/FUL **Applicant:** City College Plymouth
Application Type: Full Application
Description of Development: Two-storey classroom building for autistic students (site adjacent to ramped road, off Paradise Road), revision to approved application 12/01365/FUL
Site CITY COLLEGE PLYMOUTH, KINGS ROAD DEVONPORT PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 19/12/2012
Decision: Grant Conditionally

Item No 82

Application Number: 12/01894/FUL **Applicant:** Mr Paul Harte
Application Type: Full Application
Description of Development: Demolition of existing house and erection of 2 detached dwellings
Site DURSTON HOUSE, LONGLANDS ROAD PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 10/12/2012
Decision: Grant Conditionally

Item No 83

Application Number: 12/01895/FUL **Applicant:** Mr F Pestor-Young
Application Type: Full Application
Description of Development: Single storey rear extension
Site 50 SOUTH DOWN ROAD BEACON PARK PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 13/12/2012
Decision: Grant Conditionally

Item No 84

Application Number: 12/01900/FUL **Applicant:** Unite The Union
Application Type: Full Application
Description of Development: First floor extension on rear elevation to create new office space over ground floor enclosure to provide enclosed bin store and plant enclosure
Site THOMPSONS SOLICITORS, 2 HARBOUR AVENUE SUTTON PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 19/12/2012
Decision: Refuse

Item No 85

Application Number: 12/01903/FUL **Applicant:** Mr and Mrs Burgwin
Application Type: Full Application
Description of Development: Front and rear extensions
Site 18 ST BRIDGET AVENUE PLYMOUTH
Case Officer: Adam Williams
Decision Date: 13/12/2012
Decision: Grant Conditionally

Item No 86

Application Number: 12/01904/FUL **Applicant:** Sainsburys Supermarkets Ltd
Application Type: Full Application
Description of Development: Erection of grocery online pod, with enlargement of service yard onto part of staff car park
Site SAINSBURYS SUPERMARKETS LTD, PLYMOUTH ROAD PLYMOUTH
Case Officer: Adam Williams
Decision Date: 13/12/2012
Decision: Refuse

Item No 87

Application Number: 12/01905/ADV **Applicant:** Lloyds Banking Group
Application Type: Advertisement
Description of Development: Installation of two internally illuminated fascia and one non illuminated infill panel, two non illuminated vinyl overlays and one non illuminated internal vinyl
Site 162 ARMADA WAY PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 13/12/2012
Decision: Grant Conditionally

Item No 88

Application Number: 12/01906/FUL **Applicant:** Mrs McGowan
Application Type: Full Application
Description of Development: Single storey side and rear extension
Site 25 BATTERSHALL CLOSE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 05/12/2012
Decision: Grant Conditionally

Item No 89

Application Number: 12/01917/FUL **Applicant:** Mrs D Major
Application Type: Full Application
Description of Development: Demolition of rear extension and installation on new extension, and new conservatory. Reposition main access to front elevation with ramped access
Site 22 WHITBY ROAD CROWNHILL PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 04/12/2012
Decision: Grant Conditionally

Item No 90

Application Number: 12/01918/TPO **Applicant:** Mrs Stokes
Application Type: Tree Preservation
Description of Development: 2 Beech - crown raise to 3m above ground level, reduce lateral branches by 2-3m
Site 1A DOLPHIN COURT ROAD PLYMSTOCK PLYMOUTH
Case Officer: Jane Turner
Decision Date: 10/12/2012
Decision: Grant Conditionally

Item No 91

Application Number: 12/01919/TCO **Applicant:** Dr M Callaghan
Application Type: Trees in Cons Area
Description of Development: 2 Sycamore - reduce to 4 feet below BT cable
Site 2 HAVELOCK TERRACE STOKE PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 07/12/2012
Decision: Grant Conditionally

Item No 92

Application Number: 12/01925/ADV **Applicant:** Lloyds Banking Group
Application Type: Advertisement
Description of Development: Non-illuminated fascia sign, internally illuminated projecting sign, internally illuminated buckle sign, 2 ATM signs, window vinyl, and wall mounted name plate
Site LLOYDS 103 WOLSELEY ROAD PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 17/12/2012
Decision: Grant Conditionally

Item No 93

Application Number: 12/01930/ADV **Applicant:** Lloyds Banking Group
Application Type: Advertisement
Description of Development: Non illuminated fascia signs, internally illuminated projecting sign, internally illuminated buckle sign, 2 ATM signs, window vinyl, letterbox vinyl, wall mounted name plate
Site LLOYDS TSB BANK PLC, 36 MORSHEAD ROAD PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 17/12/2012
Decision: Grant Conditionally

Item No 94

Application Number: 12/01935/ADV **Applicant:** Co-operative Food Group
Application Type: Advertisement
Description of Development: Two externally illuminated fascia signs, internally illuminated totem sign, post sign, 'disabled' post sign, 'parent and child' post sign and 'recycling' sign
Site CO-OPERATIVE FOOD STORE, 98 GLEN ROAD PLYMPTON PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 17/12/2012
Decision: Grant Conditionally

Item No 95

Application Number: 12/01937/FUL **Applicant:** Mr & Mrs Hart
Application Type: Full Application
Description of Development: First floor side extension over existing garage
Site 12 SPARKE CLOSE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 12/12/2012
Decision: Grant Conditionally

Item No 96

Application Number: 12/01942/ADV **Applicant:** Virgin Media Ltd
Application Type: Advertisement
Description of Development: One internally illuminated projecting sign
Site 36 NEW GEORGE STREET PLYMOUTH
Case Officer: Mike Stone
Decision Date: 12/12/2012
Decision: Grant Conditionally

Item No 97

Application Number: 12/01943/FUL **Applicant:** Mr Martin Head
Application Type: Full Application
Description of Development: Remove existing rear porch and replace with single storey extension with basement below
Site 64 FURNEAUX ROAD PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 13/12/2012
Decision: Refuse

Item No 98

Application Number: 12/01949/TPO **Applicant:** Mr M Johns
Application Type: Tree Preservation
Description of Development: 2 silver birch trees - pruning works
Site 40 OWEN DRIVE PLYMPTON PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 07/12/2012
Decision: Grant Conditionally

Item No 99

Application Number: 12/01966/FUL **Applicant:** Mr & Mrs Austin
Application Type: Full Application
Description of Development: Demolition of existing private motor garage and erection of two-storey side, rear and front extension
Site 3 LEATFIELD DRIVE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 17/12/2012
Decision: Grant Conditionally

Item No 100

Application Number: 12/01967/PRDE **Applicant:** Mr & Mrs Clemow
Application Type: LDC Proposed Develop
Description of Development: Hip to gable roof extension, rear dormer and loft conversion
Site 133 WOODFORD AVENUE PLYMOUTH
Case Officer: Niamh Boyle
Decision Date: 14/12/2012
Decision: Issue Certificate - Lawful Use

Item No 101

Application Number: 12/01968/FUL **Applicant:** Mr & Mrs Melvin
Application Type: Full Application
Description of Development: Removal of existing garage and conservatory and replace with single storey extension
Site 14 WESTWOOD AVENUE PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 13/12/2012
Decision: Grant Conditionally

Item No 102

Application Number: 12/01977/FUL **Applicant:** Mr Kevin Eke
Application Type: Full Application
Description of Development: Part single storey part first floor side extension (east elevation) and single storey side extension/porch (west elevation)
Site 19 HAZEL GROVE PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 19/12/2012
Decision: Grant Conditionally

Item No 103

Application Number: 12/01994/TCO **Applicant:** Mr Haydon Thomas
Application Type: Trees in Cons Area
Description of Development: 4 Ash - Remove
2 Alder - Remove
Dead Elms in hedgerow - Remove
Site SEVEN STARS INN, SEVEN STARS LANE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 19/12/2012
Decision: Grant Conditionally

Item No 104

Application Number: 12/02001/FUL **Applicant:** Mr M Cooper
Application Type: Full Application
Description of Development: Erection of detached private motor garage
Site 2 PETERSFIELD CLOSE EGGBUCKLAND PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 19/12/2012
Decision: Grant Conditionally

Item No 105

Application Number: 12/02020/FUL **Applicant:** Cornwall College
Application Type: Full Application
Description of Development: CHANGE OF USE
Site UNIT D MACADAM ROAD, PLYMOUTH TRADE PARK
CATTEDOWN PLYMOUTH
Case Officer:
Decision Date: 03/12/2012
Decision: Application Withdrawn

Item No 106

Application Number: 12/02022/FUL **Applicant:** St Austell Brewery
Application Type: Full Application
Description of Development: Removal of existing flue and installation of replacement equipment
Site THE SHIP INN, QUAY ROAD PLYMOUTH
Case Officer: Niamh Boyle
Decision Date: 14/12/2012
Decision: Application Withdrawn

Item No 107

Application Number: 12/02024/LBC **Applicant:** St Austell Brewery
Application Type: Listed Building
Description of Development: Removal of existing flue and installation of replacement equipment
Site THE SHIP INN, QUAY ROAD PLYMOUTH
Case Officer: Niamh Boyle
Decision Date: 14/12/2012
Decision: Application Withdrawn

Item No 108

Application Number: 12/02053/FUL **Applicant:** Mr and Mrs D Mogridge
Application Type: Full Application
Description of Development: Erection of uPVC conservatory to rear of property
Site 19 SELSDEN CLOSE PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 19/12/2012
Decision: Grant Conditionally

Item No 109

Application Number: 12/02058/TCO **Applicant:** Margaret McMillan Nursery
Application Type: Trees in Cons Area
Description of Development: Sycamore - remove
Site 24 HOE STREET PLYMOUTH
Case Officer: Jane Turner
Decision Date: 18/12/2012
Decision: Grant Conditionally

Item No 110

Application Number: 12/02063/TCO **Applicant:** Plymouth Community Homes
Application Type: Trees in Cons Area
Description of Development: 2 Alders - crown lift by 2m and clear side of building by 1.5m
Site SOUTHSIDE STREET PLYMOUTH
Case Officer: Jane Turner
Decision Date: 18/12/2012
Decision: Grant Conditionally

Item No 111

Application Number: 12/02065/TCO **Applicant:**
Application Type: Trees in Cons Area
Description of Development: 2 apple trees - reduce crowns by 2m
Site 21-61 CASTLE STREET PLYMOUTH
Case Officer: Jane Turner
Decision Date: 18/12/2012
Decision: Grant Conditionally

Item No 112

Application Number: 12/02067/TCO **Applicant:** Plymouth Community Homes
Application Type: Trees in Cons Area
Description of Development: 2 Hornbeam - reduce branches by building by 0.5m
Site FRONT OF 87 VAUXHALL STREET PLYMOUTH
Case Officer: Jane Turner
Decision Date: 18/12/2012
Decision: Grant Conditionally

Item No 113

Application Number: 12/02068/TPO **Applicant:** Mr D Chris
Application Type: Tree Preservation
Description of Development: 2 Ash - Pollard
Site 21 HOLLY PARK CLOSE HOLLY PARK PLYMOUTH
Case Officer: Jane Turner
Decision Date: 18/12/2012
Decision: Grant Conditionally

Item No 114

Application Number: 12/02069/TCO **Applicant:** Plymouth Community Homes
Application Type: Trees in Cons Area
Description of Development: 1 Beech - remove
2 Beech - reduce by 3m
1 Beech - reduce leading branch by 1m
Site 99-103 VAUXHALL STREET PLYMOUTH
Case Officer: Jane Turner
Decision Date: 18/12/2012
Decision: Grant Conditionally

Item No 115

Application Number: 12/02127/FUL **Applicant:** Mr William Tall
Application Type: Full Application
Description of Development: First floor balcony to front elevation
Site 9 WYNDHAM STREET EAST PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 14/12/2012
Decision: Application Withdrawn

Item No 116

Application Number: 12/02128/CAC **Applicant:** Mr William Tall
Application Type: Conservation Area
Description of Development: First floor balcony to front elevation
Site 9 WYNDHAM STREET EAST PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 10/12/2012
Decision: CAC Not Required

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

Application Number **11/01938/FUL**
Appeal Site **65 EXETER STREET PLYMOUTH**
Appeal Proposal Change of use from A1 to A5, erection of new shop front and installation of extraction equipment and air compressors
Case Officer Karen Gallacher

Appeal Category
Appeal Type Written Representations
Appeal Decision Allowed
Appeal Decision Date 29/11/2012

Conditions
Award of Costs Awarded To

Appeal Synopsis

The inspector considered that the combination of the central location and the fact that majority of orders would be delivered would not result in severe highway safety or parking problems.

Application Number **12/00568/FUL**
Appeal Site **PARKVIEW HOUSE, TRELAWNEY LANE PLYMOUTH**
Appeal Proposal Change of use and conversion of office building to form three residential units, and erection of four semi-detached dwellings on existing car parking area
Case Officer Karen Gallacher

Appeal Category
Appeal Type Informal Hearing
Appeal Decision Dismissed
Appeal Decision Date 05/12/2012

Conditions
Award of Costs Awarded To

Appeal Synopsis

The application was refused due to the poor design, harm to neighbours amenity, loss of employment land and lack of conclusion regarding the mitigation of the impacts of development. The impact on the neighbouring houses was the only issue that the inspector agreed with and the appeal was dismissed on the grounds that the proposal would have an unacceptable impact on outlook. Costs were awarded against the council in respect of the loss of employment land and the lack of completion of the Section 106. agreement.

Application Number **12/00612/FUL**
Appeal Site **129 EMBANKMENT ROAD PLYMOUTH**
Appeal Proposal Increase height of existing rear extension and provide balcony on resultant flat roof
Case Officer Mike Stone

Appeal Category
Appeal Type Written Representations
Appeal Decision Dismissed
Appeal Decision Date 12/12/2012
Conditions
Award of Costs

Awarded To

Appeal Synopsis

The inspector agreed with the LPA's view that the proposed rear balcony would harm the character and appearance of the area and the subject property. He also agreed that the proposed development would harm neighbours' living conditions by reason of a loss of privacy and increase in overlooking. In reaching his decision the inspector said that he had given full weight to Policy CS34 and to paragraph 214 of the NPPF. He said that he had attached considerable weight to the Development Guidelines SPD.

Application Number **12/00871/FUL**
Appeal Site **34 ENDSLEIGH ROAD PLYMOUTH**
Appeal Proposal First floor balcony to south gable
Case Officer Mike Stone

Appeal Category
Appeal Type Written Representations
Appeal Decision Allowed
Appeal Decision Date 13/12/2012
Conditions
Award of Costs

Awarded To

Appeal Synopsis

The inspector felt that, because of the lack of side widows at the neighbouring property and their large rear garden the impact of the balcony would be confined to a relatively small area. The proposed balcony would have a relatively lightweight structure and the deck would be at the neighbour's eaves height and forward of their rear elevation. On balance he felt that the proposed balcony would not appear so imposing and overbearing as to cause a harmful loss of outlook from the neighbours rear garden.

Application Number **12/01082/FUL** Page 117
Appeal Site **22 ST JOHNS DRIVE PLYMOUTH**
Appeal Proposal Roof alterations including hip to gable extension and rear dormer
Case Officer Adam Williams

Appeal Category
Appeal Type Written Representations
Appeal Decision Dismissed
Appeal Decision Date 13/12/2012

Conditions
Award of Costs Awarded To

Appeal Synopsis

The inspector supported the case officer's view that the proposed hip to gable conversion would be unacceptable in terms of massing and bulk and would unbalance the pair of semis. He also agreed that the enlarged roof would be unacceptable in terms of its visual impact and the presence of other houses in the street that have been enlarged this way should not be seen as setting a precedent.

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.

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