

# Public Document Pack



**Tracey Lee**  
Chief Executive

Plymouth City Council  
Civic Centre  
Plymouth PL1 2AA

Please ask for Ross Jago / Ross Johnston  
T 01752 304469 or 307990  
E [ross.jago@plymouth.gov.uk](mailto:ross.jago@plymouth.gov.uk) /  
[ross.johnston@plymouth.gov.uk](mailto:ross.johnston@plymouth.gov.uk)  
[www.plymouth.gov.uk/democracy](http://www.plymouth.gov.uk/democracy)  
23 April 2013

## PLANNING COMMITTEE

Thursday 2 May 2013  
4pm  
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.

Although the public seating areas are not filmed, by entering the meeting room and using the public seating area, the public are consenting to being filmed and to the use of those recordings for webcasting.

The Council is a data controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with authority's published policy.

**Tracey Lee**  
Chief Executive

# PLANNING COMMITTEE

## AGENDA

### PART I – PUBLIC MEETING

#### 1. APOLOGIES

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

#### 1. DECLARATIONS OF INTEREST

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

#### 3. MINUTES (Pages 1 - 8)

The Committee will be asked to confirm the minutes of the meeting held on 4 April 2013.

#### 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. Members of the Committee are requested to refer to the attached planning application guidance.

##### 6.1. PARKVIEW HOUSE, TRELAWNEY LANE, PLYMOUTH, (Pages 9 - 28) 13/00349/FUL

Applicant: T & O Developments  
Ward: Peverell  
Recommendation: Grant Conditionally Subject to a S106

Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 16/05/2013.

**6.2. ERRIL RETAIL PARK, PLYMOUTH, 13/00147/FUL (Pages 29 - 58)**

Applicant: Optimisation Developments Ltd.  
Ward: Plympton Erle  
Recommendation: Grant Conditionally

**6.3. LAND ADJACENT TO COMMONWOOD COTTAGE, ESTOVER CLOSE, PLYMOUTH, 13/00449/FUL (Pages 59 - 68)**

Applicant: Miss Beth Roberts  
Ward: Moor View  
Recommendation: Refuse

**6.4. THE NEW WATERFRONT LTD, 9 GRAND PARADE, PLYMOUTH, 13/00201/FUL (Pages 69 - 76)**

Applicant: Plymouth Bike Hire  
Ward: St. Peter & The Waterfront  
Recommendation: Grant Conditionally

**7. PLANNING APPLICATION DECISIONS ISSUED (Pages 77 - 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 22 March 2013 to 21 April 2013, including –

- 1) Committee decisions;
- 2) Delegated decisions, subject to conditions where so indicated;
- 3) Applications withdrawn;
- 4) Applications returned as invalid.

Please note that these Delegated Planning Applications are available for inspection at First Stop Reception, Civic Centre.

**8. APPEAL DECISIONS (Pages 115 - 116)**

A schedule of decisions made by the Planning Inspectorate on appeals arising from the decision of the City Council will be submitted. Please note that this schedule is available for inspection at First Stop Reception, Civic Centre.

**9. EXEMPT BUSINESS**

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

## **PART II (PRIVATE MEETING)**

### **AGENDA**

#### **MEMBERS OF THE PUBLIC TO NOTE**

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

NIL.

## Planning Committee

Thursday 4 April 2013

### PRESENT:

Councillor Stevens, in the Chair.

Councillor Tuohy, Vice Chair.

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

Apologies for absence: Councillors Nicholson, Mrs Bowyer 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 8.10 pm.

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

### 97. 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 Stevens	101.6 83 Stuart Road, Plymouth. 13/00198/FUL	Known applicant.	to Personal
Councillor Tuohy	101.6 83 Stuart Road, Plymouth. 13/00198/FUL	Known applicant.	to Personal
Councillor Wheeler	101.6 83 Stuart Road, Plymouth. 13/00198/FUL	Known applicant.	to Personal
Councillor Tuffin	101.6 83 Stuart Road, Plymouth. 13/00198/FUL	Known applicant.	to Personal
Councillor Davey	101.6 83 Stuart Road, Plymouth. 13/00198/FUL	Known applicant.	to Personal
Councillor Taylor	101.6 83 Stuart Road, Plymouth. 13/00198/FUL	Known applicant.	to Personal
Councillor John Smith	101.6 83 Stuart	Applicant	Disclosable

	Road, Plymouth. 13/00198/FUL		Pecuniary Interest
--	---------------------------------	--	-----------------------

98. **MINUTES**

Agreed the minutes of the meeting held on 7 March 2013.

99. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

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

There were no questions from members of the public.

101. **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 101.1, 101.2, 101.3 and 101.5.

**101.1 FORMER BLUE MONKEY SITE, 538 CROWNHILL ROAD, PLYMOUTH. 13/00053/FUL**

(Vital Homes)

Decision:

Application **REFUSED** on policy CS02 / CS34 (design is detrimental to setting and character of the Green in relation to the dominance and overbearing nature of the development) and CS28/CS34 (insufficient off street parking to meet the parking needs of the development).

(The Committee heard representations from Councillor Williams).

(The Committee heard representations against the application).

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

(Councillor Wheeler's proposal to refuse the application, having been seconded by Councillor J Taylor, was put to the vote and declared carried.)

**101.2 HOOE BARN, HOOE ROAD PLYMOUTH, 13/00264/FUL**

(Mr and Mrs Truscott)

Decision:

Application **DEFERRED** for further community engagement; to negotiate the removal of the proposed window on the north side of the building; to negotiate the phasing of the development to ensure

the barn is properly restored; and further negotiation to change condition four in order to limit the use of the MOT centre to MOT testing only with associated minor repairs linked to the MOT operation.

(The Committee heard representations from Councillor K Foster).

(The Committee heard representations against the application).

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

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

**101.3 HOE BARN, HOE ROAD PLYMOUTH, 13/00265/LBC**

(Mr and Mrs Truscott)

Decision:

Application **DEFERRED** for further community engagement; to negotiate the removal of the proposed window on the north side of the building; to negotiate the phasing of the development to ensure the barn is properly restored; and further negotiation to change condition four in order to limit the use of the MOT centre to MOT testing only with associated minor repairs linked to the MOT operation.

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

**101.4 I SEATON AVENUE, PLYMOUTH, 13/00101/FUL**

(Mr Joseph McParlin)

Decision:

Application **GRANTED** conditionally.

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

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

**101.5 HOE PARK, ARMADA WAY, PLYMOUTH, 13/00279/FUL**

(Wheels Entertainment Ltd)

Decision:

Application **GRANTED** conditionally, subject to –

- a) the following amendment to condition 3 –

“The observation wheel hereby permitted shall not be operated later than 22:00 hours on any day and shall not be operated before 10:00 hours on any day, unless otherwise agreed in writing by the Local Planning Authority. However, the Local Planning Authority shall within one month of the date of this decision notice inform the applicant on what dates, times or types of events the wheel shall cease operation during named events and festivals.

- b) An additional informative to be added to the consent that the City Council as landlord consider securing a bond to ensure that the removal of the wheel will be paid for should the operator experience future financial difficulties.

(The Committee heard representations from Councillor Penberthy).

**101.6 83 STUART ROAD, PLYMOUTH. 13/00198/FUL**

(Mr John Smith)

Decision:

Application **GRANTED** conditionally.

(Councillors Stevens, Tuohy, Wheeler, Tuffin, S Davey and Taylor declared personal interests in respect of this item.)

(Councillor Smith declared a disclosable pecuniary interest for this item and withdrew from the chamber.)

**102. PLANNING APPLICATION DECISIONS ISSUED**

The Committee received a report from the Assistant Director, Planning Services, on decisions issued for the period 25 February 2013 to 21 March 2013, including –

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

Members noted the planning applications issued.

**103. APPEAL DECISIONS**

Members noted the appeal decisions.

**104. EXEMPT BUSINESS**

There were no items of exempt business.

**105. SCHEDULE OF VOTING (Pages 5 - 6)**



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

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

This page is intentionally left blank

## PLANNING COMMITTEE – 4 April 2013

## SCHEDULE OF VOTING

Minute number and Application	Voting for	Voting against	Abstained	Absent due to interest declared	Absent
<b>101.1 FORMER BLUE MONKEY SITE, 538 CROWNHILL ROAD, PLYMOUTH. I3/00053/FUL</b>  (Motion to refuse)	Councillor Darcy, Churchill, Nicholson, Mrs Foster, Wheeler, Tuffin, Davey, J Smith, J Taylor, Tuohy and Stevens.		Councillor Stark		
<b>101.2 HOOE BARN, HOOE ROAD PLYMOUTH, I3/00264/FUL</b>  (Motion to defer)	Unanimous.				
<b>101.3 HOOE BARN, HOOE ROAD PLYMOUTH, I3/00265/LBC</b>  (Motion to defer)	Unanimous.				
<b>101.4 I SEATON AVENUE, PLYMOUTH, I3/00101/FUL</b>  (Motion to refuse)	Councillor Darcy, Churchill, Nicholson and Mrs Foster.	Councillors Wheeler, Tuffin, Davey, J Smith, J Taylor, Tuohy and Stevens	Councillor J Smith		
<b>101.4 I SEATON AVENUE, PLYMOUTH, I3/00101/FUL</b>  (Officer recommendation)	Councillors Wheeler, Tuffin, Davey, J Taylor, Tuohy and Stevens.	Councillor Darcy, Churchill, Nicholson and Mrs Foster.	Councillor J Smith		
<b>101.5 HOE PARK, ARMADA WAY, PLYMOUTH, I3/00279/FUL</b>  (Officer's Recommendation)	Unanimous.				
<b>101.6 83 STUART ROAD, PLYMOUTH. I3/00198/FUL</b>  (Officer's Recommendation)	Councillor Darcy, Churchill, Nicholson, Mrs Foster, Wheeler, Tuffin, Davey, J Smith, J Taylor, Tuohy and Stevens.			Councillor J Smith	

This page is intentionally left blank

# PLANNING APPLICATION REPORT



**ITEM: 01**

<b>Application Number:</b>	13/00349/FUL
<b>Applicant:</b>	T & O Developments
<b>Description of Application:</b>	Change of use and conversion of vacant office building to form three residential units, and erection of three detached dwellings on existing car parking area
<b>Type of Application:</b>	Full Application
<b>Site Address:</b>	PARKVIEW HOUSE, TRELAWNEY LANE PLYMOUTH
<b>Ward:</b>	Peverell
<b>Valid Date of Application:</b>	26/02/2013
<b>8/13 Week Date:</b>	<b>23/04/2013</b>
<b>Decision Category:</b>	Member Referral
<b>Case Officer :</b>	Robert McMillan
<b>Recommendation:</b>	Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 16/05/2013.

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



**This application has been referred to Planning Committee by Councillor Martin Leaves.**

### **Site Description**

The site is located to the west of Trelawney Lane in Peverell. It is accessed from this rear lane. To the east is the terrace of early 20<sup>th</sup> century dwellings with their backs facing the site. Their boundaries with the lane comprise a 2 metre high stone wall. At a lower level and to the west and south lies Ford Park Cemetery. To the north there are two courts of lock up garages and a single dwelling. It is bounded by a high brick on the north east boundary with the lane and a stone and block work wall on the south west boundary of varying height which is partly covered in vegetation.

The site is long (approx 110m) and thin (approx 9 – 14m) and slopes down from north to south. It is currently laid out with Parkview House, at the northern end and a car park to the south. Parkview is an older solid commercial building in brick and render. The site has been vacant since 2009 and has permission for restricted light industrial uses. The applicant has begun the process of converting the first floor to residential use.

### **Proposal Description**

The proposal is to convert Parkview House into three self-contained three flats and erect three chalet bungalows on the hard surfaced area south west of Parkview House.

The extensions to Parkview House would be demolished and the boundary walls lowered. The conversion is the same as the previous scheme with two 2 bedroom flats on the ground floor with access one from the north west side and the other from the south east side. There would be a large three bedroom flat on the first floor with access from the south east side. Four parking spaces and amenity space are provided either side of the building.

The small windows facing the lane would be enlarged. New large windows would be added to the south west elevation with Juliette balconies at first floor and two new windows would be inserted into the north west elevation.

There would be three 2 bedroom chalet bungalow. Plot 1 is 14.8m long by 5.7m wide by 5m to 6m high. Plot 2 is 13.2m long by 7.3 m wide by 5.5 to 6m high. Plot 3 is 15.2m long by 6.8m wide by 5.5 to 6m high. Plots 2 and 3 will have two parking spaces and plot 1 will have one space. Each plot has amenity space.

Vehicular access will be from Trelawney Lane and the long boundary wall with the lane will be removed to allow for road widening.

### **Pre-Application Enquiry**

The applicant had a post refusal meeting with officers following the appeal decision to discuss a way forward with a new application.

### **Relevant Planning History**

12/00568/FUL- 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 – REFUSED – APPEAL DISMISSED.

11/01288/OPR - Suspected unauthorised building alterations & residential use of part of building. Enforcement issued. APPEAL ALLOWED, ENFORCEMENT NOTICE QUASHED.

11/1906/FUL – Continued use of Parkview House for residential – WITHDRAWN.

11/1495/FUL – 3 Flats and 4 semi detached houses – WITHDRAWN.

98/1030/FUL – BI light industrial – GRANTED with many restrictions on the type of use acceptable.

96/654/FUL – Church and school – REFUSED.

92/317/FUL – Storage and paint distribution – GRANTED.

81/4262/FUL – Painting contractors – GRANTED.

78/2844/FUL – Auction sales – GRANTED.

### **Consultation Responses**

#### **Local Highway Authority**

No objection. The access arrangements, car and cycle parking are acceptable. The lane will need to be upgraded which will be subject to a Highways Act section 278 agreement. Suggests conditions relating to: street details, completion of highway, highway improvements parking, cycle storage provision and code of practice,

#### **Public Protection Service**

No objection subject to standard conditions on land quality and code of practice.

#### **Economic Development**

No objection. The loss of any employment site is regretted but it will not impact on the availability of employment land and opportunities that are more suited to modern employment sites given the constraints of this site and the restrictions imposed on the previous permission.

### **Representations**

There are 11 letters of representation raising the following points:

1. Parkview House is too close to houses in Trelawney Road and breaches to 12 metre rule for new build that should be applied to conversions from employment to residential use;
2. Officers and the Inspector did not deal with the relationship between Parkview House and the houses in Trelawney Road adequately;
3. Light and noise disturbance from Parkview House;
4. Loss of privacy;

5. The obscure glass in Parkview House is not obscure enough;
  6. Noise disturbance;
  7. Harm to outlook;
  8. Loss of daylight and sunlight;
  9. The building and site should not be used for residential use;
  10. The site should remain in employment use;
  11. The site is too narrow;
  12. Overdevelopment;
  13. Danger on Trelawney lane with increased traffic and no footway on the northern part of the lane;
  14. Both exits from Trelawney Lane to Trelawney Road are dangerous;
  15. Will add to congestion and on-street parking;
  16. Ground contamination issues;
  17. Adverse effect on the wildlife in the cemetery;
  18. What benefits does the development provide for local residents?
  19. If granted safeguarding conditions should be attached; and
20. The new scheme is an improvement with bungalows instead of two storey houses.

## **Analysis**

### **Introduction**

1. Following the recent appeal decision the main issues with this application relate to how this new scheme addresses the matters raised by the Inspector's decision. These are: the loss of employment land and the principle of residential development; the impact on the character and appearance of the area; the effect on the living conditions of Parkview Houses the its suitability for conversion; the effect on the living conditions of the houses in Trelawney Road; the effect on the living conditions of the proposed flats and chalet bungalows; transport matters; and the draft section 106 and measures to mitigate the impacts of the development

2. The main policies are: Core Strategy policies and strategic objectives SO2 Delivering Sustainable Linked Communities, CS01 Development of Sustainable Linked Communities, S04 Delivering the Quality City, CS02 Design, SO6 Delivering the Economic Strategy, CS05 Development of Existing Sites, SO10 Delivering Adequate Housing Supply, CS15 Overall Housing Provision, CS16 Spatial Distribution of Housing Sites, SO11 Delivering a Sustainable Environment, CS19 Wildlife, CS22 Pollution, SO14 Delivering Sustainable Transport, CS28 Local Transport Considerations, CS33 Community Benefits/Planning Obligations, CS34 Planning Application Considerations; the National Planning Policy Framework (NPPF); Development Guidelines Supplementary Planning Document (SPD); Design SPD and Planning Obligations and Affordable Housing SPD

### **Background**

3. The recent planning history is an important material consideration of this application. The previous application - 12/0568 was for the conversion of Parkview House into three flats and the erection of four semi-detached houses. It was reported to the Planning Committee on 31 May 2012 and it was refused for the following reasons:



1. Adverse impact on character of area & neighbours' amenities

The proposed development by virtue of its proximity and design in relation to neighbouring residential properties is considered to be both incompatible with the character of the area and to adversely impact upon the amenities of the neighbouring properties in relation to outlook and privacy. As such it is contrary to Policies CS02 and CS34 of the Adopted Core Strategy.

2. Loss of existing employment use

The proposed development involves the loss of employment uses of which there is inadequate supply in the local area. As such it fails to satisfy the requirements of Policy CS05 of the Adopted Core Strategy in relation to loss of a viable employment site and Policies CS01 and CS02 in relation to the delivery of sustainable linked communities.

3. Lack of local & strategic infrastructure mitigation

Future residents living in the proposed development would make additional demands upon both local and strategic infrastructure (primary schools; local green space; play space, playing fields, strategic green space, Plymouth European Marine site, sports facilities public realm and transport). Notwithstanding the progress made with the applicant in agreeing suitable mitigation to these impacts the agreed contributions have not been finalised and as such the proposal is contrary to Policy CS33 (Community Benefits / Planning obligations) of the Adopted Core Strategy and the Planning and Affordable Housing Supplementary Planning Document (SPD).

**The appeal**

4. The applicant appealed and there was a hearing on 24 October 2012 together with an appeal against an enforcement notice served against an alleged change of use of Parkview House from a Use Class BI business premises to a mixed use Class BI business premises and self-contained dwelling.

5. The Inspector gave his decision on 5 December 2012 allowing the enforcement appeal and quashing the notice, dismissing the planning application appeal and making a partial award of costs against the Council. He provided a detailed analysis of the main issues with the planning appeal that are relevant to this application. He considered that the main issues were:

- “1) Whether the loss of this employment site/premises would be harmful to the provision of such sites/premises and employment opportunities in Plymouth and the viability of re-using Parkview House for these purposes;
  - 2) The impact on the character and appearance of Parkview House and the surrounding area;
  - 3) The impact on the living conditions of residents living in nearby properties on Trelawney Road and whether the living conditions for the occupiers of the proposed flats and dwellings would be of an acceptable standard.”
- (paragraph 30)

6. The following parts of this section of the report make reference to the Inspector's findings as they relate to the issues with the current application.

### **Loss of employment land**

7. The site has been in employment use of various kinds since it was first built. The last use was B1 light industrial use granted on 1998. Because of the sensitive location of the site, and the objections from local residents, this permission was severely restricted by condition so that all future users would, among other things, need to submit details of all processes and machinery and would be prevented from open storage. The last use moved out in 2009 and no new user has been found. The applicant has submitted an employment land study, which includes details of how the site has been marketed over this period and explains why the site is not well suited for office accommodation because of its location, layout and inability to compete with the supply of office accommodation in the central part of the city. This together with the back lane location of the site has lead officers, in consultation with colleagues in Economic Development, to recommend that the loss of this site for employment purposes would not conflict with the aims of policy CS05, despite the shortage of employment site in Peverell.

8. The Inspector found that the site was unattractive to potential commercial occupiers owing to its location, characteristics, closeness to houses and limitations imposed by planning conditions. He concluded:

“ . . . I find that the loss of this employment site/premises would not be harmful to the provision of such sites/premises and employment opportunities in Plymouth. I also conclude that the proposed development would not lead to the loss of an employment site which has been shown to be viable and that for this reason there would be no conflict with the thrust of Policy CS05 of the CS.” (paragraph 43).

He awarded costs against the Council for failing to substantiate the reason for refusal on loss of employment land.

9. The Council's Economic Development Department does not object to the loss of this employment site owing to its disadvantages for prospective commercial occupiers. No fresh evidence has been provided that rebuts the evidence in the employment land study. Officers consider that the loss of the site for employment uses and development for housing does not conflict with Core Strategy policy CS05 or paragraphs 22 and 51 of the NPPF and is acceptable.

### **Character and appearance – Parkview House**

10. The Inspector commented that the removal of the lean-to extensions to Parkview House would enhance its appearance. The re-instatement of windows in the south east façade and installation of matching windows in the south west elevation would respect the building's character (paragraph 44). He did not comment specifically on the enlargement of the smaller windows on the ground floor of the north east elevation but these too would respect the character of the building.

11. The main issues of concern was the windows in the south west elevation overlooking the cemetery. He believed that they respected the appearance of the building. He did not consider them to be unduly intrusive to users of the cemetery. He concluded in paragraph 50:

“ . . . that the conversion scheme proposed would respect the character and appearance of the building and the surrounding area and result in some enhancements due to the removal of the later incongruous additions and the reinstatement of some of the original fenestration. I find this aspect of the scheme to be acceptable subject to the imposition of appropriate conditions.”

#### **Character and appearance – new chalet bungalows**

12. The Inspector’s findings on the effect of the appeal proposed dwellings on the character and appearance of the area are not relevant to the details of this application as the four semi-detached two storey flat roofed houses have been replaced with three detached chalet bungalows with pitched roofs. The current scheme has a more traditional design. The buildings will be finished in render under slate roofs and officers consider that they would not harm the character or appearance of the area and in design terms comply with Core Strategy policies CS01, CS02 and CS34 and NPPF paragraphs 56 – 58 and 60.

#### **Living conditions – Parkview House**

13. The Inspector stated that the occupiers of the flats would enjoy satisfactory living conditions.

14. The main concern with residents was the potential for overlooking and inter-visibility between the windows in Parkview House and the houses in Trelawney Road. The first floor windows in Parkview House have been fitted with fixed obscure glass lower panels and top hung clear glass upper panels. This will be repeated on the ground floor. There is an issue over the degree of obscurity but the applicant has stated that the glass used is the most obscure type available. The first floor kitchen windows in the south east elevation in clear glass could be treated in the same way and could be dealt with by condition.

15. Another objection related to disturbance, noise and intrusion from lighting. The Inspector noted that the former lawful commercial use would have generated activities and he stated that the proposed use as flats would cause any material harm. He continued:

“ . . . Lights may be more evident in the evening with a residential use but I do not accept that this in itself would cause an unacceptable loss of amenity for neighbouring residents.” (paragraph 56).

In considering all of the issues the Inspector concluded that the conversion of Parkview House into three flats was acceptable and considered issuing a split decision permitting the conversion.

#### **Living conditions – proposed dwellings - outlook**

16. The main issue related to the distance between the houses in Trelawney Road and the proposed two storey houses. To protect the outlook from existing and proposed dwellings paragraph 2.2.31 sets a minimum distance of 12 m between a main habitable room window and blank wall. The Inspector noted that as the walls of the proposed houses facing the lane would contain windows but as these were to non-habitable rooms glazed in obscure glass the 12m guideline was appropriate.

However he felt it was “the bare minimum advised”. He believed that the outlook from the houses in Trelawney Road would be altered significantly stating:

“... I have taken account of the low rooflines of the proposed houses but their presence would still, in my opinion, cause some material harm to outlook, increasing the sense of enclosure.” Paragraph 58

17. The Inspector was concerned about the outlook from the proposed houses particularly from main habitable rooms in the south west elevations facing the boundary wall as there was a narrow gap of 1 -2 m which he thought would result in a poor and oppressive outlook. On these issues he concluded:

“... In respect of the proposed houses, I conclude that they would lead to some harmful loss of outlook for the occupiers of houses in Trelawney Road that face towards them. I also conclude that that the close proximity of the dwellings to the wall on the south-western boundary would result in unacceptable living conditions in the living rooms on the ground floor, to the detriment of the prospective occupiers. For these reasons I consider that there would be conflict with criterion 6 of Policy CS34 and criterion 5 of Policy CS15 of the CS.” (paragraph 66)

18. He went on to say that the applicant may wish to discuss with the Council an alternative scheme to overcome the unacceptable aspects of the appeal proposal. The applicant took this advice and met with officers resulting in the current scheme for three chalet bungalows.

### **Changes with the current application**

19. There are significant changes with the current application. There are three detached chalet bungalows instead of four semi-detached houses. The roof structure comprises part hipped and part gable end. The houses had a floor to eaves heights of 6.2m whereas the chalet bungalows floor to eaves height is 2.7m. The ridge height of the hipped parts varies from 5 – 5.6m with the gable ends varying from 5.8m – 6.2m. The combined length of ridge height development is 24.2m as compared with the refused scheme of 50m.

20. Officers contend that this is a significant difference with a reduced mass and bulk of buildings and more skylight visible from the houses in Trelawney Road compared with the appeal scheme. It will reduce sense of enclosure to Trelawney Lane and the impact on the outlook from the houses in Trelawney Road to a level that is acceptable and complies with Core Strategy policies CS15 and CS34.

### **Overlooking**

21. The matter of overlooking between the habitable rooms of the existing and new dwellings was not raised in detail in the Inspector’s decision letter. He referred to the windows in the new dwellings stating they would serve staircases and bathrooms assuming they would be in obscure glass. He did not refer specifically to the ground floor living room windows in clear glass.

22. An important aspect in this case is the relationship between the first floor bedroom windows in the houses in Trelawney Road to the windows in the proposed

dwellings. In each new chalet bungalow there are windows facing the lane but most are to bathrooms, en-suite shower rooms or halls/passages that will be glazed in obscure glass. But each plot has a kitchen/dining room window opposite the existing houses. Members are aware of the guideline in the Development Guidelines SPD of 21m between habitable rooms facing each other in paragraph 2.2.23. The standard can be relaxed at the fronts of dwelling facing each other across streets. This is an unusual case as the relationship is the rear for the existing properties but the front for the proposed dwellings but only across a narrow rear lane. If the habitable room windows were to remain in clear glass the distance of 12m in these circumstances is not sufficient to provide adequate protection against overlooking. To avoid loss of privacy all windows facing the lane shall be in obscure glass to be controlled by condition. Subject to this condition the application will comply with Core Strategy policies CS15 and CS34.

### **Living conditions - proposed dwellings**

23. The Inspector had concerns about the outlook from the proposed houses to the south west especially to the windows serving the kitchen/dining rooms. The gap between the houses and boundary wall is only 1-2m. He stated:

“... this is an insufficient degree of separation which would result and a poor and oppressive outlook from within the living rooms of the properties, particularly the kitchen/diners which would rely on light and outlook from windows facing south-west.” (paragraph 60)

The applicant has responded to this finding by amending the scheme so that the kitchen/dining rooms have large patio doors in either the south east or north west elevations providing the main source of light with the windows facing the boundary wall being secondary and the lounges in the roof spaces. Officers consider that these changes ensure that the chalet bungalows will have a satisfactory outlook to comply with Core Strategy policies CS15 and CS34.

### **Transport**

24. The proposed building line has been set back to provide a margin of 1.2m, thus providing a pedestrian zone, clear of vehicles. This also allows cars to enter and leave the parking spaces, a 6 metre distance is required which is achieved in this instance. The service lane will need to be upgraded to a more level and suitable finish to encourage pedestrians and cycling.

25. The previous use of the commercial premises would have generated walking as well as vehicles but in order to promote sustainable travel for residential units, and the fact that the lane will be the primary means of access to the proposed dwellings, an upgrade of the lane will be required. A negative condition is attached to ensure that details of the upgrade (to include street lighting if required) are submitted to and approved in writing before commencement of development of the new detached dwellings (excluding the commercial conversion as it already exists) and furthermore all works must be complete prior to occupation of the dwellings.

26. The applicant will have to enter into a Section 278 Agreement (of the Highways Act 1980) with the Highway Authority to enable any alterations to the highway to be carried out by an approved contractor. The extent of the scheme will be from

Trelawney Road (at the south-east junction with Trelawney Lane) along the full frontage of the development site.

27. Transport officers have worked with the applicant to achieve suitable access and parking arrangements for the development to comply with policy to be secured by condition. Secure and covered cycle storage is also offered per unit and again this should be subject to a condition. The proposal complies with Core Strategy policies CS28 and CS34.

### **Wildlife and trees**

28. The site includes some natural growth on the boundary with the cemetery and a building, with a potential to contain bats. The application is accompanied with a phase one habitat survey and tree statement. No evidence of any significant wildlife or trees was found. An informative is, however, recommended to ensure that no natural growth on the boundary wall is removed during the nesting season for birds. A condition is also attached to ensure that the mitigation works included in the application are implemented to ensure compliance with policy CS19 in this respect. This includes native planting and nesting boxes for each of the new dwellings.

### **Impact on the cemetery**

29. With the previous application and appeal concerns were raised about the impact on the cemetery especially from the windows in the Parkview House facing the cemetery possibly having an overbearing and disrespectful effect on mourners and visitors to the graves. The Inspector concluded that he did not consider the presence of the boundary windows would be seen as unduly intrusive by users of the cemetery (paragraphs 47 – 48). He did not include this as a reason for dismissing the appeal.

### **Local finance considerations**

30. Local finance considerations are now a material consideration in the determination of planning applications by virtue of the amended section 70 of the Town and Country Planning Act 1990. This development will generate a total of approximately £41,251 in New Homes Bonus contributions for the authority. However, it is considered that the development plan, recent appeal decision and other material considerations, as set out elsewhere in the report, continue to be the matters that carry greatest weight in the determination of this application.

31. 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**

32. The proposed development would have direct impacts on local and strategic infrastructure and the environment requiring mitigation. This mitigation will be achieved through a combination of planning conditions and planning obligations



identified in a S106 agreement. Each planning obligation has been tested to ensure that it complies with the three tests set out in Reg.122 of the Community Infrastructure Levy Regulations April 2010. This approach was accepted by the Inspector with the appeal proposals (paragraph 29). The draft heads of terms have been changed to apply to the circumstances of this current application.

33. The impacts relate to the following areas:-

1. Primary schools – given the deficiency of school places in the locality ('Central and North East') from 2014 arising from projected population growth
2. Local green space – given the cumulative impact of development on existing green space
3. Childrens play space – given the cumulative impact on existing play facilities,
4. Playing Pitches – given the deficiency in playing pitch provision in the area.
5. Strategic green space - given the cumulative impact of development on the quality of environmental sites protected by legislation, particularly through increased recreational demands
6. European Marine Site - given the cumulative impact of development on the environmental quality of European Marine Site protected by legislation, particularly through increased recreational demands
7. Strategic sports facilities – given the cumulative impact of development on the city's sports infrastructure and current deficiencies in level of provision.
8. Strategic public realm – given the cumulative impact of development on the City Centre's public realm.
9. Strategic transport. – given the cumulative impact of development on the city's strategic transport infrastructure, particularly in the northern corridor.

34. The applicant has claimed that the development would be unviable with allowance for full mitigation of these impacts, which would costs in the order of £43,000, and therefore indicated that they wish to have the application considered under the Council's Market Recovery Scheme.

35. The Market Recovery Scheme has been extended until the Community Infrastructure Levy (CIL) operates from 1 June 2013. It sets out a framework to support the negotiation of Section 106 agreements where viability is an issue. It provides for reduced levels of contributions (up to 50% for a brownfield site) subject to a commitment to early delivery of the project.

36. The developer is prepared to commit to the early delivery of this project, and this is considered to be a weighty material consideration in its own right given current economic circumstances, sufficient to justify a limited relaxation of the

Council's policy requirements for mitigation of development impacts, in accordance with the Market Recovery Scheme. It will also bring the additional benefit of generating finance through the New Homes Bonus.

Heads of Terms

37. The following heads of terms have been negotiated, and considered to be acceptable. In this case the infrastructure priorities in the area are considered to be finely balanced with each planning obligation being discounted by 50% in accordance with the Market Recovery Scheme.

- i. Local schools contribution: £6,427 to be allocated to the provision of additional school places within the vicinity of the development.*
- ii. Local greenspace contribution. £1,676 to be allocated to the improvement of local green space.*
- iii. Local children's play space contribution. .£1,199, to be allocated to the improvement of local play facilities.*
- iv. Local playing pitches contribution. £3,040, to be allocated to the provision of improved playing pitches in the area*
- v. European Marine Site contribution. £89, to be allocated to appropriate management measures for the Tamar Estuaries as identified in the Tamar Estuaries Management Plan.*
- vi. Strategic transport contribution. £2,815 to be allocated to the delivery of priority strategic transport interventions as identified in the LTP3 Transport Implementation Plan, specifically the Northern Corridor Whole Route Implementation Plan*
- vii. Strategic green space contribution. £3,737, to be allocated to the provision of strategic green spaces that help to take pressure off the designated environmental sites, as identified in the Plymouth Green Infrastructure Delivery Plan.*
- viii. Strategic sports facilities contribution, £2,389, to be allocated to the delivery of priority strategic sports facilities as identified in the Sports Facilities Strategy.*
- ix. Strategic public realm contribution. £285, to be allocated to the delivery of priority City Centre public realm improvements as proposed in the City Centre and University Area Action Plan.*

38. If the applicant/developer does not make a substantial start within two years from the date of permission they will be liable for the full level of contribution.



### **Equalities & Diversities issues**

39. The development brings about significant improvements to the access lane for all users. The development meets the requirement of policy CS15 in respect that the two ground floor flats will be to Lifetime Homes standards. There are no conflicts with CS34 in this respect.

### **Conclusions**

40. The proposed redevelopment of this has been a controversial matter. The Inspector's decision letter on the previous appeal (APP/N1160/A/12/2178011) (12/00568/FUL) is an important material consideration. It examined the issues thoroughly and formed the basis for the revised application and the structure of this report. He decided that the loss of the employment use of the land and use for housing would not conflict with Core Strategy policy CS05 and is acceptable as is the conversion of Parkview House into three flats subject to conditions. No fresh evidence has been submitted to rebut these findings and officers agree with them. He concluded that the living conditions by way of outlook for the affected existing properties in Trelawney Road and the proposed new houses would not be acceptable. The applicant carried out substantial changes to the proposal by changing the four 2 storey houses to three chalet bungalows which has reduced the harm to the outlook from the houses in Trelawney Road. The internal arrangements of the new chalet bungalows have been altered to achieve satisfactory living conditions for the future occupiers. Privacy between the existing and proposed dwellings will be safeguarded by conditions. Officers consider that the development complies with Core Strategy policies CS15 and CS34. The access, highway and parking arrangements are acceptable and comply with Core Strategy policies CS28 and CS34. The agreed heads of terms of the section 106 agreement will provide mitigation for the impacts of the development on local and strategic infrastructure in accord with Core Strategy policy CS33. For these reasons officers consider that the application is acceptable and recommended for approval.

### **Recommendation**

In respect of the application dated **26/02/2013** and the submitted drawings Drawing numbers 1216\_PO1, 1216\_PO2, 1216\_PO3, 1216\_PO4 and 1216\_PO5, design and access statement, contamination report, extended phase I habitat survey, arboricultural survey, employment land survey and lifetime homes provision report, it is recommended to: **Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 16/05/2013.**

### **Conditions**

#### **DEVELOPMENT TO COMMENCE WITHIN 2 YEARS**

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

Reason:

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

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: I216\_PO1, I216\_PO2, I216\_PO3, I216\_PO4 and I216\_PO5.

Reason:

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

CODE OF PRACTICE DURING CONSTRUCTION

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

Reason:

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

CONTAMINATED LAND

(4) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation shall not take place until sections 1 to 3 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section 4 of this condition has been complied with in relation to that contamination.

Section I. Site Characterisation

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

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

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

### Section 2. Submission of Remediation Scheme

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

### Section 3. Implementation of Approved Remediation Scheme

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

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

### Section 4. Reporting of Unexpected Contamination

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

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

### Reason:

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

#### ACCESS/HIGHWAY IMPROVEMENTS (5)

(5) No development shall take place on anyone of the chalet bungalows hereby permitted until the proposed access and improvements to the existing highway shown on the approved plans have been completed.

#### Reason:

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

#### STREET DETAILS

(6) No development shall take place on any one of the three chalet bungalows hereby permitted until details of the design, layout, levels, gradients, materials and method of construction and drainage of all roads and footways forming part of the development have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

#### Reason:

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

#### COMPLETION OF ROADS AND FOOTWAYS

(7) All roads and footways forming part of the development hereby permitted shall be completed in accordance with the details approved under condition 6 above before the first occupation of the penultimate dwelling.

#### Reason:

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

#### PROVISION OF PARKING AREA

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

#### Reason:

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

#### CYCLE PROVISION

(9) No dwelling shall be occupied until space has been laid out within the site for that dwelling in accordance with the approved plans for a minimum of one bicycle per chalet bungalow and a minimum of two bicycles for the three flats to be securely parked and under cover. The secure area for storing bicycles shown on the

approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

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

#### RESTRICTIONS ON PERMITTED DEVELOPMENT

(10) Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E and F of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no enlargements, improvements or other alterations, including to the roof, porches, buildings within the curtilages or chimney, flue or soil or vent pipe shall be constructed to the any of the three chalet bungalows hereby approved.

Reason:

In order to protect the residential amenities of the nearby existing and proposed dwellings in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### OBSCURE GLAZING

(11) Notwithstanding the provisions of Article 3 and Class A of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), all windows in the north east elevation of Parkview House, the two kitchen windows in the south east elevation of the first floor apartment 3 and the two bedroom 1 ground floor windows in the south east elevation of apartment 1 shall have fixed non-opening lower panes glazed in obscure glass which shall have an obscurity rating of not less than level 5 permanently, and all windows in the north east elevations of the three chalet bungalows facing Trelawney Lane shall at all times be obscure glazed (the glass of which shall have an obscurity rating of not less than level 5) and be non-opening unless the parts of the window which can opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason:

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

#### DETAILS OF BOUNDARY TREATMENT

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

Reason:

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

EXTERNAL MATERIALS

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

Reason:

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

NATURE CONSERVATION

(14) Prior to the commencement of development on any one of the three chalet bungalows hereby permitted a detailed management plan for the nature conservation mitigation and biodiversity enhancement of the site shall be submitted to and improved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

Reason:

To provide adequate nature conservation mitigation and biodiversity enhancement to comply with policy CS19 of the adopted City of Plymouth Core Strategy development plan document 2007.

LIFETIME HOMES

(15) The two ground floor apartments in Parkview House shall be built to Lifetime Homes standards in accordance with the submitted Lifetime Homes Provision report.

Reason:

To ensure that two Lifetime Homes are provided to comply with policy CS15 of the adopted City of Plymouth Core Strategy development plan document 2007.

INFORMATIVE: PUBLIC HIGHWAY ENGINEERING DETAILS

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

INFORMATIVE: PUBLIC HIGHWAY APPROVAL

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



**INFORMATIVE: ROADWORKS**

(3) Any of the roadworks included in the application for adoption as highways maintainable at public expense will require further approval of the highway engineering details prior to inclusion in an Agreement under Section 38 of the Highways Act 1980. The applicant should contact Plymouth Transport and Highways for the necessary approval.

**INFORMATIVE: CODE OF PRACTICE**

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

- a. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information;
- b. Proposed hours of operation of construction activities and of deliveries, expected numbers per day and types of all construction vehicles and deliveries, routes of construction traffic to and from the site (including local access arrangements, timing of lorry movements, and weight limitations on routes), initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, location of wheel wash facilities, access points, location of car parking for contractors, construction traffic parking, details of turning facilities within the site for site traffic and HGVs, and a scheme to encourage public transport use by contractors; and
- c. Hours of site operation, dust suppression measures and noise limitation measures.

**INFORMATIVE: CONDITIONAL APPROVAL (5)**

(5) 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 a Planning Performance Agreement] and has negotiated amendments to the application to enable the grant of planning permission.

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

The Inspector's decision letter on the previous appeal (APP/N1160/A/12/2178011) (12/00568/FUL) is an important material consideration. It examined the issues thoroughly and formed the basis for the revised application. He decided that the loss of the employment use of the land and use for housing would not conflict with Core Strategy policy CS05 and is acceptable as is the conversion of Parkview House into three flats subject to conditions. No fresh evidence has been submitted to rebut these findings and the local planning authority agree with them. He concluded that the living conditions by way of outlook for the affected existing properties in Trelawney Road and the proposed new houses would not be acceptable. The applicant carried out substantial changes to the proposal by changing the four 2 storey houses to three chalet bungalows which has reduced the harm to the outlook from the houses in Trelawney Road. The internal arrangements of the new chalet bungalows have been altered to achieve satisfactory living conditions for the future occupiers. Privacy between the existing and proposed dwellings will be safeguarded by conditions. Officers consider that the development complies with Core Strategy policies CS15 and CS34. The access, highway and parking arrangements are

acceptable and comply with Core Strategy policies CS28 and CS34. The agreed heads of terms of the section 106 agreement will provide mitigation for the impacts of the development on local and strategic infrastructure in accord with Core Strategy policy CS33. For these reasons the application is acceptable and 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
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS19 - Wildlife
- CS05 - Development of Existing Sites
- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS15 - Housing Provision
- SO11 - Delivering a sustainable environment
- SO2 - Delivering the City Vision
- SO4 - Delivering the Quality City Targets
- SO6 - Delivering the Economic Strategy Targets
- SO10 - Delivering Adequate Housing Supply Targets
- SO14 - Delivering Sustainable Transport Targets
- SPD2 - Planning Obligations and Affordable Housing
- SPD1 - Development Guidelines
- SPD3 - Design Supplementary Planning Document
- NPPF - National Planning Policy Framework March 2012



# PLANNING APPLICATION REPORT



**ITEM: 02**

**Application Number:** 13/00147/FUL

**Applicant:** Optimisation Developments Ltd

**Description of Application:** New food retail store and petrol filling station with associated car parking, cycle parking and landscaping (demolition of existing buildings)

**Type of Application:** Full Application

**Site Address:** ERRIL RETAIL PARK PLYMOUTH

**Ward:** Plympton Erle

**Valid Date of Application:** 05/02/2013

**8/13 Week Date:** **07/05/2013**

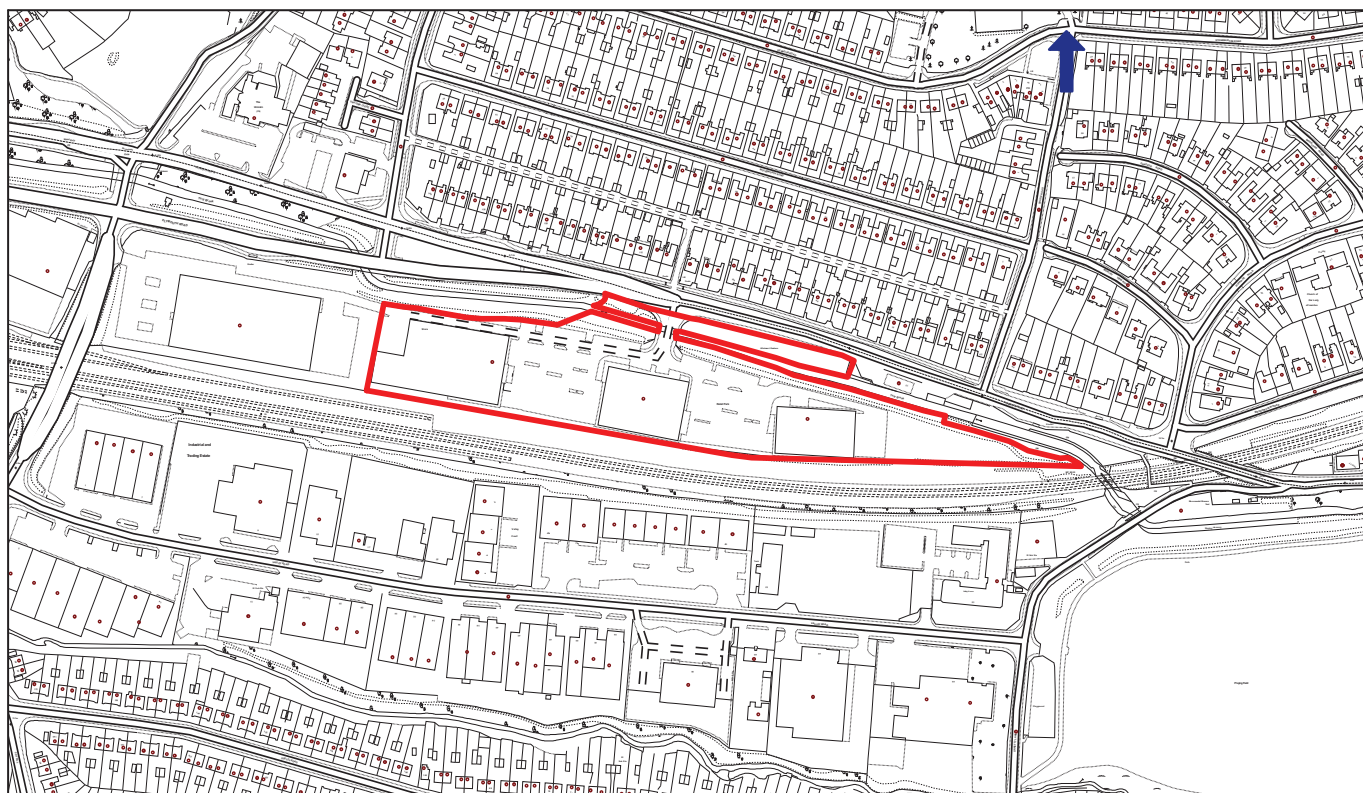
**Decision Category:** Major - more than 5 Letters of Representation received

**Case Officer :** Robert Heard

**Recommendation:** Grant Conditionally

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

**Documents:**



## **1.0 Site Description**

- 1.1 Errill Retail Park is situated on the southern side of Plymouth Road roughly half way between Marsh Mills and the commercial centre of Plympton. The retail park is accessed directly off Plymouth Road and is sandwiched between the Tory Brook, at the front of the site, and the main railway line at the rear. This application affects the whole site and therefore all 3 existing retail warehouse units, of which only one (unit 3) is currently occupied (Buyology).
- 1.2 The site is 2.4 hectares in size and is generally in an untidy state, with all 3 existing units currently being in poor condition. The character of the surrounding areas is mixed, there is residential development to the north and east of the site and commercial and industrial development to the south and west. The Ridegeway shopping centre is approximately 1km to the east.

## **2.0 Proposal Description**

- 2.1 It is proposed to demolish all 3 of the existing retail warehouses and erect a new Morrisons Supermarket, with associated petrol filling station, car parking, cycle parking and improved landscaping.
- 2.2 The proposed foodstore will be located at the west end of the site, roughly in the same location as the existing Buyology unit. It would measure 110 metres long by 55 metres wide and would comprise a sales floor, café, food preparation areas and a warehouse. First floor accommodation includes staff offices and amenities, plant and storage. The building is orientated so that the main entrance would be at the north eastern corner overlooking the public car park, with the service yard on the western side.
- 2.3 The proposed four island petrol filling station is positioned at the eastern corner of the site, in a similar position to the former Allied Carpet unit (unit 3). The 250 space customer car park occupies the centre of the site and comprises of 217 standard spaces, 20 disabled parking bays, 13 parent and toddler spaces and 22 motorcycle spaces.
- 2.4 The customer vehicular access/egress to the site would be via the existing access on Plymouth Road but with upgrades to signalise it and create an all movements junction. Service access to the warehouse of the Morrisons store would be from the existing service road in front of the former Megabowl unit to the west of the site.
- 2.5 Pedestrian access to the site will be improved by the proposed construction of a new footbridge over the Tory Brook adjacent to the existing vehicular access on Plymouth Road. The new signalised junction would have a controlled pedestrian crossing across the site access and a section of the footway on the southern side of Plymouth Road would be widened by 2 metres.

- 2.6 A new landscaping scheme is proposed and would deliver new planting within the customer car park, a new hedge along the full length of the southern boundary of the site and additional tree planting to the northern boundary.
- 2.7 A new customer car park occupies the centre of the site with the proposed petrol filling station being located at the eastern end of the site. The existing access point remains although it is proposed to be improved.

### **3.0 Pre-Application Enquiry**

MA/296/PRE – New retail store and petrol filling.

### **4.0 Relevant Planning History**

11/00564/FUL - Renewal of planning permission 08/00656/FUL for refurbishment works, including reconfiguration to form 2 retail units, amendments to external appearance of building and installation of mezzanine floor for retail sales and ancillary storage. PERMITTED.

10/00278/PRD – Complete works for refurbishment and extension to retail units with associated improvements, subject to planning permission 03/01773, with no restriction on the sale of goods. CERTIFICATE ISSUED.

10/00277/PRD – Complete works for refurbishment works including reconfiguration of unit 2 to form two retail units, amendments to external appearance of buildings and enhancements of external areas with works to trees subject to planning permission 056/0220, with no restriction on the sale of goods. CERTIFICATE ISSUED.

08/00656/FUL - Refurbishment works, including reconfiguration to form two retail units, amendments to external appearance of building and installation of mezzanine floor for retail sales and ancillary storage - GRANTED

07/00148/FUL - Installation of mezzanine floors in units 2A and 2B for retail sales and ancillary storage - GRANTED

05/02220/FUL - Refurbishment works, including reconfiguration of unit 2 to form two retail units, amendments to external appearance of buildings and enhancement of external areas with works to trees - GRANTED

03/01773/FUL - Refurbishment and extension to retail units with associated improvements - GRANTED

97/01133/ADV - Illuminated signs at site entrance - GRANTED

### **5.0 Consultation Responses**

Environment Agency

Support subject to conditions.

Highway Authority

Support subject to conditions.

Public Protection Service

Support subject to conditions.

## **6.0 Representations**

305 letters of support received, issues raised are:

- Increased employment and income into the area
- Improvement in landscaping and public realm
- Increase competition for local stores
- New road layout will improve local highway network

30 letters of objection received on the following grounds:

- Increase in traffic
- Plymouth Road more dangerous for cyclists
- Potential loss of small shops
- Significant impact upon Plympton Ridgeway District Centre

The issues raised above are discussed in detail below in the main analysis section of this report.

## **7.0 Analysis**

7.1 This application raises a number of key planning issues: the principle of the development and retail impact; design and layout matters; public protection issues and residential amenity; transport; nature conservation (impact on ecology and protected species); impact upon trees and landscaping and renewable energy. The planning history of the site is also an important issue and this is outlined below, followed by consideration of the other planning issues referred to above.

### 7.2 Planning History

7.2.1 The site has a complex planning history. Since the 3 existing units were first granted planning permission in the 1980s various planning applications and lawful development certificates have been granted at the site. These are listed in chronological order above in the planning history section of this report. The significance of these applications and the impact they have upon the use and appearance of the site is explained in more detail below.

7.2.2 The first applications granted at the site were an outline reference 82/33343 and a full application reference 84/0916. These applications granted permission for the erection of 3 non-food retail units. Conditions were imposed on both applications that prevented food sales and restricted

retailing to bulky goods products only. Since these original permissions were granted an application was granted under reference 03/01773/FUL which sought to sub divide unit 1 to form two units, sub divide unit 2 to form two units and to extend unit 3 by adding 604 square metres. No condition was imposed on this application to restrict the sale of food goods and therefore an unrestricted retail use was granted at the site for all 3 buildings. A technical start has been made to secure this permission.

- 7.2.3 In February 2006 a further application was granted under reference 05/02220/FUL for refurbishment works, including reconfiguration of Unit 2 to form two retail units, amendments to the external appearance of the buildings and enhancement of external areas with works to trees. Most of the alterations proposed within this application affect unit 2. A technical start has been made to secure this permission.
- 7.2.4 Permission was also granted in 2007 under reference 07/00148/FUL to install mezzanine floorspace in Units 2A (760 sq m) and 2B (800sq m). The total proposed additional floorspace amounted to 1560 sq m; however only 200sq m was proposed for retail shopping floorspace, the remaining was proposed for storage purposes.
- 7.2.5 In 2008, under reference 08/00656/FUL, planning permission was granted for refurbishment works to unit 2 including reconfiguration to form 2 units, amendments to the external appearance of the building and installation of a mezzanine floor for retail sales and ancillary storage. This unimplemented permission was renewed in June 2011 under reference 11/00564/FUL.
- 7.2.6 In April 2010, under reference 10/00278/PDRE a Lawful Development Certificate (LDC) was issued which confirms that evidence has been provided to demonstrate that work on permission 03/01773/FUL has started. This secures this permission. The LDC also confirms that a new chapter in the planning history of the site has begun and that the original consents for non-food retail no longer apply.
- 7.2.7 A further LDC was issued in April 2010 under reference 10/00277/PDRE which confirms that sufficient evidence has been provided to demonstrate that work on planning permission 05/0220/FUL has started. This secures the permission. As above, the LDC also confirms that a new chapter in the planning history of the site has begun and that the original consents for non-food retail no longer apply.
- 7.2.8 In summary, following the issue of the LDCs and planning permissions referred to above, the site is not constrained by any restrictive planning conditions that prevent the sale of food retailing at the site. All of the units also benefit from secured permissions that allow their extension and alteration which would significantly improve their appearance. This is considered to be the applicant's fall back position should this application not be approved, and it is a material consideration when considering the retail impacts and other planning implications of the proposed development.



### **7.3 Retail Impact**

- 7.3.1 The application proposes demolition of all 3 existing units at the site and the construction of a Morrisons food store of 5,364 square metres gross (2,718 sq.m net) floor space; a customer car park of 250 car parking spaces; a petrol filling station and upgrading of the existing retail park access with improvements to the existing signalised junctions.
- 7.3.2 According to the applicant's Retail Impact Assessment (RIA), of the retail floor area of the proposed foodstore, 80% would be dedicated to convenience goods sales and 20% to comparison goods sales, giving a convenience sales area of 2,174 sq., and a comparison sales area of 544 sq.m.
- 7.3.3 The site is not within a defined centre and is therefore considered to be out of centre for the purposes of any assessment against retail planning policy. The most recent planning policy advice on retail development is contained within the National Planning Policy Framework (NPPF), which sets out in paragraph 24 its sequential approach to retail development, requiring demonstration by the applicant that there are no town centre or edge of centre sites available and suitable for the proposed development. The sequential approach to site selection is also confirmed in Policy CS08 (Retail Development Considerations) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007), which states that developments outside of existing centres must also meet a proven need and be accessible by a choice of means of transport.
- 7.3.4 The Councils retail policy evidence base comprises of The Plymouth Retail and Centres Study (2012). This shows that the Plympton area has a low rate of retention of locally generated convenience expenditure compared to other parts of the City, as it is not currently provided with a large foodstore for the weekly bulk food shopping trip. It also shows that a number of the closest existing foodstores to the area are overtrading and that the main foodstores in Plympton are small in size with limited capacity to extend.

### **7.4 Sequential Test**

- 7.4.1 Despite the applicant's fallback position, for completeness, it is considered necessary to assess the application in accordance with the sequential test outlined within paragraph 25 of the NPPF. As stated, the location of the site is out of centre and not within or adjacent to an existing local or district centre. The applicant is therefore required to consider other sites as part of the sequential test approach. The applicant's RIA considers the impact of the proposed development on potential future District Centres at Weston Mill and Derriford as well as the existing Ridgeway District Centre in Plympton.
- 7.4.2 The District Centre proposed in the Core Strategy at Weston Mill (Policy CS07 Plymouth Retail Hierarchy) is intended to serve the west of the city. It is proposed to be anchored by a medium sized foodstore with complementary comparison goods shopping as part of a mixed use centre with education, leisure, community and residential uses. Medium sized

foodstores are typically 1,500 – 2,000 sq.m net. The applicant's RIA states that *'the need that the subject application aims to fulfil is for a large foodstore of around 2,700 sq.m net to address convenience expenditure leakage in the Plympton area, which is on the opposite side of the city'*. The conclusion reached is that a medium sized foodstore located at Weston Mill would fail to address the low retention of main food expenditure within the Plympton area as it would serve a different catchment area and would be considerably smaller and less attractive than other existing out of town food stores that are closer to the site than Weston Mill. Officers agree with this conclusion that Weston Mill is not an appropriate alternative site when applying the sequential test criteria to alternative site selection, as it would serve a different catchment area to a store located in Plympton. It should also be noted that at present no site has been identified for a new District Centre in Weston Mill.

- 7.4.3 A District Centre is also proposed at Derriford (Policy CS07 Plymouth Retail Hierarchy) to provide a hub for the north of the city. It includes provision for a major foodstore and complimentary comparison goods shopping, residential, office, leisure and food and drink uses. Large foodstores typically have a net convenience sales area in excess of 2, 500 sq.m. Although a site is likely to become available at Derriford and the scale of the convenience retail offer is broadly similar to that proposed within this application, a site at Derriford is not considered an appropriate alternative location. The main reason for this is that the new District Centre at Derriford is proposed to meet the needs of people living in the north of Plymouth, whereas the proposed development seeks to address the requirement for an improved main food offer within Plympton, in the east of the city. In their RIA, the applicant states that the *'proposals relate to different catchments, and a foodstore located at Derriford would not provide any real benefit to Plympton residents in respect of choice, or a reduction in the need to travel. Indeed, it would simply reinforce the point that Plympton, a dense neighbourhood of around 30,000 persons, is one of the few remaining areas of Plymouth that does not benefit from a conveniently located main foodstore offer.'* Officers agree with the applicant's conclusions that a new foodstore at Derriford would not meet the shopping needs of residents living in Plympton when applying the sequential test, as it would serve a different catchment area.
- 7.4.4 The nearest existing District Centre to the site is the Ridgeway Shopping Centre in Plympton, which is located approximately 0.75 miles to the east of the site. The applicant's RIA states that results of recent surveys show that the primary catchment area of the proposed Morrisons store would be Plympton, with only modest amounts of trade being derived from the surrounding areas. The RIA therefore focuses the search for alternative sites on Plympton Ridgeway, which is the main shopping centre serving the Plympton area. Officers agree that this is an appropriate approach given the low expenditure retention rate in Plympton confirmed by the 2012 Plymouth Retail Study.
- 7.4.5 The sites identified by the applicants as being potentially suitable locations for a new foodstore at the Ridgeway are as follows:

- Site 1 – car park adjacent to Co-op supermarket;
- Site 2 – Mudge Way car parks;
- Site 3 – Plympton Ridgeway car park.

- 7.4.6 Site 1 comprises a small surface car park of 33 spaces located on the western side of the Co-op store. It measures 0.076 hectares in size and is within the boundary of the District Centre. The site is not considered suitable by virtue of its size as it's not large enough to accommodate a large format foodstore. Whilst it is capable of providing a modest extension of the Co-op store, this would still not result in a large store that is considered necessary to meet the main food shopping demands of the population of Plympton. It would also result in the loss of the only parking facility located adjacent to the Co-op store. Whilst the Co-op has been trading at its current location for a considerable period of time, there have been no attempts to extend the store. Whilst the Co-op store at Plympton Ridgeway is larger than the group's average, it is too small to compete with other large foodstores in Plymouth for the weekly bulk food shopping needs of Plympton residents. Officers also note that the Co-op group specialises in convenience rather than main food shopping, and significant areas with the Plympton Ridgeway store are currently set aside for the sale of non food goods.
- 7.4.7 Site 2 comprises the two public car parks to the rear of the existing St Stephens Place development off Mudge Way. Together the two car parks provide 259 car parking spaces. This site is within the boundary of the District Centre and measures 0.56 hectares in size. Whilst these sites are larger than Site 1, neither is large enough to accommodate the proposed development. The car parks also provide parking for users of the District Centre and recent surveys show that it has high occupancy levels. The site is thus not considered appropriate for the development of a food store as it is nor suitable or available, due to its limited size and role in providing parking for shoppers.
- 7.4.8 Site 3 comprises a public car park of 133 spaces on the northern side of Plympton District Centre. It measures 0.4 hectares in size and is within the defined District Centre boundary. However, this site is also too small to accommodate the proposal. Any development at this site would also have significant impacts upon the adjacent health centre and be restricted by existing residential development close to the northern boundary of the site. As with the other 2 sites, the car park is well used and the site is unlikely to become available. The site is thus considered inappropriate for the development of a foodstore.
- 7.4.9 Officers agree that the assessment of alternative sites above demonstrates that there are no alternative sites that are suitable or available for the proposed development of a large foodstore. The application site is therefore considered to be the most appropriate location to meet the needs that the proposed development seeks to fulfil. Whilst the site is out of centre, it is an established retail destination located centrally within Plympton on a key transport corridor with good public transport links and a frequent bus



service. The application is therefore considered by officers to be in accordance with both national and local retail policy and satisfies the sequential test assessment required by Policy CS08 (Retail Development Considerations) of the Core Strategy and paragraph 24 of the NPPF.

### 7.5 Impact Assessment

- 7.5.1 The NPPF, in paragraph 26, requires Local Planning Authorities to undertake an impact assessment where the proposed development is over £2,500 sq. m of floorspace, outside of the Town Centre and not in accordance with an up to date Local Plan.
- 7.5.2 The applicant's RIA assesses the proposed developments impact upon proposed and existing centres. The 3 proposed centres identified are Derriford, Weston Mill and Plymstock Quarry. As explained above in the Sequential Test section of this report, due to location and different shopping needs, the proposed development would not have an impact upon either the proposed District Centre at Weston Mill or Derriford. These centres will serve different catchment areas than a store located in Plympton.
- 7.5.3 The planned retail investment at Plymstock Quarry is for a new mixed use local centre that will include a supermarket of 2,000 sq. m gross. This local centre is intended to meet the needs of a new neighbourhood of approximately 1700 new homes at North Plymstock and would be located on the opposite side of the road to the existing Morrisons store in Plymstock. The new Local Centre and associated food store is proposed to meet the needs of the new community being created at Plymstock Quarry and not a wider shopping need, confirmed in Policy NP01 of the North Plymstock Area Action Plan. Any new foodstore likely to come forward at Plymstock Quarry would be primarily for 'top up' shopping. For this reason, it is considered that the proposed development would not have an adverse impact upon the planned investment at Plymstock Quarry.
- 7.5.4 The closest existing District Centre to the site is Plympton Ridgeway, which is situated approximately 1km to the east of the site and located within the primary catchment area of the proposed Morrisons store. However, according to the NMES household shopping survey undertaken in September 2011, only a very small proportion of residents in the Plympton area (7%) are using the existing Co-op (5%) and Iceland (2%) at Plympton Ridgeway for their weekly shopping trip. Instead, the survey indicates that these facilities are mainly used for top up shopping, and most trips for main food shopping are already taking place within large foodstores outside of the Plympton area.
- 7.5.5 The proposed foodstore that is the subject of this application would be geared towards weekly bulk food shopping and there is no reason why it would significantly affect the performance or attractiveness of existing shops located within Plympton Ridgeway, which is a healthy centre that has performed well in recent years compared to other centres in Plymouth. In officer's opinions, the proposed development would not compete directly with the top up orientated food shopping role of the District Centre. The

proposed foodstore would primarily compete with existing large stores where most main food shopping expenditure is leaking to – the Sainsburys at Marsh Mills and Tesco at Lee Mill, both of which are out of centre facilities that have no protection in terms of planning policy.

- 7.5.6 In relation to potential impacts upon Plymstock District Centre, similar issues apply. The District Centre, known as the Broadway, is not underpinned by a foodstore orientated towards main food shopping needs, and thus the proposed Morrisons foodstore would not compete directly with it.
- 7.5.7 Regarding Estover District Centre, the main shopping facility within this Centre is the existing Asda at Leypark Drive. This performs a main shopping role, and therefore there would be a modest level of trade diversion arising from the proposed development. However, the 2011 NMES study shows that the convenience element of this store is overtrading by a significant amount (circa £15m) and therefore the viability of Asda would not be threatened. Furthermore, the Asda store has a significant non food offer (Pharmacy, Post Office) and thus trade clawed back to the Plympton area by the proposed Morrisons store could result in spin off trade that would benefit similar services and non food shops currently being provided in Plympton Ridgeway District Centre.
- 7.5.8 In summary, it is considered that the existing foodstores within Plympton Ridgeway (namely Co-op and Iceland) are not meeting consumers main food shopping needs, and the result is that a significant proportion of people living in Plympton are travelling to stores outside of the area such as Tesco at Lee Mill, Sainsburys at Marsh Mills and Asda at Estover to undertake their main weekly food shop. Officers agree that residents in Plympton do not currently have the choice of using a large modern foodstore in their neighbourhood and this has resulted in shopping trips that are longer than necessary. It is considered by officers that the proposed development would be in accordance with paragraph 26 of the NPPF as there is no evidence that the application would have a significant impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal and there is no evidence that it would give rise to significant impacts upon the vitality or viability of defined centres, taking into account the trade diversion implications of the proposed foodstore. It is considered that the application is compliant with policy CS08 (Retail Development Considerations) of the Core Strategy as there is evidence of a qualitative need for a large foodstore in Plympton and the proposal would not have a significant impact upon surrounding District and Local Centres.

### 7.6 Fallback Position

- 7.6.1 As explained in the planning history section of the main Analysis part of this report, the applicants benefit from a fallback position that has been established by Lawful Development Certificates issued by the Council under references 10/00278/PDRE and 10/00277/PDRE and previous extant planning applications reference 11/00564/FUL and 07/00148/FUL.

7.6.2 The effect of these LDCs and extant planning permissions is to confirm that the site is not restricted in terms of the range of goods that can be sold from all 3 existing units and to secure improvements and extensions to the existing units to improve their external appearance, sub divide them (if required) and extend their floorspace by the provision of mezzanine floors. The outcome of this is that the maximum number of units at the site in future could be 6, although the consents referred to above allow for a mix of different sized units as the applicant would not be required to sub divide all of the units if they felt that was not appropriate. Similarly, not all units have to be kept if the applicant felt that the site would be more attractive to retailers with just 2 units and not 3 as is the existing situation.

7.6.3 In order to present a realistic fallback situation, in their RIA the applicant has compared 3 different scenarios that could occur at the site if this application is unsuccessful. The scenarios compared are as follows:

- Scenario 1 - 6 units used for unrestricted non food retail;
- Scenario 2 - Morrisons in Unit 1 and unrestricted non-food retail in Unit 3;
- Scenario 3 - Morrisons in Unit 1 and a discount food use in Unit 3.

7.6.4 In scenario 1, six unrestricted retail units would provide 7,032 sq. m of retail floorspace. In scenario 2, Morrisons would convert the largest unit at the site (Unit 10) to a foodstore. Additional car parking would be provided by the demolition of Unit 2 and Unit 3 would be utilised for 2 unrestricted retail units with mezzanines. The total potential retail floorspace that could be provided under this scenario is 3,883 sq.m. Scenario 3 would be identical to scenario 2 but Unit 3 would be utilised for food retail purposes rather than non food floorspace. Use of Unit 3 by a discount food retailer is a possibility as stores such as Aldi and Lidl often choose locations next to mainstream foodstores. The applicants have provided a plan showing in detail how Unit 1 would be converted to a Morrisons store as part of Scenarios 2 and 3.

7.6.5 The fallback scenarios outlined above show that there are a number of outcomes that could take place at Errill Retail Park without the need for any further planning permissions to be obtained. The previous permissions and LDCs provide for significant improvements to the appearance of the retail units and flexibility about the range of goods that can be sold. The 3 scenarios that have been outlined above would deliver a much greater amount of gross retail floorspace than is proposed within this application. The application therefore presents an opportunity to reduce the built footprint of development on the site and reduce the amount of retail floorspace at Errill Retail Park, the use of which cannot be controlled. It also presents an opportunity to improve the existing access/egress arrangements, to control deliveries and hours of operation and to seek improvements to the local highway network so that it does not become congested. The granting of a new application at the site would also start a new chapter in the planning history of the site and the implementation of the scheme would supersede the existing LDCs and secured permissions, meaning that the

fallback position would no longer be extant or relevant to the degree that is now.

### 7.7 Design and Layout

- 7.7.1 The proposed foodstore will be located at the west end of the site, roughly in the same location as the existing Buyology unit. It would measure 110 metres long by 55 metres wide and would comprise a sales floor, café, food preparation areas and a warehouse. First floor accommodation includes staff offices and amenities, plant and storage. The building is orientated so that the main entrance would be at the north eastern corner overlooking the public car park, with the service yard on the western side.
- 7.7.2 The proposed four island petrol filling station is positioned at the eastern corner of the site, in a similar position to the former Allied Carpet unit (unit 3). The 250 space customer car park occupies the centre of the site and comprises of 217 standard spaces, 20 disabled parking bays, 13 parent and toddler spaces and 20 motorcycle spaces.
- 7.7.3 The building is located on the site so that there is maximum visual screening from the residential properties to the north, due to the existence of a natural screen of mature trees along the south side of the Tory Brook adjacent to the proposed store. The building height is lower than the tree line and the proposed supermarket will not impose itself on the natural view when seen from the residential area to the north.
- 7.7.4 The position of the building on the site makes maximum use of the existing access; long stacking lanes mean that it is unlikely that the internal road network will become congested. The buildings location also takes into account site screening from the surrounding areas, passive solar gains and views, whilst respecting the constraints of the adjacent main railway line. The café is positioned so that maximum overlooking and natural surveillance will be provided to the area to the north of the building alongside the Tory Brook, where dog walkers and pedestrians often pass. The site plan has been developed so that pedestrian and vehicular movements are segregated in order to provide a pedestrian friendly environment.
- 7.7.5 The design of the building responds to the immediate surrounding context. The main entrance and front elevation face the car park. The entrance is positioned on the north east corner of the building and expressed by a double height curved volume of curtain walling with curved Reglit glass panels, acting as a focal point to the building. The profile cuts back on plan towards the main building funnelling users to the main entrance doors. An elegant overhang of the roof form acts as a protective canopy to shield customers from the elements. Officers consider that this provides a clearly legible and elegant main entrance point. The rest of the front (east) elevation has a mix of glazing, composite insulated cladding panels and slate panelling. There is a strip of clerestory (high level) glazing to give the roof a floating appearance. The slate panels are mainly used at low level to provide what

officers consider is a high quality yet robust finish with composite cladding panels above to provide a contrast in texture and appearance to the slate.

- 7.7.6 A similar materials palette is proposed for the north elevation, which has generous levels of glazing at ground floor level to provide overlooking of the Tory Brook and introduce visually permeable sections to this elevation so that there is natural surveillance of public areas within the site, in accordance with the principles of secured by design. Ribbon windows are located at first floor level to provide natural daylight to staff facilities and further natural surveillance of the site.
- 7.7.7 The south elevation is not visible from any of the surrounding areas and is directly adjacent to the main railway line. A robust engineering brick is proposed at low level for this elevation with insulated composite cladding panels above which officers consider will not cause a distraction to the railway line. The treatment of the warehouse elevation (west) is similar and as this is the service side of the building openings are kept to a minimum as this elevation is the rear and will be well screened by planting.
- 7.7.8 The proposed petrol filling station is located at the opposite end (east) of the site to the superstore, and will be well screened from the surroundings by existing trees and shrubbery. The internal road network has been designed so that there is the potential for stacking by vehicles waiting to use the petrol filling station.
- 7.7.9 The proposed development includes landscaping enhancements with additional tree planting and soft landscaping introduced at the site in order to improve its appearance and enhance biodiversity. This is in accordance with Policy CS09 (Marsh Mills Retail Parks) of the Core Strategy which states that the Council will take into account the potential for proposals to enhance recognised shortcomings in the provision at Marsh Mills. These include the appearance of the parks, landscaping, access and egress and accessibility by modes of transport other than the car. Errill Retail Park is considered as one of the Marsh Mills retail parks despite its location in Plympton.
- 7.7.10 It is considered by officers that the proposed development would contribute positively to the area's identity and appearance, be easy to get to and move through and around, provide enhanced landscaping and contribute positively to the attractiveness of the local area. The design of the building is considered acceptable and the proposed materials palette helps to break up the massing of the elevations, introducing contemporary materials whilst ensuring compatibility with the existing townscape and local context.
- 7.7.11 In summary, it is considered that the application will provide a positive addition to the appearance of the area and help to improve local visual amenity. It is therefore compliant with Policies CS02 (Design) and CS34 (Planning Application Consideration) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

### 7.8 Public Protection Issues

- 7.8.1 The site currently has an unrestricted retail use and has also been previously occupied by bulky goods retailers. It is well screened from the nearest surrounding residential development by a dense band of mature trees and planting along its northern boundary. The nearest residential properties to the site, those located to the north on Plymouth Road, are a significant distance from the site and separated from it by a busy classified road. It is thus considered that the application would not have a significant impact upon the residential amenities of the existing properties on Plymouth Road, and that it is not contrary to Policy CS34 (Planning Application Consideration) of the Core Strategy, when considering residential amenity standards.
- 7.8.2 The Council's Public Protection Service (PPS) has been consulted and has raised concerns regarding noise, and is aware of current noise problems on other supermarket sites in the city. In order to mitigate any potential noise impacts arising from the development, the PPS has recommended that conditions are attached to any grant of planning permission in order to mitigate any noise impacts arising from the development.

### 7.9 Highways Issues

- 7.9.1 With regards specifically to highways issues, the application proposes a new signalised junction with minor changes to the highway network, 250 car parking spaces (13 parent and child, 20 disabled) and 22 motorcycle spaces. In order to encourage staff to cycle and walk to the store the store will provide cycle stands, showers, changing facilities and lockers.

### 7.10 Pedestrian Access

- 7.10.1 The fronting footways along Plymouth Road are considered to be of a satisfactory standard to serve safe pedestrian movements at the older 1.8 metre standard width, although currently there is some overgrowth along the rear of the footway.
- 7.10.2 The application proposes to construct a new pedestrian footbridge over the Tory Brook, adjacent to the existing bridge deck. It is considered that the position of the application site on the south side of Plymouth Road does not encourage people to walk to the proposed supermarket, as Plymouth Road itself forms a barrier between the application site and the nearest residential conurbation to the north of Plymouth Road. Equally, though, it is accepted that pedestrian trips to supermarkets tend to be quite low, and the vast majority would arrive by car.

### 7.11 Vehicle access and Highway Alterations

- 7.11.1 The customer access and egress to the supermarket and the petrol filling station would be via the existing (currently restricted movement priority) ramped junction over the Tory Brook onto the Classified B3416 Plymouth Road. Plymouth Road is a strategic movement corridor, and right turns out of the application site are currently banned for reasons of highway safety, and



apparently in view of a previous related accident occurring there. The application proposes to put (all-movement) traffic signals at this road junction to serve the supermarket use.

- 7.11.2 The access/egress over the Tory Brook is by a raised bridge deck with a short ramp up from the carriageway on Plymouth Road, the gradient of the ramp acts to naturally slow down the smooth and convenient flow of vehicles into and out of the application site, which would slightly reduce the capacity of any traffic signals there. The applicant had considered making adjustments to the level of the carriageway on Plymouth Road to reduce the gradient of the ramp, but has subsequently considered that the extent of the required work would by comparison give little efficiency gains.
- 7.11.3 To help to allow additional traffic movements and delays associated with the proposed new Morrisons supermarket use and the signalised junction, the application seeks to slightly extend the dual traffic lanes on Plymouth Road, as shown on the submitted application drawings, with a view to gaining a small improvement in capacity. The application drawings indicate 3 metre wide traffic lanes, which would be the minimum acceptable width on the Classified Plymouth Road.
- 7.11.4 The proposed new signalised junction has been progressed on the strict understanding that any and all associated traffic signal controls and equipment would be accommodated within the Highway Maintainable at Public Expense (public highway).

### 7.12 Deliveries and Servicing

- 7.12.1 Unlike the existing Retail Park, where servicing and deliveries are via the Plymouth Road entrance/exit, the proposed larger Morrisons supermarket building would build-over the existing service road that currently runs along the north side of the existing 'Buyology' building. And thereafter all deliveries and servicing of the Morrison's store would be through the adjacent (to the west) currently vacant ex bowling- alley site, and via its junction onto the road network at Cot Hill.
- 7.12.2 It is understood that the access/egress through the adjacent site to Cot Hill was closed off to traffic following the closure of the bowling-alley, although the application site has access rights there. The adjacent bowling-alley use has long since discontinued and the site now has an existing permission (11/01492/FUL) for sub-division to accommodate non-food retail and warehousing/storage. The situation regarding the access and egress at the adjacent ex bowling alley site was noted during the pre-application process, and is acknowledged in the application details.
- 7.12.3 Some highway alterations are likely to be required on Cot Hill to ensure safe entry and exit by delivery lorries. These alterations will be informed by wheel tracking plans that are required by condition. In particular setting-back the footway and extending the central reservation will be required. Such

requirements will form part of any off-site highway works and be subject of a Section 278 highway agreement.

- 7.12.4 The application details indicate that the gates at the Cot Hill entrance into the adjacent site will need to be set back, so a lorry could stand and wait for the gates to be opened without obstructing Cot Hill. Alternatively the gates might need to be opened at certain times to allow unhindered entry by delivery and service vehicles. The details of how this might be achieved and managed (including whether the position of the gates could be altered) are required as part of a Delivery and Servicing Management Plan, secured by planning condition. The proposed Morrisons petrol filling station would be serviced via the altered Plymouth Road junction, where wheel tracking plans indicate that turning movements for tankers would be quite tight with little room for error.

### 7.13 Customer Car Parking

- 7.13.1 Car parking standards are expressed the Development Guidelines Supplementary Planning Document (SPD). It provides guidance on the level of parking for cycles, cars, and disabled badge holders. The parking guidance indicates that generally for a food store of this size the expectation would be one parking space per 14 square metres of gross floor, although the number of parking spaces might be reduced in consideration of the level of accessibility of the application site. The application site would be expected to provide a maximum of 383 parking spaces, which when discounted by 35% for accessibility, equates to approximately 250 parking spaces, as proposed. Therefore officers consider that the car parking provision is just acceptable, according to Council guidance.
- 7.13.2 The length of the access road between the entrance and the filling station would be approximately 125 metres, and a further 25 metres to the first car parking spaces. This would provide a good length of road to allow for queuing whilst entering and leaving the supermarket. It is recommended that Double Yellow lines be put down along the length of the private access road as a visual deterrent to help prevent inappropriate parking there, and to assist the free flow of traffic within the site, including the tankers supplying the proposed Filling Station.

### 7.14 Traffic Generation and Trips

- 7.14.1 The application indicates that the vast majority of customers to the Morrisons supermarket would be expected to come from the Plympton area itself and arrive by car, which is generally the case with a supermarket use. The petrol filling station would of course be expected to generate and attract additional traffic and customers to the application site on its own account, separate and in addition to the food-store customers.
- 7.14.2 Plymouth Road is the main movement corridor and arterial route for local traffic serving the suburban district of Plympton, and providing the main road link to Marsh Mills interchange and the A38, the City Centre and beyond.



Plymouth Road is already a busy road that at times becomes congested. The site entrance is situated on a section of the road where there are numerous junctions, with three existing linked sets of signalised junctions close to each other; along with a signal controlled pedestrian crossing point to the east.

- 7.14.3 The junction at the site access would be re-designed to accommodate the proposed traffic signal layout. The capacity and efficiency of the junction would be maximised by the extended two-lane layout, and also electronically by linking the proposed new signalised junction to the existing junction network controls and up-grading all with new microprocessors. The traffic modelling work undertaken suggests that the proposed alterations on the highway network would be sufficient to manage the increased traffic generated by the proposed supermarket and filling station on an average day.

### 7.15 Fall back Scenario

- 7.15.1 The application suggests that it would be appropriate to consider potential alternative options for the use of the application site, which the application refers to as the Fall Back Position. The details of the fallback position are explained above in the Retail Impact section of this report. It describes three potential alternative scenarios with the re-use of existing up-graded buildings at the site, in consideration of the extant permissions and the associated certificates of lawful use. The fall back options would not be required to implement traffic signals at the junction of Plymouth Road. The lawful use certificates do therefore not take account of the highway and transport impact of the open food sales use established by the issuing of the LDCs previously referred to and could therefore have a negative impact upon the surrounding highway network.

### 7.16 Conclusion

- 7.16.1 The applicant entered into pre-application discussions with the Council prior to submitting this application, and the applicant has sought to demonstrate (within the scope of reasonable highway alterations and the proposed traffic signal function) that the expected average daily traffic increase could be accommodated without causing significant congestion on Plymouth Road.
- 7.16.2 Due to the level of traffic that uses Plymouth Road and the complexities of the traffic signal arrangements and traffic modelling, coming to a view on the impact of this proposal on the road network has not been a straight forward matter. However it is considered by officers that the proposed supermarket development, purely from a Transport perspective, is on balance acceptable, subject to conditions to secure details and necessary mitigation.
- 7.16.3 The applicant will also be required to enter into a Section 278 Agreement with the Local highway Authority in order to undertake the associated off-site highway works which would be subject of further auditing

### 7.17 Trees

- 7.17.1 The site is subject to Tree Preservation Order No.330. The application proposes that approximately 40 protected trees will be lost internally within the site, mainly category 'C' specimens of Birch that currently break up the car parking of the existing site but also includes 5 category 'B' trees. However, 70 new trees are proposed in the landscape concept plan.
- 7.17.2 The main belt of protected trees fronting Plymouth Road and on either side of the Tory Brook are to be retained (some lie inside the application site and some outside) and in terms of public amenity these are the most important to retain. Most of the trees to be removed are less prominent due to their location within the existing car park and are not thriving due to their limited rooting areas. The new extra heavy planting proposed will compensate for their loss.
- 7.17.3 The application is therefore considered acceptable on tree grounds and compliant with Policy CS18 (Plymouths Green Space) of the Core Strategy, providing a standard tree protection condition is attached to secure and protect the existing trees at the site.

### 7.18 Sustainability

- 7.18.1 Policy CS20 (Sustainable Resource Use) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) requires all new residential developments of 10 units or more to incorporate onsite renewable energy production equipment to off-set at least 15% of predicted carbon emissions for the period 2010 – 2016.
- 7.18.2 In order to meet the requirement of Policy CS20 it is proposed to have 105 kwp of solar photovoltaic panels installed on the roof of the proposed superstore. These will be almost flush with the roofline so will only have a very minimal visual impact. Photovoltaic Panels generate electricity from light and their energy source is therefore sunlight, meaning that they do not require fuel to operate and produce no air pollution or hazardous waste. The use of Photovoltaic Panels is more than adequate to meet the 15% energy saving and the application is therefore compliant with Policy CS20.

### 7.19 Biodiversity

- 7.19.1 The applicants have submitted an Extended Phase I Habitat Survey Report, Biodiversity Enhancement Strategy and Ecological Protection Plan. These documents outline a strategy that retains, protects and enhances wildlife and biodiversity at the site, ensuring that a net gain in biodiversity is achieved in accordance with Policy CS19 (Wildlife) of the Core Strategy. A condition is attached in order to secure the benefits and gains outlined in the applicants Biodiversity Enhancement Strategy and Ecological Protection Plan.

## 7.20 Human Rights

7.20.1 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.

## **8.0 Section 106 Obligations**

8.1 As already stated in this report, the site contains 3 existing retail warehouse units that benefit from extant planning permissions to be significantly upgraded, and an LDC that secures the sites use for non-restricted retail use. These consents can be implemented without the requirement for the owner to pay contributions to the Council to mitigate impacts that might arise as a consequence of any of the existing extant planning permissions being undertaken. The application also proposes a net loss in retail floorspace at the site, when comparing the proposed development with the existing situation and extant permissions. It is therefore not considered appropriate to seek planning obligations in this case. Improvements to the highway network that are referred to in the Highways section of this report will be secured by a Section 278 Agreement.

## **9.0 Local Finance Considerations**

9.1 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 application does not propose housing development and will therefore 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.

## **10.0 Equalities & Diversities issues**

10.1 Officers consider that adequate provision has been made within the design and layout of the site to meet the requirements of mobility impaired visitors and an acceptable amount of disabled parking bays are proposed within the site, close to the store.

## **11.0 Conclusions**

11.1 The proposed development will provide a supermarket in Plympton, an area that does not currently benefit from close proximity to a large foodstore and residents are thus travelling outside of the area to carry out their weekly

food shop. The application will bring new employment to the area and the applicant has a commitment to employ local people.

- 11.2 Through the sequential test approach, the applicant has demonstrated that there will be no adverse impact from the proposal on planned or existing District Centres. The impacts of the proposal on the surrounding highway network are considered to be, on balance, acceptable and the design of the scheme is welcomed and will provide improvements in local visual amenity at the site.
- 11.3 The application is considered to comply with the aims of policies CS02, CS18, CS28, CS33, CS34 the Design SPD, Development Guidelines SPD and Planning Obligations and Affordable Housing SPD and the NPPF and it is thus recommended for approval subject to conditions.

### **Recommendation**

In respect of the application dated **05/02/2013** and the submitted drawings (PL)01+- Site Location Plan, (PL)02- Existing Site Plan, (PL)03+- Proposed Site Plan, (PL)04- Proposed GF Plan, (PL)05- Proposed FF Plan, (PL)06- Proposed Roof Plan, (PL)07- Proposed Elevations, (PL)08- Proposed Site Sections, (PL)09- PFS GA Plan and Elevations, (PL)10- Lighting and CCTV (PL)11- Trolley Shelter Details, (PL)12- Proposed Site Layout Coloured, (PL)13- Artist impression Sheet 1, (PL)14- Artist impression Sheet 2, (PL)15- Artist impression Sheet 3, (PL)16 Totem Details, 1216-11-07C Landscape Concept, 1216-11-08A Planting Plan, 1216-11-09A Planting Plan, 1216-11-10 Planting Plan and accompanying Design and Access Statement, Retail Planning Statement, Landscape Design Statement, Flood Risk Assessment, Sustainable Energy Statement, Habitat Survey, Biodiversity Enhancement Strategy, Ecological Protection Plan, Travel Plan, Transport Assessment, Tree Survey and Geoenvironmental Appraisal.,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: (PL)01+- Site Location Plan, (PL)02- Existing Site Plan, (PL)03+- Proposed Site Plan, (PL)04- Proposed GF Plan, (PL)05- Proposed FF Plan, (PL)06- Proposed Roof Plan, (PL)07- Proposed Elevations, (PL)08- Proposed Site Sections, (PL)09- PFS GA Plan and Elevations, (PL)10- Lighting and CCTV (PL)11- Trolley Shelter Details, (PL)12- Proposed Site Layout Coloured, (PL)13- Artist impression Sheet 1, (PL)14- Artist impression Sheet 2, (PL)15- Artist

impression Sheet 3, (PL)16 Totem Details, 1216-11-07C Landscape Concept, 1216-11-08A Planting Plan, 1216-11-09A Planting Plan, 1216-11-10 Planting Plan.

Reason:

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

#### CONTAMINATED LAND

(3) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation shall not take place until sections 1 to 3 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section 4 of this condition has been complied with in relation to that contamination.

#### Section 1. Site Characterisation

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

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

#### Section 2. Submission of Remediation Scheme

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

## Section 3. Implementation of Approved Remediation Scheme

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

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

## Section 4. Reporting of Unexpected Contamination

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

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

### Reason:

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

## CODE OF PRACTICE DURING CONSTRUCTION

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

### Reason:

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

## GROUND FLOOR LEVEL OF BUILDING

(5) No development approved by this permission shall be commenced until the ground floor level of the proposed supermarket building and petrol filling station building to 'mAOD' datum has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved level.

Reason:

To ensure the ground floor of the buildings are sufficiently elevated above the flood level in the Tory Brook, in accordance with Policy CS21 (Flood Risk) of the City of Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

**SURFACE WATER DRAINAGE**

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

- Details of the drainage during the construction phase
- Details of the final drainage scheme
- A plan for the future maintenance and management of the system.

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

Reason:

To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal in accordance with Policy CS21 (Flood Risk) of the City of Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

**EXTERNAL MATERIALS**

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

Reason:

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

**DETAILS AND SPECIFICATION OF MECHANICAL PLANT**

(8) Prior to the commencement of development, details of the specification and design of any mechanical plant shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details. Any alteration or variation to the equipment should receive the prior written approval of the Local Planning Authority.

Reason:

To safeguard the amenities of the occupiers of nearby residential properties and to comply with policies CS22 and CS34 of Plymouth City Council's Local Development Framework.



#### NOISE LIMITS FROM MECHANICAL PLANT

(9) The noise emanating from mechanical plant shall not exceed the background noise level (LA90) by more than 5dB, including the character/tonalities of the noise, at anytime as measured at the façade of the nearest residential property.

Reason:

To safeguard the amenities of the occupiers of nearby residential properties and to comply with policies CS22 and CS34 of Plymouth City Council's Local Development Framework.

#### HOURS OF DELIVERY AND REFUSE COLLECTION

(10) No deliveries shall be taken at or dispatched from the site outside the hours of 6am until 10pm Monday - Saturday, nor at any time on Sundays, Bank or Public Holidays.

Reason:

To safeguard the amenities of the occupiers of nearby residential properties and to comply with policies CS22 and CS34 of Plymouth City Council's Local Development Framework.

#### OPENING HOURS

(11) The use hereby permitted shall not be open to customers outside the following times: 2100 hours to 0800 hours Mondays to Saturdays inclusive and 1600 hours to 1000 hours on Sundays and Bank or Public Holidays.

Reason:

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

#### PEDESTRIAN/CYCLE ACCESS

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

Reason:

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

#### DETAILS OF NEW JUNCTION

(13) No development shall take place until details of the junction between the proposed service road and the highway have been approved in writing by the Local Planning Authority; and the building shall not be occupied until that junction has been constructed in accordance with the approved details.



Reason:

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

ACCESS/HIGHWAY IMPROVEMENTS (14)

(14) The use hereby permitted shall not commence until the proposed access and improvements to the existing highway shown on the approved plans have been completed.

Reason:

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

CAR PARKING PROVISION

(15) The building shall not be occupied until the car parking area shown on the approved plans has been drained and surfaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and that area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason:

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

CYCLE PROVISION

(16) The building shall not be occupied until space has been laid out within the site in accordance with the approved plan for 28 bicycles to be securely parked. The secure area for storing bicycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

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

LOADING AND UNLOADING PROVISION

(17) Before the building hereby permitted is first brought into use, adequate provision shall be made to enable goods vehicles to be loaded and unloaded within the site, and a HGV service vehicle management plan shall be submitted to and approved in writing by the Local Planning Authority, to control the access, routes and times, of service vehicles attending at the site. The development shall be undertaken in accordance with the approved details.

Reason:

To enable such vehicles to be loaded and unloaded off the public highway so as to avoid:- (i) damage to amenity; (ii) prejudice to public safety and convenience; and (iii) interference with the free flow of traffic on the highway; in accordance with Policies

CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### TRAVEL PLAN

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

#### Reason:

The Local Planning Authority considers that such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007. The applicant should contact Plymouth Transport and Infrastructure for site-specific advice prior to preparing the Travel Plan.

#### LANDSCAPE DESIGN PROPOSALS

(19) No development shall take place until full details of both hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant; planting plans including the location of all proposed plants their species, numbers, densities, type (i.e bare root/container grown or root balled, girth size and height (in accordance with the HTA National Plant specification), planting specification including topsoil depths, soiling operations, cultivation, soil ameliorants and all works of ground preparation, and plant specification including handling, planting, seeding, turfing, mulching and plant protection.

#### Reason:

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

#### SOFT LANDSCAPE WORKS

(20) Soft landscape works shall include planting plans including the location of all proposed plants their species, numbers, densities, type (i.e bare root/container grown or root balled, girth size and height (in accordance with the HTA National

Plant specification), planting specification including topsoil depths, soiling operations, cultivation, soil ameliorants and all works of ground preparation, and plant specification including handling, planting, seeding, turfing, mulching and plant protection.

Reason:

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

#### LANDSCAPE WORKS IMPLEMENTATION

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

Reason:

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

#### LANDSCAPE MANAGEMENT PLAN

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

Reason:

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

#### DETAILS OF BOUNDARY TREATMENT

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

Reason:

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

#### BIODIVERSITY

(24) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Biodiversity Enhancement Strategy and the Ecological Protection Plan (both dated March 2013) for the site.

#### Reason

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

#### JAPANESE KNOTWEED

(25) Unless otherwise previously agreed in writing with the Local Planning Authority, prior to development commencing, a Japanese Knotweed Eradication Strategy shall be submitted for approval by the Local Planning Authority. This strategy shall be implemented in full until Japanese Knotweed is eradicated from the site.

#### Reason

To ensure that the application complies with the requirements of Schedule 9 of the Wildlife and Countryside Act, 1981 and with Core Strategy policies CS01, CS19, CS34 and Government advice contained in the NPPF.

#### SUSTAINABLE RESOURCE USE

(26) Unless otherwise agreed previously in writing with the Local Planning Authority, prior to any development taking place, the applicant shall provide to the Local Planning Authority details of the location of the renewable energy production methods set out in the Sustainable Energy Statement by b:ssec dated 5th December 2012. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations.

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

#### Reason:

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

#### EXISTING TREE/HEDGEROWS TO BE RETAINED/PROTECTED

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

(a) No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any

pruning approved shall be carried out in accordance with BS 3998: 2010 Tree Work Recommendations.

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

© The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with Section 6.2 of BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

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

#### INFORMATIVE: PUBLIC HIGHWAY ENGINEERING DETAILS

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

#### INFORMATIVE: CONDITIONAL APPROVAL (2)

(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, including pre-application discussions, and has imposed planning conditions to enable the grant of planning permission.

#### INFORMATIVE: CODE OF PRACTICE

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

- a. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information;
- b. Proposed hours of operation of construction activities and of deliveries, expected numbers per day and types of all construction vehicles and deliveries, routes of construction traffic to and from the site (including local access arrangements, timing of lorry movements, and weight limitations on routes), initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, location of wheel wash facilities, access points, location of car parking for

contractors, construction traffic parking, details of turning facilities within the site for site traffic and HGVs, and a scheme to encourage public transport use by contractors; and

c. Hours of site operation, dust suppression measures and noise limitation measures.

**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 that the proposed development will have on the existing Ridgeway shopping centre, local visual amenity and the surrounding highway network, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (2) 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
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS07 - Plymouth Retail Hierarchy
- CS08 - Retail Development Considerations
- CS09 - Marsh Mills Retail Parks
- CS18 - Plymouth's Green Space
- CS19 - Wildlife
- CS20 - Resource Use
- CS21 - Flood Risk
- CS05 - Development of Existing Sites
- CS01 - Sustainable Linked Communities
- CS02 - Design
- NPPF - National Planning Policy Framework March 2012

# PLANNING APPLICATION REPORT



**ITEM: 03**

**Application Number:** 13/00449/FUL

**Applicant:** Miss Beth Roberts

**Description of Application:** Development of site by erection of detached two-storey dwellinghouse with associated access and parking

**Type of Application:** Full Application

**Site Address:** LAND ADJACENT TO COMMONWOOD COTTAGE, ESTOVER CLOSE PLYMOUTH

**Ward:** Moor View

**Valid Date of Application:** 13/03/2013

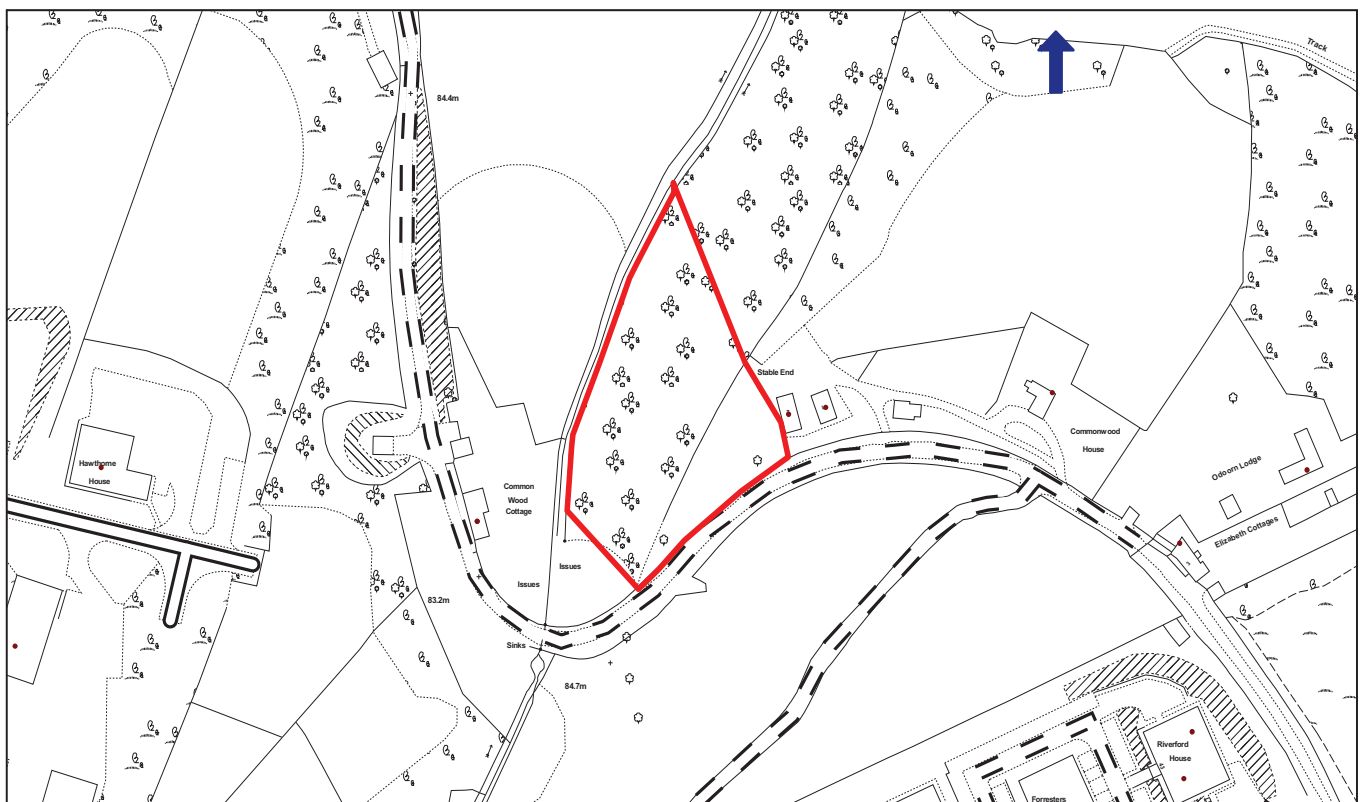
**8/13 Week Date:** 08/05/2013

**Decision Category:** Member Referral

**Case Officer :** Simon Osborne

**Recommendation:** Refuse

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





## OFFICERS REPORT

1. This application has been referred to Planning Committee by Councillor Fox who supports the application.

### Site Description

2. Commonwood Cottage is situated at the end of a narrow lane that serves a handful of properties all of which are accessed via the lane that runs down from Forrester's Business Park, which is an extension to the Estover Industrial Estate. The proposed site lies to the east of the existing buildings between Commonwood Cottage and Stables End which have been converted to holiday accommodation. The existing dwelling and grounds are substantial and enjoy extensive views to the east and north over the greenscape area, which the site falls within. The site also falls within the Holt and Commonwood Biodiversity Network Feature.

### Proposal Description

3. Development of site by erection of a two-storey dwellinghouse with associated access and parking.
4. The application describes the proposed dwelling as an 'eco home' and it is understood it is intended to achieve a high code level in the 'Code for Sustainable Homes'. The building itself would be 2 storeys facing the existing dwelling to the west and single storey to the east. Walls would be constructed from Local Mudstone forming structural 'bookends'. An oak frame infills the structure finished with vertical timber cladding. The proposal would incorporate a 'green roof'.

### Pre-Application Enquiry

5. There has been previous pre-application discussions for land surrounding commonwood cottage relating to the provision of ancillary accommodation to the main dwelling. Issues of Greenscape, visual amenity and the sustainability of the location were raised.

### Relevant Planning History

#### COMMONWOOD COTTAGE

6. 98/00272/FUL - Outline application to develop land by erection of detached dwellinghouse - REFUSED
7. 08/01856/FUL- Conversion and extension of detached garage, workshop and stables to form three-storey dwelling –REFUSED for the following reasons:

#### INTRUSION INTO GREENSCAPE

*(1) The Local Planning Authority considers that there is no justification for the proposed intrusion into the countryside and defined greenscape area. The greenscape area is of regional importance in respect of informal recreation, habitats and species, visual amenity, separation/buffer zone and access corridors. The dwellinghouse and associated curtilage would be seriously damaging to the high degree of natural beauty and amenity contributing to the landscape value of the site and it is therefore considered that the proposed development would result in unacceptable conflict with the role and functions*



of the Greenscape Area. The proposals are therefore contrary to policy CS18 of the Core Strategy of Plymouth's Local Development Framework 2007.

#### VISUAL IMPACT OF PROPOSED BUILDING

8. (2) The existing building would be converted from a part two-storey/part single-storey building into a wide, three-storey structure complete with bulky half-hipped roofs and dormers, which is higher than the existing two-storey dwelling on the site. The visual impact of the proposed building is therefore considered by the Local Planning Authority to be harmful to the open vista across the greenscape area, which is regionally important in respect of its visual amenity qualities. The proposals are therefore contrary to policies CS18 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

#### UNSUSTAINABLE LOCATION

9. (3) The site is considered to be isolated from other facilities needed for sustainable residential development and is distant from public facilities and is not close to a public transport route. The development of the site is therefore not considered to be sustainable in that the occupants would be dependent on the private car as a means of getting to and from the site for almost all journeys. The proposals are therefore contrary to policy CS28 of the Core Strategy of Plymouth's Local Development Framework 2007 and guidance set out in PPG13 (Transport).
10. The subsequent appeal was dismissed with the inspector concurring with the councils refusal reasons.

#### COMMONWOOD HOUSE

11. 07/01631/FUL - Develop site of former stable blocks by erection of 2 dwellings. PERMITTED. Conditions include the following:
    12. The dwellings hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 'Commonwood House'.
- Reason:
13. Due to the close relationship between the proposed dwellings/lodges and the existing dwelling and shared access and amenity areas, the accommodation is considered unsuitable for independent occupation, in accordance with Policies CS34 and CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.
14. 06/00828/FUL - Change of use and conversion of stables to two holiday chalets. PERMITTED. Conditions include the following:
    15. The premises shall be used solely for holiday accommodation and for no other purpose (including any purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason:

16. The proposed development is located in an area where residential development would be contrary to Policy AHR2 of the adopted City of Plymouth Local Plan First Alteration 1996.

17. 03/00637/OUT - Outline application to erect dwellinghouse (including means of access). REFUSED for the following reason:

18. *The site is located on the urban fringe within a woodland area identified in the adopted City of Plymouth Local Plan First Alteration as an Area of Great Landscape Value AGLV and a Site of Local Importance for Nature Conservation SLINC, further more the area has recently been included within the City's Greenscape designation in the emerging Local Plan First Deposit. In the opinion of the Local Planning Authority the unjustified proposal to erect a dwellinghouse and vehicle access would be seriously damaging to the high degree of natural beauty and amenity contributing to the landscape and nature conservation value of the site. As such the proposal would be contrary to policies AHR2, AEV3,7 and 10 of the City of Plymouth Local Plan, Policy 69 of the City of Plymouth Local Plan First Deposit and to guidance set out in PPG7.*

19. *In the opinion of the Local Planning Authority the site is considered to be isolated from other facilities needed for sustainable residential development and as such its development would be contrary to policy AHR2 of the City of Plymouth Local Plan First Alteration and Policy 24 of the City of Plymouth Local Plan First Deposit and to guidance set out in PPG13 insofar as the site is distant from public facilities and is not close to a public transport route. The development of the site is therefore not considered to be sustainable in that the occupants would be dependent on the private car as a means of getting to and from the site for almost all journeys.*

20. *Access to the site can only be obtained by way of an accessway (ie an extension off Estover Close) which is neither intended nor fit to carry traffic from residential development, and in particular pedestrian traffic which the proposed development would be likely to generate. As such the increased use of this road would be contrary to ATR5 of the City of Plymouth Local Plan First Alteration and Policy 38 of the City of Plymouth Local Plan First Deposit.*

21. 01/00422/FUL - Change of use of stables to two holiday chalets. PERMITTED  
Conditions include the following:

22. *The premises shall be used for holiday accommodation and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).*

Reason:

23. *The proposed development is located in an area where residential development would be contrary to Policy AHR2 of the adopted City of Plymouth Local Plan First Alteration 1996.*

### **Representations**

24. 27 Letters of representation have been received in support of this application  
Comments are summarised below:

- The development will help to sustain the small community
- It will allow management of the site.
- The electric vehicle will be sustainable

- Encourage wildlife
- Allow care for elderly parents
- Buildings have been allowed next door.
- Benefits of working from home
- Sustainable eco design
- No negative visual impact
- Natural materials proposed.
- Set a good example of eco development in the city
- Good investment in the city
- No impact compared to nearby industrial units.
- It would sit on the site of a disused barn not a green field site.
- The site is currently unsightly

### **Analysis**

25. This application primarily turns upon policies, CS01 ( CS02 (Design), CS03 (Historic Environment) CS15 (Overall Housing Provision), CS18 (Plymouth's Greenspace) CS19 (Wildlife) CS22 (Pollution), CS28 (Local Transport Considerations) and CS34 (Planning Application Considerations) of the adopted Core Strategy and the Development Guidelines Supplementary Planning Document (SPD). Consideration will also be given to the National Planning Policy Framework (NPPF).
26. The primary planning considerations in this case are deemed to be: the impact on the character and the visual quality of the area; the impact on neighbouring amenity; the residential amenity of the proposed accommodation; the provision of parking and highway safety implications; sustainability issues; contaminated land; the impact on the protected trees ; greenspace and nature conservation issues, and local finance considerations, as discussed below.
27. It should be noted that due regard should be given to the inspectors decision and comments in the dismissed appeal for application 08/01856/FUL .

### **NEIGHBOURING AMENITY**

28. The proposed dwelling would be located well within the site and would be screened by natural vegetation. It is therefore considered that the proposal would have no unreasonable impact on neighbouring amenity.

### **STANDARD OF ACCOMODATION**

29. The Development Guidelines Supplementary Planning Document (SPD) sets out minimum floor space guidelines for new dwellings. The SPD advises that the minimum size for a 4-bed property should be 106m<sup>2</sup>; it would appear that the proposed dwelling meets this standard. In addition, the SPD sets out recommended minimum standards for outdoor amenity space. The proposal exceeds the required 100sqm. Further to this all habitable rooms would have adequate light and outlook. The proposal is therefore considered to provide a good level of accommodation and in this respect complies with policy CS34.

CHARACTER OF AREA, GREENSCAPE AND BIODIVERSITY

30. The proposal lies on and within the southern edge of the designated Plym Valley Greenscape network. It is considered relevant that a previous application for a development on an adjacent site located to the north of the existing dwellinghouse was refused due to the proposals unacceptable impact on the greenscape. A planning inspector agreed with the Council and dismissed the subsequent appeal
31. With regard to greenscape, policy CS18.1 states that development on or adjacent to strategically and locally important greenscape areas will not be permitted where it would result in unacceptable conflict with the function(s) or characteristics of that area.
32. Despite the fact that the proposal is for a single dwelling there appears to be no justification for the proposed intrusion into the countryside and defined greenscape area. The greenscape area is of regional importance in respect of informal recreation, natural habitats/biodiversity, visual amenity, separation/buffer and access corridors. It is considered by officers that despite the proposed design that has sought to minimise the proposals impact the dwellinghouse and associated curtilage would be seriously damaging to the high degree of natural beauty and amenity contributing to the landscape value of the site and it is therefore considered that the proposed development would result in unacceptable conflict with the role and functions of the Greenscape Area, contrary to policy CS18 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007). It is considered relevant that a previous application for a development on an adjacent site located to the north of the existing dwellinghouse was refused due to the proposal's unacceptable impact on the greenscape. A planning inspector agreed with the Council and dismissed the subsequent appeal.
33. It is noted that the proposal site is in close proximity to the industrial units however in the previous appeal the inspector commented that '*while this maybe visible from certain locations within the protected area, it is land designated for such uses that does not physically intrude in to the AGLV (Area of Great Landscape Value)*'
34. The site lies within a Biodiversity Network Feature (BNF). An ecology report has been submitted with the application however it is just over 3 years old and therefore is considered to be inadequate to represent the current situation. It is therefore considered that proposal does not adequately demonstrate that there would no unreasonable impact on biodiversity and habitats contrary to policy CS19.

TREES

35. The site is subject to a TPO and as such the dwelling has been carefully positioned to limit impact on the trees. The building footprint further away from the most significant trees on the site; the row of Oaks on the South East boundary adjacent to the drive. As a result they will be less dominant reducing any possible future pressure to remove them.

36. The woodland in general is in a poor state and there is ample opportunity to improve its management and increase diversity with a woodland management plan (ref: 03494 WMP 7.3.13). The plan as proposed is welcomed.
37. In respect to trees the proposal for a wildlife pond/reed bed system is welcomed as long as its location does not disturb roots of trees that it is proposed should be retained. Trees to be retained will need to be robustly protected during the construction to avoid damage from excavation /fill, spill form contaminants such as concrete and storage of materials. The outline method statement submitted with the application from Aspect Tree Consultancy is a good starting point and the Tree Protection Plan (ref: 03494 TPP 07.03.2013) must be followed and be put in place prior to any works commencing on site.
38. Officers consider that with conditions in place to ensure tree protection during construction, and an appropriate method statement, then the proposal would have an acceptable impact on the protected trees.

#### HIGHWAYS, PARKING AND SUSTAINABILITY ISSUES

39. In the planning appeal for the adjacent site the inspector agreed with the Council that the site was in an unsustainable location. It was noted that the site was a considerable distance from the nearest public transport system (approx. 1.3 km) and there were no shops or services in the immediate area. The inspector therefore considered that as a result future occupiers would be likely to be highly dependent on the use of the private car which was considered to be contrary to policy CS28.
40. The submitted Design and Access Statement states that there is public transport located within 300m and 500m of the proposed dwelling. While there may be a bus stop located on Plymbridge Road a little over 500 metres away, this is very poorly served. Since 2008 the local bus service, known as the Northern Connect service, has been withdrawn and the nearest service runs through Estover Road but not into Estover Close. However, the service is limited and only offers 3 early AM trips and 1 relatively late PM trip. Therefore in terms of accessibility the situation has worsened. The closest well served bus stop is in excess of 1.3 km from the proposed dwelling. The proposal is therefore considered to be located in an unsustainable location contrary to CS01 and CS28. It is noted that the applicant proposes to install an electric car charging station and make use of an electric car, however there is no guarantee that future occupiers of the property would use this.

#### CONTAMINATED LAND

41. Having reviewed the submitted Preliminary Risk Assessment Desk Study and Site Reconnaissance dated 28th June 2010 that has been submitted with the application the Council's Public Protection Service does not have any objection to the granting of planning permission. Public Protection officers are satisfied that the report demonstrates a low risk from contamination. However, a condition requiring the reporting of unexpected contamination is recommended because the report does identify potential sources in the area.

**OTHER ISSUES**

42. The Environment Agency (EA) has raised concerns regarding the proposed foul drainage system. The application form indicates that foul drainage is to be discharged to a non-mains drainage system. In these circumstances Circular 03/99 advises that a full and detailed consideration be given to the environmental criteria listed in Annex A of the Circular in order to justify the use of non-mains drainage facilities. In this instance no information has been submitted. The application does not provide a sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development.
43. The applicant has since provided a Foul Drainage Assessment . We are currently awaiting further comments regarding this from the EA. This matter will be further addressed in an addendum report.
44. There are no recorded public rights of way within the development boundary. However in 1988 the Ramblers Association set out all those paths which, at the time, they alleged to have enjoyed uninterrupted use of for a period in excess of 20 years. Such a route abuts the development site. It has of course been more than 20 years since that document was published and therefore the public rights of way officer maintains that there is a *prima facie* case for the statutory presumption of dedication of a public highway. The council therefore hold evidence which suggests public rights may have accrued abutting the application site. However having considered the supporting material submitted the council's public rights of way officer does not consider the development to adversely interfere with public use of these paths and so offer no objection.
45. 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**

46. N/A

**Equalities & Diversities issues**

47. No further issues

**Local Finance Considerations**

48. Local finance considerations are now a material consideration in the determination of planning applications by virtue of the amended section 70 of the Town and Country Planning Act 1990. This development will generate a total of approximately £12,471 in New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material



considerations, as set out elsewhere in the report, continue to be the matters that carry greatest weight in the determination of this application.

### **Conclusions**

49. Although it is recognised that the dwelling has been carefully designed to limit its impact for the reasons given above it is recommended that the application be refused.

### **Recommendation**

In respect of the application dated **13/03/2013** and the submitted drawings I398-PL-005 Rev B, I398-PL-003, I398-PL-004, I398-PL-002, I398-PL-001, R1020-01, Tree Survey (03494AIA 7.3.13) including tree protection plan and woodland management plan, extended Phase I Habitat Survey, 'Reports for Planning' Desk Study and Site Reconnaissance, and accompanying Design and Access Statement, it is recommended to: **Refuse**

### **Reasons for Refusal**

#### **INTRUSION INTO GREENSCAPE**

(1) The Local Planning Authority considers that there is no justification for the proposed intrusion into the countryside and defined greenscape area. The greenscape area is of regional importance in respect of, habitats/biodiversity, visual amenity, separation/buffer zone and access corridors. The dwellinghouse and associated curtilage would be seriously damaging to the high degree of natural beauty and amenity contributing to the landscape value of the site and it is therefore considered that the proposed development would result in unacceptable conflict with the role and functions of the Greenscape Area. The proposals are therefore contrary to policies CS18 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

#### **UNSUSTAINABLE LOCATION**

(2) The site is considered to be isolated from other facilities needed for sustainable residential development and is distant from public facilities and is not close to a public transport route. The development of the site is therefore not considered to be sustainable in that the occupants would be dependent on the private car as a means of getting to and from the site for almost all journeys. The proposals are therefore contrary to policies CS01 and CS28 of the Core Strategy of Plymouth's Local Development Framework 2007.

#### **NATURE AND BIODIVERSITY**

(3) The Local Planning Authority considers that the submitted phase I Habitat Survey by virtue of its date may not represent the current situation on the site and is therefore inadequate to sufficiently demonstrate that the impact of the proposal on nature and biodiversity is acceptable or that adequate mitigation can take place. The proposal is therefore contrary to policy CS19 of the Core Strategy of Plymouth's Local Development Framework 2007.

**INFORMATIVE: PROACTIVE WORKING**

(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 works in a positive and pro-active way with Applicants and looks for solutions to enable the grant of planning permission. This includes the offer of pre-application discussions to resolve issues of concern to the Council prior to formal submission of a planning application. However in this case the proposal is not sustainable development for the reasons set out and the Council was unable to identify a way of securing a development that improves the economic, social and environmental conditions of the area.

**Relevant Policies**

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

- CS28 - Local Transport Consideration
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS18 - Plymouth's Green Space
- CS19 - Wildlife
- CS01 - Sustainable Linked Communities
- CS15 - Housing Provision
- SPD1 - Development Guidelines
- NPPF - National Planning Policy Framework March 2012





**This application is reported to the planning committee as a result of a request by Councillor Penberthy**

### **Site Description**

The site comprises part of the car park serving the Waterfront Restaurant, which is a listed building. The car park is set below the main road and above the listed basin harbour wall, to the east. Both the restaurant and basin wall are listed Grade 2.

### **Proposal Description**

Change of use of part of pub car park and installation of associated vehicle for office and storage of bicycles for bicycle hire business. The vehicle proposed for the bike hire business is a modern, single decker bus decorated with 'Plymouth Bike Hire' logos. The bus is coloured predominantly red and black.

### **Pre-Application Enquiry**

A pre-application enquiry was submitted for this scheme. While a formal response had not been made by the Planning Authority before the full application was submitted, the officer's informal view was that the scheme is acceptable in principle.

### **Relevant Planning History**

05/01709/ADV - Illuminated name signs and menu signs – consent granted.

05/01708/LBC - Illuminated name signs and menu signs – consent granted.

02/01234/LBC - Internal alterations to extend kitchen – consent granted.

### **Consultation Responses**

#### **Plymouth Waterfront Partnership**

Plymouth Waterfront Partnership (PWP) is keen to see existing businesses grow and new businesses created within the Waterfront area, in a bid to create new jobs and visitor sector growth. They comment that it's essential that a coherent approach is taken across the entire Waterfront and City Centre areas to ensure sustainability of businesses and enhanced visitor perceptions.

With the recent success of partnership working between PCC and PWP, winning £670,400 from the first round of the Coastal Communities Fund, the PWP is keen to see new cycle road networks and cycle hire facilities strategically designed to enable visitors to move more easily across the Waterfront and City Centre. With the development of the Commercial Wharf and Royal William Yard arches providing hubs for cycle hire facilities, the project will be encouraging private sector business owners to tender for the work.

In light of this, PWP would encourage the applicant to consider tendering for the arches to ensure a cohesive approach and strategically important business, supported by city-wide promotion.

Should PCC Planning Team grant approval for the Waterfront pub and restaurant site, then PWP would recommend that flexibility is ensured, enabling West Hoe Pier, site of Sir Francis Chichester's homecoming and recently receiving more than £700k

of PCC capital investment for repairs, and views of West Hoe Pier to be preserved, particularly during city sailing events.

## **Highway Authority**

The Highway Authority has no objection to the proposal. It considers that the location of the proposed hire vehicle within the existing car park would make at least one of the spaces more difficult to access but not to the detriment of highway safety, and there would be no reduction in the overall number of spaces within the car park.

The vehicle would be required to make a reversing manoeuvre to access the site, unless the car park is empty which might permit turning within the site. However, the Highway Authority considers this would be relatively infrequent and would be similar to other movements made by existing service vehicles and is therefore not considered to be problematic.

## **Public Protection Service**

No objections.

## **The Ministry of Defence's Defence Infrastructure Organisation**

The MOD has no safeguarding objections to this proposal.

## **Representations**

One letter has been received, which fully endorses the venture and states that the Hoe Conservation Society is also fully supportive of the scheme.

## **Analysis**

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.

2. The application turns on policies CS03 (historic environment), CS28 (transport considerations), CS30 (sport, recreation and children's play facilities) and CS34 (planning application considerations) of the Core Strategy, and the National Planning Policy Framework. The main issues are: the impact of the bike hire bus on the character and appearance of the Conservation Area; the setting of the listed Waterfront Restaurant and basin wall; and highway safety.

## **Impact on Conservation Area and listed buildings**

3 The vision for the Hoe, as set out Area Vision 4 in the adopted Core Strategy, identifies the area surrounding the site as one where the historic townscape should be preserved and where new development is sensitive to its historic setting. The over-arching vision is 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.

4 The Hoe Conservation Area Appraisal and Management Plan (HCAAMP) identifies the site as being within the Waterfront area – ‘the narrow stretch of rocky foreshore, containing a number of late 19th and 20th century bathing structures’. The Plan notes that there are views of the site from the south west. There are also longer views of the site from higher up on the Hoe. The waterfront area is identified as being in tourism/recreational use. The HCAAMP identifies the buildings in Grand Parade, to the west of the site, as making a positive contribution to the area.

5 With regard to the impact on the Conservation Area, the site is set below the main road level and whilst clearly visible from Grand Parade the bus does not stand out as a visually intrusive feature. By virtue of the change in levels and the existence of the Harbour Boundary Wall the bus would be visually separated from the harbour basin and would therefore provide a degree of separation from its waterfront setting.

6 There are longer views of the bus site, i.e. from the paths leading down from the Hoe Promenade but the size of the vehicle and its low level position relative to the street scene is such that its impact visually is considered by officers to be minimal in the context of the wide vista of the Hoe Conservation Area.

7 The basin wall is listed all the way up to the parapet wall that edges the car park. However, the degree of separation from the basin itself, which is at a lower level, is considered to reduce the impact of the bus on the setting of this listed structure. It is also considered that the bus is of a scale that does not visually dominate the basin or the Waterfront Restaurant, further down the slope from the car park.

8 While the bus’s appearance is clean and bright now, it could become tired looking especially in this maritime location. It is therefore considered appropriate to require by condition the ongoing maintenance of the bus to keep it looking up to standard.

9 The proposals are therefore considered by officers to be in accordance with policy CS03 of the Core Strategy.

### **Waterfront Partnership Considerations**

10 As highlighted by the PWP above, uses such as bike hire are important to the ongoing role of the Hoe area to leisure and tourism. While it is recognised that a strategic approach to the provision of such facilities is important, the planning system is constrained from measures that would result in a stifling of competition for such businesses.

### **Highway Considerations**

11 The proposals are not considered to result in frequent or dangerous manoeuvres on the highway and as such are considered to be acceptable from a highway safety point of view and are therefore in accordance with policy CS28.

12 The proposals are also in accordance with policy CS28 (6), which promotes cycling, including the development of a network of safe cycling routes.

**Other Considerations**

13 The proposed bike hire facility would encourage cycling as a form of recreation and would support the Waterfront area of the Hoe as a tourist resource. As such the proposals are considered to be in accordance with policies CS30 and Strategic Objective 8 of the Core Strategy.

**Section 106 Obligations**

None.

**Equalities & Diversities issues**

None.

**Conclusions**

The proposed bike hire bus is not considered to be harmful to the Hoe Conservation Area or the setting of the listed structures nearby and would support recreation and leisure uses that help to promote the tourism and recreational role of the Hoe area. On this basis it is recommended that permission be granted.

**Recommendation**

In respect of the application dated **07/02/2013** and the submitted drawings, 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, site plan, and side, rear and roof elevations.

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.

#### MAINTENANCE MANAGEMENT PLAN

(3) The applicant shall within one month of the date of this permission submit for approval a plan detailing the ongoing management and maintenance of the bike hire bus including a schedule for cleaning and upgrading the livery.

#### Reason:

To ensure that the appearance of the vehicle does not degrade to the detriment of the character and appearance of the Conservation Area and the setting of the listed buildings nearby, in accordance with policy CS03 of the Core Strategy of Plymouth's Local Development Framework 2007.

#### OPERATIONAL MANAGEMENT PLAN

(4) The applicant shall within one month of the date of this permission submit for approval a plan detailing any proposals to display bikes and other equipment outside the bike hire bus. The plan shall be strictly adhered to.

#### Reason:

To ensure that the operation of the bike hire business does not harm the character and appearance of the Conservation Area and the setting of the listed buildings nearby, in accordance with policy CS03 of the Core Strategy of Plymouth's Local Development Framework 2007.

#### EXTERNAL APPEARANCE OF BUS

(5) The external appearance of the bus hereby permitted including the decorations and logos shall not be altered without the prior consent in writing of the Local Planning Authority.

#### Reason:

To ensure that the appearance of the vehicle remains in keeping with the character and appearance of the Conservation Area and the setting of the listed buildings nearby, in accordance with policy CS03 of the Core Strategy of Plymouth's Local Development Framework 2007.

#### INFORMATIVE - SINGLE VEHICLE ONLY

(1) For the avoidance of doubt, the applicant is advised that this permission is for a single vehicle only as shown on the approved drawings.

#### INFORMATIVE - PROACTIVE WORKING

(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 [including pre-application discussions] and has imposed planning conditions 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 the Conservation Area and listed buildings 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
- CS03 - Historic Environment
- CS12 - Cultural / Leisure Development Considerations
- CS30 - Sport, Recreation and Children's Play Facilities
- AV4 - The Hoe
- SO8 - Delivering Cultural/Leisure Facilities
- HCAAMP - Hoe Conservation Area Appraisal Management Plan

This page is intentionally left blank



**PLANNING COMMITTEE**

---

Decisions issued for the following period: 22 March 2013 to 21 April 2013

---

**Note - This list includes:**

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

**Item No 1**

**Application Number:** 12/01257/OUT **Applicant:** Reliant Building Contractors Ltd

**Application Type:** Outline Application

**Description of Development:** Outline application with details of access (via Friary Retail Park) submitted to develop land by erection of 44 new dwellings (details of appearance, landscaping, layout and scale reserved for future consideration)

**Site Address** FORMER TOTHILL SIDINGS, SOUTH OF KNIGHTON ROAD PLYMOUTH

**Case Officer:** Robert Heard

**Decision Date:** 02/04/2013

**Decision:** Application Withdrawn

---

**Item No 2**

**Application Number:** 12/01611/FUL **Applicant:** Newphase Ltd

**Application Type:** Full Application

**Description of Development:** Continue use of site for car sales, vehicle repair and servicing

**Site Address** 12 NEWNHAM ROAD PLYMOUTH

**Case Officer:** Kate Saunders

**Decision Date:** 28/03/2013

**Decision:** Grant Conditionally

---

**Item No 3**

**Application Number:** 12/01724/FUL **Applicant:** WM Morrisons Supermarkets PL  
**Application Type:** Full Application  
**Description of Development:** Extension to food store 1,030sqm including decked car park and access works  
**Site Address** 282 OUTLAND ROAD PLYMOUTH  
**Case Officer:** Mark Evans  
**Decision Date:** 28/03/2013  
**Decision:** Grant Subject to S106 Obligation - Full

---

**Item No 4**

**Application Number:** 12/01844/FUL **Applicant:** Mr Nick Fitzpatrick  
**Application Type:** Full Application  
**Description of Development:** Change of use to 12 bedroomed house in multiple occupation for student accommodation  
**Site Address** 25 SUTHERLAND ROAD PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 22/03/2013  
**Decision:** Grant Conditionally

---

**Item No 5**

**Application Number:** 12/02014/FUL **Applicant:** Urban Splash  
**Application Type:** Full Application  
**Description of Development:** Change of use from exhibition/arts area to restaurant and café use (Use class A3)  
**Site Address** UNITS 3-5 BREWHOUSE,8 ROYAL WILLIAM YARD PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 12/04/2013  
**Decision:** Grant Subject to S106 Obligation - Full

---

**Item No 6**

**Application Number:** 12/02151/FUL **Applicant:** Mr Essy Kamaie  
**Application Type:** Full Application  
**Description of Development:** Change of use to wedding events venue, including 9 ensuite bedrooms as associated accommodation, dining facilities, management accommodation etc.  
**Site Address** CUSTOMS HOUSE, PARADE PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 28/03/2013  
**Decision:** Grant Conditionally

---

**Item No 7**

**Application Number:** 12/02159/FUL **Applicant:** South West Water Ltd  
**Application Type:** Full Application  
**Description of Development:** Erection of temporary pilot process plant  
**Site Address** CROWNHILL WATER TREATMENT WORKS, TAVISTOCK ROAD PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 02/04/2013  
**Decision:** Grant Conditionally

---

**Item No 8**

**Application Number:** 12/02183/FUL **Applicant:** Mrs Caroline Francis  
**Application Type:** Full Application  
**Description of Development:** Erection of indoor play area on part of existing playground and erection of raised single-storey administration building on part of existing car park with parking for 5 cars beneath  
**Site Address** PIXIELAND, 10 SPRINGFIELD DRIVE PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 27/03/2013  
**Decision:** Grant Conditionally

---

**Item No 9**

**Application Number:** 12/02223/REM **Applicant:** Mr S Coles  
**Application Type:** Reserved Matters  
**Description of Development:** Reserved matters including layout, scale, appearance, access and landscaping (and details of junction, parking/turning, bicycle storage and vehicle crossing/markings) (following grant of outline planning permission 11/01651/OUT for the erection of two detached dwellings)  
**Site Address** LAND TO REAR OF 7 TO 11 UNDERWOOD ROAD  
PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 25/03/2013  
**Decision:** Application Withdrawn

---

**Item No 10**

**Application Number:** 12/02256/FUL **Applicant:** Plymouth College of Art  
**Application Type:** Full Application  
**Description of Development:** New workshop building adjoining first phase workshop building  
**Site Address** PLYMOUTH COLLEGE OF ART, TAVISTOCK PLACE  
PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 15/04/2013  
**Decision:** Grant Conditionally

---

**Item No 11**

**Application Number:** 13/00039/ADV **Applicant:** Plymouth Accommodation Servi  
**Application Type:** Advertisement  
**Description of Development:** 1x non-illuminated free standing sign and 1x banner sign  
**Site Address** 89 NORTH HILL PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 25/03/2013  
**Decision:** Grant Conditionally

---

**Item No 12**

**Application Number:** 13/00053/FUL **Applicant:** Vital Homes  
**Application Type:** Full Application  
**Description of Development:** Development of site by erection of 4 terraced dwellinghouses with 4 off street parking spaces and new footpath  
**Site Address** FORMER BLUE MONKEY SITE, 538 CROWNHILL ROAD PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 10/04/2013  
**Decision:** Refuse

---

**Item No 13**

**Application Number:** 13/00098/FUL **Applicant:** Mr Terry Rose  
**Application Type:** Full Application  
**Description of Development:** First floor side extension and two storey front extension (revision and renewal of planning approval 09/01164/FUL)  
**Site Address** 40 BURNETT ROAD PLYMOUTH  
**Case Officer:** Liz Wells  
**Decision Date:** 22/03/2013  
**Decision:** Grant Conditionally

---

**Item No 14**

**Application Number:** 13/00101/FUL **Applicant:** Mr Joseph McParlin  
**Application Type:** Full Application  
**Description of Development:** Retrospective application for change of use from 6 bedroomed house in multiple occupation (HMO, Use Class C4) to 8 bedroomed house in multiple occupation  
**Site Address** 1 SEATON AVENUE PLYMOUTH  
**Case Officer:** Liz Wells  
**Decision Date:** 05/04/2013  
**Decision:** Grant Conditionally

---

**Item No 15**

**Application Number:** 13/00102/LBC **Applicant:** Mr Adrian Vinken  
**Application Type:** Listed Building  
**Description of Development:** Retrospective internal alterations to include, replace dining room floor, kitchen skirting boards, ceiling moulds and open up fireplace  
**Site Address** 7 ALFRED STREET PLYMOUTH  
**Case Officer:** Jess Maslen  
**Decision Date:** 28/03/2013  
**Decision:** Grant Conditionally

---

**Item No 16**

**Application Number:** 13/00119/FUL **Applicant:** Karlyon Care Ltd  
**Application Type:** Full Application  
**Description of Development:** Change of use and conversion of dwelling to House in Multiple Occupation to form supported living accommodation for adults with mental health issues  
**Site Address** 123 ALEXANDRA ROAD FORD PLYMOUTH  
**Case Officer:** Simon Osborne  
**Decision Date:** 22/03/2013  
**Decision:** Grant Conditionally

---

**Item No 17**

**Application Number:** 13/00131/FUL **Applicant:** Sainsbury's Supermarkets Ltd  
**Application Type:** Full Application  
**Description of Development:** Construction of single-storey grocery online pod on part of service yard and staff car park with covered walkway link to existing store and covered loading area (revision to application 12/01904/FUL)  
**Site Address** SAINSBURYS SUPERMARKETS LTD, PLYMOUTH ROAD PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 27/03/2013  
**Decision:** Grant Conditionally

---

**Item No 18**

**Application Number:** 13/00138/FUL **Applicant:** Mr Giles Blight  
**Application Type:** Full Application  
**Description of Development:** Building of a single storey extension to the east of the existing single storey extension at the rear of the property, partial demolition of the garage at north end of garden, creating a smaller garage  
**Site Address** 44 WHITEFORD ROAD PLYMOUTH  
**Case Officer:** Jess Maslen  
**Decision Date:** 22/03/2013  
**Decision:** Refuse

---

**Item No 19**

**Application Number:** 13/00139/CAC **Applicant:** Mr Giles Blight  
**Application Type:** Conservation Area  
**Description of Development:** Building of single storey extension to east of existing extension to rear of property, partial demolition of garage creating smaller garage  
**Site Address** 44 WHITEFORD ROAD PLYMOUTH  
**Case Officer:** Jess Maslen  
**Decision Date:** 22/03/2013  
**Decision:** Grant Conditionally

---

**Item No 20**

**Application Number:** 13/00145/ADV **Applicant:** Orchid Pubs and Dining Ltd  
**Application Type:** Advertisement  
**Description of Development:** 3no externally illuminated fascia/side/high level signs, 2no externally illuminated freestanding totem signs, 1no. Non-illuminated amenity board and 6no window vinyl adverts  
**Site Address** THE TAMAR,1 TO 7 MORSHEAD ROAD PLYMOUTH  
**Case Officer:** Liz Wells  
**Decision Date:** 11/04/2013  
**Decision:** Grant Conditionally

---



**Item No 21**

**Application Number:** 13/00150/FUL **Applicant:** Plymouth Community Homes  
**Application Type:** Full Application  
**Description of Development:** Installation of new railings to the front boundary wall  
**Site Address** 80A TO 80B DURNFORD STREET PLYMOUTH  
**Case Officer:** Jess Maslen  
**Decision Date:** 28/03/2013  
**Decision:** Grant Conditionally

---

**Item No 22**

**Application Number:** 13/00154/PRDE **Applicant:** ReSound (Health) Limited  
**Application Type:** LDC Proposed Develop  
**Description of Development:** Single storey extension and replacement windows with changes to elevations  
**Site Address** PLYMOUTH PRIMARY CARE TRUST, GLENBOURNE UNIT, MORLAIX ROAD PLYMOUTH  
**Case Officer:** Thomas Westrope  
**Decision Date:** 22/03/2013  
**Decision:** Issue Certificate - Lawful Use

---

**Item No 23**

**Application Number:** 13/00155/TPO **Applicant:** National Trust  
**Application Type:** Tree Preservation  
**Description of Development:** Tree management works  
**Site Address** SALTRAM HOUSE, MERAFIELD ROAD PLYMOUTH  
**Case Officer:** Chris Knapman  
**Decision Date:** 28/03/2013  
**Decision:** Grant Conditionally

---

**Item No 24**

**Application Number:** 13/00159/FUL **Applicant:** Mr & Mrs Berriman  
**Application Type:** Full Application  
**Description of Development:** Erection of pitched roof on existing detached rear garage  
**Site Address** 117 LARKHAM LANE PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 28/03/2013  
**Decision:** Refuse

---

**Item No 25**

**Application Number:** 13/00160/FUL **Applicant:** R&H Properties  
**Application Type:** Full Application  
**Description of Development:** Change of use of first and second floor to maisonette  
**Site Address** JOHN O'BRIEN AND CO, 71 MUTLEY PLAIN PLYMOUTH  
**Case Officer:** Liz Wells  
**Decision Date:** 26/03/2013  
**Decision:** Grant Conditionally

---

**Item No 26**

**Application Number:** 13/00163/ADV **Applicant:** Eastern Eye  
**Application Type:** Advertisement  
**Description of Development:** 1 non illuminated high level sign, 4 window vinyl signs and 3 externally illuminated walls signs at first floor level  
**Site Address** 57 NOTTE STREET PLYMOUTH  
**Case Officer:** Niamh Boyle  
**Decision Date:** 02/04/2013  
**Decision:** Application Withdrawn

---

**Item No 27**

**Application Number:** 13/00171/FUL **Applicant:** Margaret McMillan Nursery  
**Application Type:** Full Application  
**Description of Development:** Replacement of existing store with new single-storey building to provide storage and toilet facilities  
**Site Address** 24 HOE STREET PLYMOUTH  
**Case Officer:** David Wasserberg  
**Decision Date:** 04/04/2013  
**Decision:** Application Withdrawn

---

**Item No 28**

**Application Number:** 13/00173/FUL **Applicant:** Fr Sam Philpott  
**Application Type:** Full Application  
**Description of Development:** Garden room to rear (revision to application 11/01237/FUL)  
**Site Address** 21 PLAISTOW CRESCENT PLYMOUTH  
**Case Officer:** Liz Wells  
**Decision Date:** 26/03/2013  
**Decision:** Grant Conditionally

---

**Item No 29**

**Application Number:** 13/00178/FUL **Applicant:** Ms H Seal-Gorman  
**Application Type:** Full Application  
**Description of Development:** Single storey side extension and pitched roof to existing garage with associated conversion of garage to additional living accommodation  
**Site Address** 65 AYREVILLE ROAD PLYMOUTH  
**Case Officer:** Liz Wells  
**Decision Date:** 28/03/2013  
**Decision:** Grant Conditionally

---

**Item No 30**

**Application Number:** 13/00183/FUL **Applicant:** Mr Craig Hammond  
**Application Type:** Full Application  
**Description of Development:** Erection of Garden Office  
**Site Address** 3 LIPSON TERRACE PLYMOUTH  
**Case Officer:** Jess Maslen  
**Decision Date:** 18/04/2013  
**Decision:** Grant Conditionally

---

**Item No 31**

**Application Number:** 13/00188/FUL **Applicant:** Mr & Mrs Nigel Mace  
**Application Type:** Full Application  
**Description of Development:** Change of use of part of shop/dwelling to form a 2 bedroom flat  
**Site Address** 141 TO 143 DOWNFIELD DRIVE PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 28/03/2013  
**Decision:** Grant Conditionally

---

**Item No 32**

**Application Number:** 13/00190/FUL **Applicant:** Tinside Surf Lifesaving Club  
**Application Type:** Full Application  
**Description of Development:** Installation of door and windows to changing rooms  
**Site Address** CHANGING ROOMS, HOE ROAD PLYMOUTH  
**Case Officer:** Jess Maslen  
**Decision Date:** 18/04/2013  
**Decision:** Grant Conditionally

---

**Item No 33**

**Application Number:** 13/00195/FUL **Applicant:** Mr Jim Woodley  
**Application Type:** Full Application  
**Description of Development:** Rear extension and loft conversion with rear dormer in student house  
**Site Address** 71 NORTH ROAD EAST PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 03/04/2013  
**Decision:** Grant Conditionally

---

**Item No 34**

**Application Number:** 13/00198/FUL **Applicant:** Mr John Smith  
**Application Type:** Full Application  
**Description of Development:** Change of use from house in multiple occupation for 7 students to 5-non students  
**Site Address** 83 STUART ROAD PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 10/04/2013  
**Decision:** Grant Conditionally

---

**Item No 35**

**Application Number:** 13/00199/FUL **Applicant:** Mr Steven Ashton  
**Application Type:** Full Application  
**Description of Development:** Retrospective application for single storey garage and driveway. (Revision to application 12/00338/FUL)  
**Site Address** 8 LITTLE DOCK LANE PLYMOUTH  
**Case Officer:** Liz Wells  
**Decision Date:** 27/03/2013  
**Decision:** Grant Conditionally

---

**Item No 36**

**Application Number:** 13/00200/LBC **Applicant:** Network Rail  
**Application Type:** Listed Building  
**Description of Development:** Restoration works including removal of main girder ends and replacement of main end girder(Plymouth End)  
**Site Address** ROYAL ALBERT BRIDGE PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 08/04/2013  
**Decision:** Grant Conditionally

---

**Item No 37**

**Application Number:** 13/00213/FUL **Applicant:** Mr S Farrant and Ms S Rayment  
**Application Type:** Full Application  
**Description of Development:** Single storey rear extension and front porch  
**Site Address** 29 OWEN DRIVE PLYMOUTH  
**Case Officer:** Liz Wells  
**Decision Date:** 03/04/2013  
**Decision:** Grant Conditionally

---

**Item No 38**

**Application Number:** 13/00215/FUL **Applicant:** D & B Properties  
**Application Type:** Full Application  
**Description of Development:** Develop side garden by erection of a dwelling attached to side of existing semi-detached house, with variation of conditions 6 & 7 of planning permission 08/01257/FUL to allow substitution of approved drawings: the revised proposals relating to amended car parking arrangements, new boundary fence to the side, and an amended single hardstanding for No. 48 Camborne Close with repositioned entrance steps and front garden levels  
**Site Address** 48 CAMBORNE CLOSE PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 05/04/2013  
**Decision:** Grant Conditionally

---

**Item No 39**

**Application Number:** 13/00223/LBC **Applicant:** The Unitarian Chapel Trust  
**Application Type:** Listed Building  
**Description of Development:** Internal alterations including new heating system, floor tiles, sliding doors and stage steps  
**Site Address** THE PLYMOUTH UNITARIAN CHAPEL, NOTTE STREET PLYMOUTH  
**Case Officer:** Jess Maslen  
**Decision Date:** 02/04/2013  
**Decision:** Grant Conditionally

---

**Item No 40**

**Application Number:** 13/00226/FUL **Applicant:** Mrs Esther Bartlett  
**Application Type:** Full Application  
**Description of Development:** Change of use from general office A2 to A3 café  
**Site Address** 107 ARMADA WAY PLYMOUTH  
**Case Officer:** Rebecca Exell  
**Decision Date:** 28/03/2013  
**Decision:** Grant Conditionally

---

**Item No 41**

**Application Number:** 13/00227/FUL **Applicant:** Mr Mike Godber  
**Application Type:** Full Application  
**Description of Development:** Change of use from single dwelling house (use class C3) to 5 bed house in multiple occupancy (use class C4)  
**Site Address** 8 CLIFTON STREET PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 19/04/2013  
**Decision:** Refuse

---

**Item No 42**

**Application Number:** 13/00228/FUL **Applicant:** Mr E Kamaia  
**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 to internal layout, provision of French doors and Juliet balconies to south and east elevations, and confirmation of opaque non-openable window in north elevation  
**Site Address** SITE ADJACENT TO FREEDOM HOUSE,45 GREENBANK TERRACE PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 09/04/2013  
**Decision:** Refuse

---



**Item No 43**

**Application Number:** 13/00234/FUL **Applicant:** Mr S Bishop  
**Application Type:** Full Application  
**Description of Development:** Alterations to public house to provide function room including single-storey extension to west elevation  
**Site Address** PORTERS PUBLIC HOUSE, 21 LOOE STREET PLYMOUTH  
**Case Officer:** Simon Osborne  
**Decision Date:** 09/04/2013  
**Decision:** Grant Conditionally

---

**Item No 44**

**Application Number:** 13/00235/FUL **Applicant:** Mr & Mrs Andrew Manuel  
**Application Type:** Full Application  
**Description of Development:** Installation of 12 solar panels in the curtilage of a listed building  
**Site Address** 3 BOWDEN FARM, CHURCH HILL PLYMOUTH  
**Case Officer:** Jess Maslen  
**Decision Date:** 02/04/2013  
**Decision:** Refuse

---

**Item No 45**

**Application Number:** 13/00236/LBC **Applicant:** Mr and Mrs Manuel  
**Application Type:** Listed Building  
**Description of Development:** Installation of 12 solar panels in the curtilage of a listed building  
**Site Address** 3 BOWDEN FARM, CHURCH HILL PLYMOUTH  
**Case Officer:** Jess Maslen  
**Decision Date:** 02/04/2013  
**Decision:** Refuse

---

**Item No 46**

**Application Number:** 13/00244/PRDE **Applicant:** Mr M Wannell  
**Application Type:** LDC Proposed Develop  
**Description of Development:** Replace existing timber rear tenement windows with uPVC in single dwellinghouse  
**Site Address** 14 THORN PARK PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 10/04/2013  
**Decision:** Issue Certificate - Lawful Use

---

**Item No 47**

**Application Number:** 13/00245/FUL **Applicant:** Mr D Aslett  
**Application Type:** Full Application  
**Description of Development:** New garage to front of house  
**Site Address** 63 TRELAWNY ROAD PLYMPTON PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 26/03/2013  
**Decision:** Grant Conditionally

---

**Item No 48**

**Application Number:** 13/00247/FUL **Applicant:** Mr A Nutbean  
**Application Type:** Full Application  
**Description of Development:** Removal of timber cabin (used as a dwelling) and erection of two-storey dwellinghouse with detached double garage (revision to approved scheme 12/01468/FUL)  
**Site Address** 29 COLTNESS ROAD PLYMOUTH  
**Case Officer:** Simon Osborne  
**Decision Date:** 09/04/2013  
**Decision:** Grant Conditionally

---

**Item No 49**

**Application Number:** 13/00248/FUL **Applicant:** Mr G Clarke  
**Application Type:** Full Application  
**Description of Development:** Single storey rear extension and parking bay in front garden  
**Site Address** 12 LAIRA PARK CRESCENT PLYMOUTH  
**Case Officer:** Liz Wells  
**Decision Date:** 08/04/2013  
**Decision:** Grant Conditionally

---

**Item No 50**

**Application Number:** 13/00252/FUL **Applicant:** Mrs Judith Sheehy  
**Application Type:** Full Application  
**Description of Development:** Formation of a roof terrace to existing tenement  
**Site Address** 11 SUTHERLAND ROAD PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 22/03/2013  
**Decision:** Grant Conditionally

---

**Item No 51**

**Application Number:** 13/00253/FUL **Applicant:** Plymouth Community Homes  
**Application Type:** Full Application  
**Description of Development:** Installation of railings (1m High) to residential boundaries  
**Site Address** STONEHALL FLATS PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 11/04/2013  
**Decision:** Grant Conditionally

---

**Item No 52**

**Application Number:** 13/00255/TPO **Applicant:** Mr David Hinn  
**Application Type:** Tree Preservation  
**Description of Development:** 2 Willows - Reduce Branches overhanging garden back to boundary fence  
**Site Address** 58 DUNRAVEN DRIVE PLYMOUTH  
**Case Officer:** Chris Knapman  
**Decision Date:** 28/03/2013  
**Decision:** Grant Conditionally

---

**Item No 53**

**Application Number:** 13/00261/PRDE **Applicant:** Mr Justin Andrews  
**Application Type:** LDC Proposed Develop  
**Description of Development:** Alterations to roofspace to create bedrooms with construction of flat roof dormer and installation of velux windows  
**Site Address** 57 MERAFIELD ROAD PLYMOUTH  
**Case Officer:** Rebecca Exell  
**Decision Date:** 22/03/2013  
**Decision:** Issue Certificate - Lawful Use

---

**Item No 54**

**Application Number:** 13/00266/FUL **Applicant:** Mrs Vicky Joce  
**Application Type:** Full Application  
**Description of Development:** Two storey side extension and front porch (removal of existing garage)  
**Site Address** 16 WEIR CLOSE PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 03/04/2013  
**Decision:** Grant Conditionally

---

**Item No 55**

**Application Number:** 13/00270/FUL **Applicant:** Mr Duncan James  
**Application Type:** Full Application  
**Description of Development:** Single storey front porch  
**Site Address** 22 HOLTWOOD ROAD PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 03/04/2013  
**Decision:** Grant Conditionally

---

**Item No 56**

**Application Number:** 13/00273/FUL **Applicant:** Mr & Mrs P Sheather  
**Application Type:** Full Application  
**Description of Development:** Increase pitch height to rear extension and installation of velux windows  
**Site Address** 26 BURLEIGH PARK ROAD PLYMOUTH  
**Case Officer:** Rebecca Exell  
**Decision Date:** 22/03/2013  
**Decision:** Grant Conditionally

---

**Item No 57**

**Application Number:** 13/00274/TPO **Applicant:** Miss J Daniel  
**Application Type:** Tree Preservation  
**Description of Development:** Sycamore - repollard back to previous pruning points  
**Site Address** 2 DUCANE WALK PLYMOUTH  
**Case Officer:** Chris Knapman  
**Decision Date:** 28/03/2013  
**Decision:** Grant Conditionally

---

**Item No 58**

**Application Number:** 13/00275/TPO **Applicant:** Mr John Burgess  
**Application Type:** Tree Preservation  
**Description of Development:** Sycamore - Reduce to previous pruning points  
**Site Address** 26 BURLEIGH MANOR PLYMOUTH  
**Case Officer:** Chris Knapman  
**Decision Date:** 12/04/2013  
**Decision:** Grant Conditionally

---

**Item No 59**

**Application Number:** 13/00276/FUL **Applicant:** Mr Dean Stanbury  
**Application Type:** Full Application  
**Description of Development:** Change of use from Family dwelling to student let for up to 4 students  
**Site Address** 8 SEYMOUR AVENUE PLYMOUTH  
**Case Officer:** Rebecca Exell  
**Decision Date:** 03/04/2013  
**Decision:** Grant Conditionally

---

**Item No 60**

**Application Number:** 13/00277/TCO **Applicant:** FIRI Group  
**Application Type:** Trees in Cons Area  
**Description of Development:** Tulip Tree - Raise Lower Branches  
**Site Address** LAND BESIDE 17 CONSTANCE PLACE PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 26/03/2013  
**Decision:** Grant Conditionally

---

**Item No 61**

**Application Number:** 13/00278/TPO **Applicant:** Mr Chris Grindrod  
**Application Type:** Tree Preservation  
**Description of Development:** 2 Cupressus Macrocarpa - Crown Clean & remove deadwood  
2 Pinus radiata - Remove  
**Site Address** 465 TAVISTOCK ROAD PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 15/04/2013  
**Decision:** Grant Conditionally

---

**Item No 62**

**Application Number:** 13/00279/FUL **Applicant:** Wheels Entertainment Ltd  
**Application Type:** Full Application  
**Description of Development:** Retention of 53 metre high observation wheel, associated buildings and catering unit until 28th February 2014  
**Site Address** HOE PARK ARMADA WAY PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 09/04/2013  
**Decision:** Grant Conditionally

---

**Item No 63**

**Application Number:** 13/00280/FUL **Applicant:** Mrs Hilary Kolinsky  
**Application Type:** Full Application  
**Description of Development:** Replacement dormer windows to the South elevation  
**Site Address** FLAT 4, 7 THE ESPLANADE PLYMOUTH  
**Case Officer:** Jess Maslen  
**Decision Date:** 02/04/2013  
**Decision:** Grant Conditionally

---

**Item No 64**

**Application Number:** 13/00281/LBC **Applicant:** Mrs Hilary Kolinsky  
**Application Type:** Listed Building  
**Description of Development:** Replacement Dormer Windows to the South Elevation  
**Site Address** FLAT 4, 7 THE ESPLANADE PLYMOUTH  
**Case Officer:** Jess Maslen  
**Decision Date:** 02/04/2013  
**Decision:** Grant Conditionally

---

**Item No 65**

**Application Number:** 13/00285/EXUS **Applicant:** Mrs Joyce Fisher  
**Application Type:** LDC Existing Use  
**Description of Development:** Use as two non self-contained flats  
**Site Address** 1 HILLSIDE AVENUE PLYMOUTH  
**Case Officer:** Jody Leigh  
**Decision Date:** 10/04/2013  
**Decision:** Issue Certificate - Lawful Use

---



**Item No 66**

**Application Number:** 13/00286/TPO **Applicant:** Mr Peter Kent  
**Application Type:** Tree Preservation  
**Description of Development:** Beech - Reduce Crown by 5M  
**Site Address** 75 GLENHOLT ROAD PLYMOUTH  
**Case Officer:** Chris Knapman  
**Decision Date:** 12/04/2013  
**Decision:** Grant Conditionally

---

**Item No 67**

**Application Number:** 13/00288/FUL **Applicant:** Mr Stuart Sadler  
**Application Type:** Full Application  
**Description of Development:** First Floor extension to rear of property with flat roof  
**Site Address** 107 PRIORY ROAD PLYMOUTH  
**Case Officer:** Rebecca Exell  
**Decision Date:** 02/04/2013  
**Decision:** Grant Conditionally

---

**Item No 68**

**Application Number:** 13/00290/FUL **Applicant:** Mr Steven Caine  
**Application Type:** Full Application  
**Description of Development:** First floor extension to provide additional bedroom and replacement of conservatory with sun room  
**Site Address** 100 ST MARGARETS ROAD PLYMOUTH  
**Case Officer:** Rebecca Exell  
**Decision Date:** 28/03/2013  
**Decision:** Grant Conditionally

---

**Item No 69**

**Application Number:** 13/00296/ADV **Applicant:** Lloyd's Banking Group  
**Application Type:** Advertisement  
**Description of Development:** 1 x internally illuminated 'lite shard' fascia sign, 2 x internally illuminated projecting signs, 1 x non-illuminated address sign, 1 x vinyl opening hours sign  
**Site Address** LLOYDS TSB BANK PLC 33 RIDGEWAY PLYMPTON PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 18/04/2013  
**Decision:** Grant Conditionally

---

**Item No 70**

**Application Number:** 13/00297/FUL **Applicant:** Mr Martin Lambourne  
**Application Type:** Full Application  
**Description of Development:** Rear conservatory  
**Site Address** 6 HILL TOP CREST PLYMOUTH  
**Case Officer:** Liz Wells  
**Decision Date:** 10/04/2013  
**Decision:** Grant Conditionally

---

**Item No 71**

**Application Number:** 13/00298/FUL **Applicant:** Ms Ann Roberts  
**Application Type:** Full Application  
**Description of Development:** Erection of garage to rear boundary of property  
**Site Address** 11 HOLYROOD PLACE PLYMOUTH  
**Case Officer:** Jess Maslen  
**Decision Date:** 12/04/2013  
**Decision:** Grant Conditionally

---

**Item No 72**

**Application Number:** 13/00299/LBC **Applicant:** Ms Ann Roberts  
**Application Type:** Listed Building  
**Description of Development:** Erection of garage to rear boundary of property  
**Site Address** 11 HOLYROOD PLACE PLYMOUTH  
**Case Officer:** Jess Maslen  
**Decision Date:** 12/04/2013  
**Decision:** Grant Conditionally

---

**Item No 73**

**Application Number:** 13/00300/FUL **Applicant:** Mr & Mrs Morriss  
**Application Type:** Full Application  
**Description of Development:** Single storey rear extension  
**Site Address** 45 ROWLAND CLOSE PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 27/03/2013  
**Decision:** Grant Conditionally

---

**Item No 74**

**Application Number:** 13/00305/FUL **Applicant:** Mrs Sellick  
**Application Type:** Full Application  
**Description of Development:** Installation of wheelchair lift to front of property and new front steps and balustrading  
**Site Address** 35 SITHNEY STREET PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 27/03/2013  
**Decision:** Grant Conditionally

---

**Item No 75**

**Application Number:** 13/00306/FUL **Applicant:** Rocksalt  
**Application Type:** Full Application  
**Description of Development:** Change of use of first and second floor from dwelling to ancillary area connected to the restaurant. Alterations and extension at first floor to provide additional space  
**Site Address** ROCKSALT, 31 STONEHOUSE STREET PLYMOUTH  
**Case Officer:** Rebecca Exell  
**Decision Date:** 12/04/2013  
**Decision:** Grant Conditionally

---

**Item No 76**

**Application Number:** 13/00318/24 **Applicant:** The Harlequin Group  
**Application Type:** GPDO PT24  
**Description of Development:** Openreach broadband cabinet  
**Site Address** LOOE STREET, S-O 14C HOW STREET PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 28/03/2013  
**Decision:** Prior approval not req PT24

---

**Item No 77**

**Application Number:** 13/00322/FUL **Applicant:** Mr A Heron  
**Application Type:** Full Application  
**Description of Development:** Erection of a conservatory to front of property  
**Site Address** 17 RESERVOIR WAY ELBURTON PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 12/04/2013  
**Decision:** Grant Conditionally

---

**Item No 78**

**Application Number:** 13/00323/TPO **Applicant:** Mr Denis Hamer  
**Application Type:** Tree Preservation  
**Description of Development:** Row of sycamores previously topped - Reduce regrowth by 50%  
Sycamore - 1 stem remove due to damage to wall  
**Site Address** 18 WIDEWELL ROAD PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 15/04/2013  
**Decision:** Grant Conditionally

---

**Item No 79**

**Application Number:** 13/00324/TCO **Applicant:** Mr John McGee  
**Application Type:** Trees in Cons Area  
**Description of Development:** Magnolia - reduce to 7m (height) and 4m spread  
Apple tree - thin crown by 30%  
**Site Address** 37 VALLETORT ROAD PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 03/04/2013  
**Decision:** Grant Conditionally

---

**Item No 80**

**Application Number:** 13/00326/FUL **Applicant:** Mr Michael Thrasher  
**Application Type:** Full Application  
**Description of Development:** Redevelop existing rear tenement to create steeper roof pitch  
and addition of raised rear patio  
**Site Address** 29 RUSSELL AVENUE PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 12/04/2013  
**Decision:** Grant Conditionally

---

**Item No 81**

**Application Number:** 13/00329/FUL **Applicant:** Co-operative Group Ltd  
**Application Type:** Full Application  
**Description of Development:** Installation of refrigeration plant in rear yard  
**Site Address** 54 MUTLEY PLAIN PLYMOUTH  
**Case Officer:** Kate Saunders  
**Decision Date:** 04/04/2013  
**Decision:** Grant Conditionally

---

**Item No 82**

**Application Number:** 13/00330/FUL **Applicant:** Mrs Violet Court  
**Application Type:** Full Application  
**Description of Development:** Erection of single storey extension to front of property for registered disabled person  
**Site Address** 46 HURRABROOK GARDENS PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 05/04/2013  
**Decision:** Grant Conditionally

---

**Item No 83**

**Application Number:** 13/00342/FUL **Applicant:**  
**Application Type:** Full Application  
**Description of Development:** Proposal to alter the porch to accommodate disabled lift with new access path and steps  
**Site Address** 17 TREVENEAGUE GARDENS PLYMOUTH  
**Case Officer:** Rebecca Exell  
**Decision Date:** 03/04/2013  
**Decision:** Grant Conditionally

---

**Item No 84**

**Application Number:** 13/00348/TCO **Applicant:** Mr & Mrs Stockman  
**Application Type:** Trees in Cons Area  
**Description of Development:** Hom oak - reduce by 2.5m  
**Site Address** TREBAR, ROCK HILL PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 02/04/2013  
**Decision:** Grant Conditionally

---

**Item No 85**

**Application Number:** 13/00354/FUL **Applicant:** Rockfish  
**Application Type:** Full Application  
**Description of Development:** Proposed changes to elevations and external seating area  
**Site Address** THE DESIGN STUDIO, 3 ROPE WALK PLYMOUTH  
**Case Officer:** Rebecca Exell  
**Decision Date:** 11/04/2013  
**Decision:** Grant Conditionally

---

**Item No 86**

**Application Number:** 13/00355/ADV **Applicant:** Rockfish  
**Application Type:** Advertisement  
**Description of Development:** Installation of 4 internally illuminated signs  
**Site Address** THE DESIGN STUDIO, 3 ROPE WALK PLYMOUTH  
**Case Officer:** Rebecca Exell  
**Decision Date:** 08/04/2013  
**Decision:** Grant Conditionally

---

**Item No 87**

**Application Number:** 13/00357/ADV **Applicant:** AXAInsurance UK PLC & AXA P  
**Application Type:** Advertisement  
**Description of Development:** Replacement of existing plastic fascia with panels increasing from 4 to 8  
**Site Address** WICKES, FRIARY PARK, EXETER STREET PLYMOUTH  
**Case Officer:** Rebecca Exell  
**Decision Date:** 03/04/2013  
**Decision:** Grant Conditionally

---

**Item No 88**

**Application Number:** 13/00358/TPO **Applicant:** Mr G Fillery  
**Application Type:** Tree Preservation  
**Description of Development:** Oak - Remove branch over house  
**Site Address** 1 ENNERDALE GARDENS DERRIFORD PLYMOUTH  
**Case Officer:** Chris Knapman  
**Decision Date:** 18/04/2013  
**Decision:** Application Withdrawn

---

**Item No 89**

**Application Number:** 13/00364/TCO **Applicant:** Mr R Hall  
**Application Type:** Trees in Cons Area  
**Description of Development:** Turkey oak - Reduce by 4 metres  
**Site Address** 14 HARWOOD AVENUE PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 03/04/2013  
**Decision:** Refuse

---

**Item No 90**

**Application Number:** 13/00371/FUL **Applicant:** Mr Terry Dingle  
**Application Type:** Full Application  
**Description of Development:** Side extension at first floor level above existing garage  
**Site Address** 6 LLANTILLIO DRIVE PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 03/04/2013  
**Decision:** Grant Conditionally

---

**Item No 91**

**Application Number:** 13/00372/FUL **Applicant:** Mr M Southcott  
**Application Type:** Full Application  
**Description of Development:** Removal of existing side extension and construction of new single storey side extension  
**Site Address** 8 ST BRIDGET AVENUE PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 03/04/2013  
**Decision:** Grant Conditionally

---



**Item No 92**

**Application Number:** 13/00373/FUL **Applicant:** Mr and Mrs Harlow  
**Application Type:** Full Application  
**Description of Development:** Change of use of self contained granny annexe to dwelling  
**Site Address** 14 ALDEN WALK PLYMOUTH  
**Case Officer:** Rebecca Exell  
**Decision Date:** 08/04/2013  
**Decision:** Grant Conditionally

---

**Item No 93**

**Application Number:** 13/00375/FUL **Applicant:** Mount Wise (Devon) Limited  
**Application Type:** Full Application  
**Description of Development:** Variation of condition 1 (time limit) of ref 09/00777/FUL (20 four bed houses with associated landscaping and 148 parking spaces - 8 suitable for disabled people), granted subject to conditions 20th April 2009  
**Site Address** FORMER MOD SITE, MOUNT WISE DEVONPORT PLYMOUTH  
**Case Officer:** Jeremy Guise  
**Decision Date:** 12/04/2013  
**Decision:** Application Withdrawn

---

**Item No 94**

**Application Number:** 13/00381/ADV **Applicant:** Sutton Harbour Holdings Plc  
**Application Type:** Advertisement  
**Description of Development:** Non illuminated advertisement hoardings  
**Site Address** EAST QUAYS, SUTTON HARBOUR PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 05/04/2013  
**Decision:** Grant Conditionally

---

**Item No 95**

**Application Number:** 13/00383/FUL **Applicant:** Mrs Jane Montgomery  
**Application Type:** Full Application  
**Description of Development:** Replace existing rear conservatory with single storey rear extension  
**Site Address** 7 CAYLEY WAY PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 12/04/2013  
**Decision:** Grant Conditionally

---

**Item No 96**

**Application Number:** 13/00396/FUL **Applicant:** BT Payphones  
**Application Type:** Full Application  
**Description of Development:** Replacement of existing public telephone kiosk with kiosk combining of public telephone service and ATM service  
**Site Address** 6 UNION STREET PLYMOUTH  
**Case Officer:** Rebecca Exell  
**Decision Date:** 19/04/2013  
**Decision:** Grant Conditionally

---

**Item No 97**

**Application Number:** 13/00397/ADV **Applicant:**  
**Application Type:** Advertisement  
**Description of Development:** 1x internally illuminated 'Lite -Shard' fascia sign; 1x internally illuminated ATM surround; 2x non-illuminated vinyl signs  
**Site Address** 339 SOUTHWAY DRIVE PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 10/04/2013  
**Decision:** Grant Conditionally

---

**Item No 98**

**Application Number:** 13/00398/ADV **Applicant:** Foot Anstey Solicitors  
**Application Type:** Advertisement  
**Description of Development:** 1x non-illuminated fascia sign on west elevation, above existing 'Regus' sign  
**Site Address** FOOT ANSTEY SOLICITORS, SALT QUAY HOUSE, 4 NORTH EAST QUAY PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 12/04/2013  
**Decision:** Grant Conditionally

---

**Item No 99**

**Application Number:** 13/00400/FUL **Applicant:**  
**Application Type:** Full Application  
**Description of Development:** Enlargement of dwellinghouse to provide additional floor at second floor level (Resubmission of 12/02238/FUL)  
**Site Address** 900 WOLSELEY ROAD PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 18/04/2013  
**Decision:** Grant Conditionally

---

**Item No 100**

**Application Number:** 13/00402/PRDE **Applicant:** Mr and Mrs P Mackeen  
**Application Type:** LDC Proposed Develop  
**Description of Development:** Single storey rear extension  
**Site Address** 10 BECKFORD CLOSE PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 16/04/2013  
**Decision:** Issue Certificate - Lawful Use

---

**Item No 101**

**Application Number:** 13/00403/TCO **Applicant:** Mr Keith Rimmer  
**Application Type:** Trees in Cons Area  
**Description of Development:** Ginkgo - Reduce by 3-4m  
**Site Address** 44 DURNFORD STREET PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 15/04/2013  
**Decision:** Grant Conditionally

---

**Item No 102**

**Application Number:** 13/00406/ADV **Applicant:** Toni & Guy  
**Application Type:** Advertisement  
**Description of Development:** Installation of one non-illuminated fascia sign and one internally illuminated projecting sign  
**Site Address** 14 CORNWALL STREET CITY CENTRE PLYMOUTH  
**Case Officer:** Kate Saunders  
**Decision Date:** 19/04/2013  
**Decision:** Grant Conditionally

---

**Item No 103**

**Application Number:** 13/00408/FUL **Applicant:** Toni & Guy  
**Application Type:** Full Application  
**Description of Development:** New shopfront  
**Site Address** 14 CORNWALL STREET CITY CENTRE PLYMOUTH  
**Case Officer:** Kate Saunders  
**Decision Date:** 19/04/2013  
**Decision:** Grant Conditionally

---

**Item No 104**

**Application Number:** 13/00409/FUL **Applicant:** Mr D Axford & Mr P Williams  
**Application Type:** Full Application  
**Description of Development:** 2 x two storey rear extensions  
**Site Address** 141 & 143 HAWKINGE GARDENS PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 15/04/2013  
**Decision:** Grant Conditionally

---

**Item No 105**

**Application Number:** 13/00412/FUL **Applicant:** Mr Arthur Cragg  
**Application Type:** Full Application  
**Description of Development:** Erection of detached garage  
**Site Address** 66 GLENFIELD ROAD PLYMOUTH  
**Case Officer:** Rebecca Exell  
**Decision Date:** 10/04/2013  
**Decision:** Grant Conditionally

---

**Item No 106**

**Application Number:** 13/00413/TCO **Applicant:** Mr Tim Marler  
**Application Type:** Trees in Cons Area  
**Description of Development:** 8 Sycamores - coppice  
**Site Address** 28 WYNDHAM SQUARE PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 15/04/2013  
**Decision:** Grant Conditionally

---

**Item No 107**

**Application Number:** 13/00419/TCO **Applicant:** Lea Sugden  
**Application Type:** Trees in Cons Area  
**Description of Development:** Holm oak - remove  
**Site Address** 8A GASCOYNE PLACE PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 15/04/2013  
**Decision:** Grant Conditionally

---

**Item No 108**

**Application Number:** 13/00431/FUL **Applicant:** Mrs Gert Landers  
**Application Type:** Full Application  
**Description of Development:** Construction of conservatory to side of property  
**Site Address** 12 LANG GROVE PLYMOUTH  
**Case Officer:** Rebecca Exell  
**Decision Date:** 16/04/2013  
**Decision:** Refuse

---

**Item No 109**

**Application Number:** 13/00432/FUL **Applicant:** Mr Chris Newton  
**Application Type:** Full Application  
**Description of Development:** Outbuilding in rear garden  
**Site Address** 103 HOOE ROAD PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 19/04/2013  
**Decision:** Grant Conditionally

---

**Item No 110**

**Application Number:** 13/00434/CAC **Applicant:**  
**Application Type:** Conservation Area  
**Description of Development:** REPLACEMENT OF WINDOWS AND PATIO DOORS  
**Site Address** 7 FREEMANS WHARF PLYMOUTH  
**Case Officer:**  
**Decision Date:** 26/03/2013  
**Decision:** CAC Not Required

---

**Item No 111**

**Application Number:** 13/00439/FUL **Applicant:** Mr James McLellan  
**Application Type:** Full Application  
**Description of Development:** Erection of a lean to conservatory to rear of property  
**Site Address** 3 FORTESCUE PLACE PLYMOUTH  
**Case Officer:** Rebecca Exell  
**Decision Date:** 10/04/2013  
**Decision:** Grant Conditionally

---

**Item No 112**

**Application Number:** 13/00441/PRDE **Applicant:** Mr & Mrs Ernest Nile  
**Application Type:** LDC Proposed Develop  
**Description of Development:** Erection of single storey extension to rear of boundary  
**Site Address** 45 SLATELANDS CLOSE PLYMOUTH  
**Case Officer:** Rebecca Exell  
**Decision Date:** 10/04/2013  
**Decision:** Issue Certificate - Lawful Use

---

**Item No 113**

**Application Number:** 13/00476/TCO **Applicant:** Mr O'Connor  
**Application Type:** Trees in Cons Area  
**Description of Development:** Holm Oak - Raise crown by 2-3m  
Holm Oak - raise crown by 1.5 and reduce branch over road by 2m  
3 Lime - re-pollard  
**Site Address** SPRINGDALE COTTAGE, OSBORNE ROAD PLYMOUTH  
**Case Officer:** Chris Knapman  
**Decision Date:** 18/04/2013  
**Decision:** Grant Conditionally

---

**Item No 114**

**Application Number:** 13/00497/FUL **Applicant:** Mrs Caroline Francis  
**Application Type:** Full Application  
**Description of Development:** Erection of indoor swimming pool to rear of property, new entrance porch to front of property and granny annex on the west wing  
**Site Address** 12 WOOD PARK PLYMOUTH  
**Case Officer:** Rebecca Exell  
**Decision Date:** 18/04/2013  
**Decision:** Application Withdrawn

---

**Item No 115**

**Application Number:** 13/00508/TCO **Applicant:** Mr Gavin Tank  
**Application Type:** Trees in Cons Area  
**Description of Development:** 1 Sycamore - remove  
**Site Address** NETHERTON COTTAGE, THE ELMS PLYMOUTH  
**Case Officer:** Chris Knapman  
**Decision Date:** 19/04/2013  
**Decision:** Application Withdrawn

---

**Item No 116**

**Application Number:** 13/00524/FUL **Applicant:** Mrs Janet James  
**Application Type:** Full Application  
**Description of Development:**  
**Site Address** WEST HOE PARK, HOE ROAD PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 09/04/2013  
**Decision:** Application Withdrawn

---

**Item No 117**

**Application Number:** 13/00538/FUL **Applicant:** Mr Frank Philpott  
**Application Type:** Full Application  
**Description of Development:** Proposed rear tenement loft conversion and enlargement of existing dormer to the main dwelling  
**Site Address** 5 GARFIELD TERRACE PLYMOUTH  
**Case Officer:** Rebecca Exell  
**Decision Date:** 16/04/2013  
**Decision:** Application Withdrawn

---

**Item No 118**

**Application Number:** 13/00540/CAC **Applicant:** Mr Frank Philpott  
**Application Type:** Conservation Area  
**Description of Development:** LOFT CONVERSION AND ENLARGEMENT OF EXISTING REAR DORMER  
**Site Address** 5 GARFIELD TERRACE PLYMOUTH  
**Case Officer:**  
**Decision Date:** 26/03/2013  
**Decision:** CAC Not Required

---

**Item No 119**

**Application Number:** 13/00547/FUL **Applicant:** Mr and Mrs JJ Nicholson  
**Application Type:** Full Application  
**Description of Development:** Replace first floor window with french door and glazed guarding  
**Site Address** 71 LAMBHAY HILL PLYMOUTH  
**Case Officer:** Jess Maslen  
**Decision Date:** 27/03/2013  
**Decision:** Planning Permission not required

---



**Item No 120**

**Application Number:** 13/00548/CAC **Applicant:** Mr and Mrs JJ Nicholson  
**Application Type:** Conservation Area  
**Description of Development:** REPLACEMENT OF WINDOWS WITH FRENCH DOORS  
**Site Address** 71 LAMBHAY HILL PLYMOUTH  
**Case Officer:**  
**Decision Date:** 27/03/2013  
**Decision:** CAC Not Required

---

**Item No 121**

**Application Number:** 13/00610/LBC **Applicant:**  
**Application Type:** Listed Building  
**Description of Development:** REDECORATION TO EXTERNAL WALLS, WINDOWS AND GUTTERING  
**Site Address** 36 LOOE STREET PLYMOUTH  
**Case Officer:**  
**Decision Date:** 11/04/2013  
**Decision:** LBC not required

---

**Item No 122**

**Application Number:** 13/00682/CAC **Applicant:** Miss S Jennett  
**Application Type:** Conservation Area  
**Description of Development:** FORMATION OF WC AT FRONT OF DWELLING  
**Site Address** 23 FORE STREET PLYMPTON PLYMOUTH  
**Case Officer:**  
**Decision Date:** 17/04/2013  
**Decision:** CAC Not Required

---

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

Application Number **12/00716/FUL**  
Appeal Site **1 WESTCOMBE CRESCENT HOOE PLYMOUTH**  
Appeal Proposal Change of use, conversion, and alterations to dwelling to form two dwellings  
Case Officer Simon Osborne

Appeal Category  
Appeal Type Written Representations  
Appeal Decision Dismissed  
Appeal Decision Date 17/04/2013  
Conditions  
Award of Costs Awarded To

Appeal Synopsis

The inspector agreed with the Council's refusal reasons that the proposal would be out of character and provide inadequate amenity space contrary to CS34 and CS19 respectively, and guidance in Supplementary Planning Document ' Development

Application Number **12/01877/FUL**  
Appeal Site **146 BLANDFORD ROAD PLYMOUTH**  
Appeal Proposal Erection of private motor garage to front of property  
Case Officer Mike Stone

Appeal Category  
Appeal Type Written Representations  
Appeal Decision Dismissed  
Appeal Decision Date 10/04/2013  
Conditions  
Award of Costs Awarded To

Appeal Synopsis

The Inspector supported the LPA's opinion that the proposed front garage would cause significant harm to the character and appearance of the area. Given the spaciousness layout of the area and the good visibility along Blandford Road he did not agree that there was a highway safety issue associated with vehicles reversing in and out of the road. Visibility splays here are enhanced by the grass verge between the site and the footway. While it is accepted that this is not an ideal arrangement in highway terms, he felt this would not pose a significant hazard to pedestrians or other road users.

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.

This page is intentionally left blank