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Democratic Support

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Published 25 November 2014

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PLANNING COMMITTEE

Thursday 4 December 2014

4 pm

Council House, Plymouth (Next to the Civic Centre)

Members:

Councillor Stevens, Chair

Councillor Tuohy, Vice Chair

Councillors Mrs Bowyer, Darcy, Sam Davey, K Foster, Mrs Foster, Jarvis, Morris, Nicholson, Stark, Jon Taylor and Kate Taylor.

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

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

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Tracey Lee

Chief Executive

PLANNING COMMITTEE

AGENDA

PART I – PUBLIC MEETING

1. APOLOGIES

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

2. DECLARATIONS OF INTEREST

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

3. MINUTES - TO FOLLOW

The Committee will be asked to confirm the minutes of the meeting held on 20 November 2014.

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 for Strategic Planning and Infrastructure will submit a schedule asking Members to consider Applications, Development proposals by Local Authorities and statutory consultations under the Town and Country Planning Act 1990 and the Planning (Listed Building and Conservation Areas) Act 1990.

6.1 LAS IGUANAS, BREWHOUSE, ROYAL WILLIAM YARD, PLYMOUTH 14/01300/FUL

(Pages 1 - 10)

Applicant: Las Iguanas
Ward: St Peter & the Waterfront
Recommendation: Grant Conditionally

6.2 NIGHTINGALE CLOSE, PLYMOUTH I3/02348/FUL (Pages 11 - 32)

Applicant: Spectrum Premier Homes Ltd

Ward: Plymstock Dunstone

Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 07/02/2015

6.3 ERNESETTLE LANE, ERNESETTLE, PLYMOUTH I4/01637/FUL (Pages 33 - 58)

Applicant: Plymouth Biomas Limited

Ward: Honicknowle

Recommendation: Refuse

7. PLANNING APPLICATION DECISIONS ISSUED (Pages 59 - 78)

The Assistant Director for Strategic Planning and Infrastructure, acting under powers delegated to him by the Council, will submit a schedule outlining all decisions issued from 9 to 23 November 2014, 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 79 - 80)

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 Committee 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.

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PLANNING APPLICATION REPORT



Application Number 14/01300/FUL

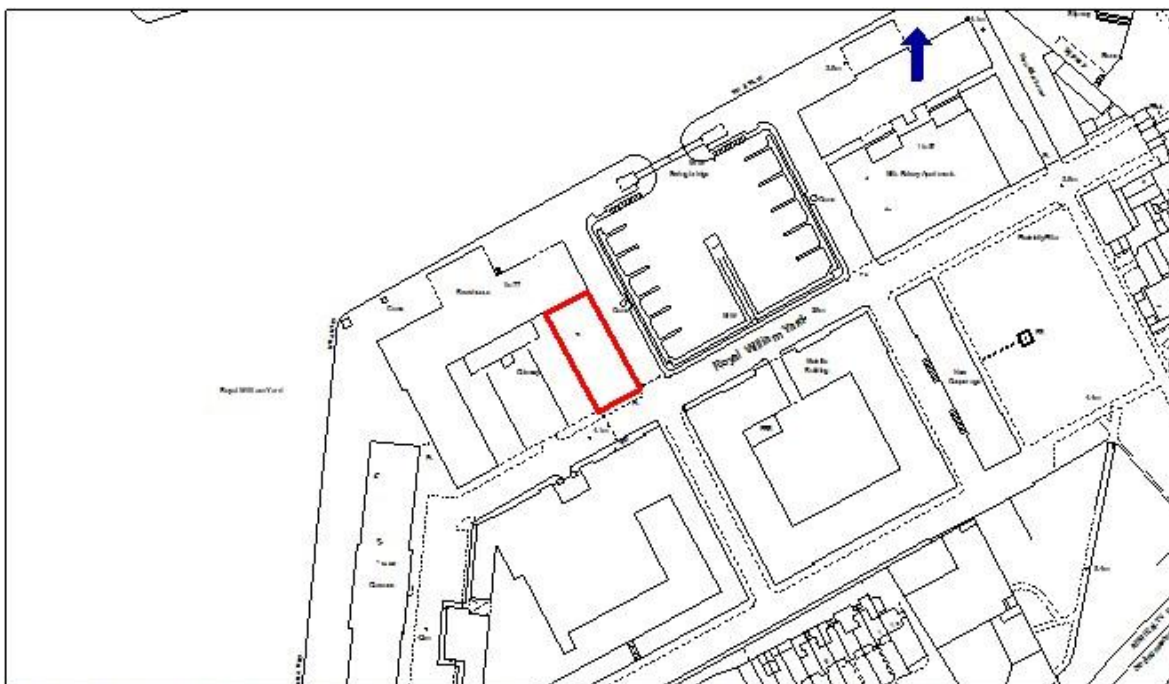
Date Valid 14/08/2014

Item 6.1

Ward St Peter & The Waterfront

Site Address	LAS IGUANAS, BREWHOUSE, ROYAL WILLIAM YARD PLYMOUTH		
Proposal	Variation of condition 11 of planning application 12/02014/FUL to read as 'Openable windows serving the ground floor restaurant, as identified on the Window Reference Plan (Drg No BRS4485_01F) shall only be opened in accordance with the restrictions set down on the plan, and at no other times		
Applicant	Las Iguanas		
Application Type	Full Application		
Target Date	09/10/2014	Committee Date	Planning Committee: 04 December 2014
Decision Category	Member Referral		
Case Officer	Adam Williams		
Recommendation	Grant Conditionally		

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This application has been referred to Planning Committee by Councillor Penberthy

1. Description of site

The Brewhouse is part of the Royal William Yard, designed by Sir John Rennie, and constructed between 1825 and 1831. The Brewhouse was designed for brewing beer, as part of the victualing needs of the navy at the time. Beer rations were discontinued, however, and therefore it was never used for its intended purpose. The site is within the Durnford Street Conservation Area. The Brewhouse buildings are listed - Grade I.

Units 3-5 of the Brewhouse has previously had permission for the operation of an exhibition and arts area. Permission was granted for an A3 restaurant use, the unit is now occupied by Las Iguanas

2. Proposal description

Variation of condition 11 of planning application 12/02014/FUL to read as 'Openable windows serving the ground floor restaurant, as identified on the Window Reference Plan (Drg No BRS4485_01F) shall only be opened in accordance with the restrictions set down on the plan, and at no other times

3. Pre-application enquiry

A meeting was held with officers on 22nd October 2014, but there have been no formal pre application discussions.

4. Relevant planning history

02/01684 - Change of use, conversion and alterations to Clarence and Brewhouse buildings to form 133 residential units, change of use of parts of ground floor Brewhouse to exhibition/arts facility and to retail/hot food units (A1/A3) use of adjoining land for car parking. Permitted (includes condition 15 which requires the exhibition/arts area in Brewhouse – the subject of this current application to be primarily used for art and exhibition purposes)

02/01681 - Works of conversion and alterations to form a show flat in the North block, second floor. (LBC). Permitted

02/01682 - Works of conversion and alterations (associated with change of use of buildings to 130 residential units and use parts of ground floor Brewhouse to exhibition/arts facility and to retail/hot food units (A1/A3) use of adjoining land for car parking). Permitted

02/01683/FUL - Change of use, conversion and alterations to buildings to form 130 residential units, change of use of parts of the ground floor of the Brewhouse to an exhibition/arts facility and to retail/hot food units (Classes A1/A3). Permitted

12/01294/FUL - Retention of 130 residential units with café/bar and restaurant units on the ground floor of the Brewhouse building: Variation of condition 15 of 02/01683/FUL to state that the café/bar and restaurant uses on the ground floor shall only be used for hot food retail (A3) or general retail (A1) and for no other purpose - Withdrawn

12/02014/FUL - Change of use from exhibition/arts area to restaurant and café use (Use class A3) – permitted

13/01663/FUL - Retrospective change of use of parts of former public realm quay areas to continue use as outdoor seating areas for existing restaurants (use class A3) in Brewhouse and Mills Bakery buildings. Permitted

5. Consultation responses

Public Protection Unit – Recommends approval provided that the consent is limited to a 12 month period only. This will enable Las Iguanas to continue to search for other solutions to the ventilation problem as brought to their attention in an advisory during the initial change of use application.

6. Representations

22 Letters of representation have been received to the proposal, before the amendment. The main points in objection are as follows:

- Noise
- Content of conversations by clientele of Las Iguanas
- Lack of information, regarding noise
- Effect of cigarette smoke ingress on the flats above Las Iguanas
- Proximity to residential properties
- Hours of restaurant use
- Although A3 restaurant use is granted, the operation leans more towards A4 (Drinking establishment)
- Anti-social behaviour from patrons and staff leaving the premises
- Taxi pick-ups still taking place outside the restaurant as opposed to at the entrance of the Royal William Yard

Amongst the 22 letters, 13 wrote in support of the application.

Those writing in support speak of high temperatures leading to staff quitting and customers leaving, also noting no other restaurant in the Royal William Yard has this condition on window closure.

The re-advertised period for the amendment commenced on 12/11/14, and is due to run until 26/11/14. To date the following concerns have been noted from 1 additional letter of representation (as of writing 17/11/14, additional comments will be reported through an addendum report).

- Windows 12-17, those facing the courtyard, should remain closed at all times, a future tenant may have different trading hours, currently las Iguanas open at midday
- Restaurant remains unsuitable for this unit within the Royal William yard

7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007).

The National Planning Policy Framework (the Framework) is a weighty material consideration. It replaces the majority of Planning Policy guidance issued at National Government Level. Paragraph 215 of Annex I to the Framework provides that the weight to be afforded to Core Strategy policies will be determined by the degree of consistency of those policies with the Framework.

At the heart of the Framework is a presumption in favour of sustainable development. In the context of planning applications, this means approving development proposals that accord with the development plan without delay but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- specific policies in the Framework indicate development should be restricted.

8. Analysis

1. This application has been considered in the context of the Council's adopted planning policy in the form of the Local Development Framework Core Strategy 2007, policies CS03, CS13, CS22, CS28, CS34, and the Millbay and Stonehouse Area Action Plan, Policy MS01, and is considered to be compliant with National Planning Policy Framework guidance.

Is the development acceptable in principle?

2. This application seeks to vary condition 11 of planning permission 12/02014/FUL which currently specifies;

(11) Openable windows serving the customer seated areas must be closed and must remain closed during trading hours.

Reason: To safeguard the amenity of the occupiers of adjoining properties and to comply with policy CS22 of Plymouth City Council's Local Development Framework.

3. The condition was applied to safeguard neighbouring amenity and an informative to this condition was applied to the permission to say;

'Noise caused by patrons has the potential to negatively impinge on local residents in the reasonable use and enjoyment of their properties. Keeping windows and doors closed during trading hours will help to minimise the impact of this noise on residents and it is advisable to ensure that windows are not openable. This condition may adversely impact on the ventilation of restaurant areas which may require further mechanical ventilation or air conditioning.'

4. Since operation the applicants have undertaken investigations into mechanical ventilation, the reasons were explained during a meeting on 22nd October 2014. The applicants stress that failure to find an adequate solution has been due to two reasons:

- 1) The installation of an air conditioning system would likely require harmful works to the listed building
- 2) An internal system would cause harm to neighbouring amenity through noise and vibration.

5. Amendments were discussed during this meeting which led to the formal submission of an amendment to this application on 27/10/2014.

Amendments to Proposal as Originally Submitted

6. Amendments were received on 27th October 2014, which included a plan revision to show which windows the applicants wish to be openable and also an alteration in the proposed wording to vary condition 11 of permission 12/02014/FUL. The description of the application was amended as appropriate. These amendments were then re-advertised for 14 days in order to highlight the changes to the proposal.

The proposal

7. The applicants propose that the windows facing the basin can be opened between 08:00 to 22:00, the windows facing the road can be opened between 08:00 and 18:00 and the windows facing the courtyard can be opened between 8am and 12noon. In addition the windows serving the kitchen will be closed at all times.
8. These times are outlined on a submitted plan; therefore the proposed condition will make reference to this plan. The applicants have asked for the wording of the condition to change to: 'Openable windows serving the ground floor restaurant, as identified on the Window Reference Plan (Drg No BRS4485_01F) shall only be opened in accordance with the restrictions set down on the plan, and at no other times'
9. The aim of the alteration is to allow for natural ventilation to occur prior to the opening of the restaurant and allow for natural ventilation to occur during trading hours in sustained periods of hot weather.

Residential Amenity

10. The Royal William Yard is a mixed use area with residential units above the A3 restaurant uses in Mills Bakery and Brewhouse. The letters of representation raise the issue of noise associated with the current operation of the ground floor restaurant in the Brewhouse.
11. Section 11 of the NPPF states that 'Planning policies and decisions should aim to: mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions'. As such officers recognise that the condition variation has the potential to give rise to noise related complaints.
12. Information submitted as part of the application, within an acoustic assessment and summarised within an accompanying covering letter detail that noise escape from open windows facing the basin would not have a detrimental impact upon neighbouring amenity. As such it is proposed to ensure the windows facing the basin remain closed from 12noon, when trading commences. The acoustic report details that the windows facing the road has the potential to harm neighbouring amenity upon opening, however it was concluded that to create through ventilation without opening the windows facing the courtyard, these can be opened between 8am and 6pm.
13. The Public Protection Unit has reviewed the submitted acoustic assessment and has concluded that the potential for noise disturbance is low, however, officers advise that the wording of the condition should have regard to the planning approval for the outdoor seating (13/01663/FUL) as outlined within the noise assessment, the amendment has sought to rectify this. In addition, the Public Protection Unit consider a timed condition should be used, in order to ensure an

investigation into alternative methods continues. For this reason it is proposed that the condition is reviewed after 12 months

14. Therefore officers recommend a rewording of the condition (which the applicants submitted on the 27/10/2014), should have regard to the conditions on the planning application for the outdoor seating, namely the hours of operation, which are *'1000 – 2230 hours Monday to Saturday and 1100 – 22.30 Hours on Sundays and Bank Holidays. Furthermore it was proposed that the condition shall remove the ability for customers to be allocated external seats after 2100 hours, with all areas of outdoor seating to be vacated by 2230 hours'*
15. The re wording of the condition is broadly in line with this, in which all windows must be closed by 22:00.
16. On balance, officers conclude that sufficient compromise has been made to ensure neighbouring amenity is protected whilst ensuring the existing business can continue to succeed.
17. Other issues were raised, but these do not relate to the application, but refer to more general issues relating to the use as a restaurant

9. Human Rights

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.

10. Local Finance Considerations

None

11. Planning Obligations

None

12. Equalities and Diversities

This recommendation has been made upon balancing the considerations for successful commercial operation against the need of the residents to enjoy a good quality of life.

13. Conclusions

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and specifically polices CS22 and CS34 of the Local Development Framework Core Strategy 2007.

13. Recommendation

In respect of the application dated **14/08/2014** and the submitted drawings BRS4485_01F, GA-001 PL2, GA-003 PL2, 15DTL 31 01 A, Design and Access Statement, Heritage Statement, Ventillation and Extraction Statement, Acoustic Submission, Refuse Procedures, Delivery Procedures, Community Consultation Statement, Transport Statement, Acoustic Testing Report, Kitchen Extract Statement, Ecology Unit Description, Brewhouse Refuse Procedures, it is recommended to: **Grant Conditionally**

14. Conditions

APPROVED PLANS

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: (BRS4485_01F, GA-001 PL2, GA-003 PL2, 15DTL 31 01 A, Design and Access Statement, Heritage Statement, Ventillation and Extraction Statement, Acoustic Submission, Refuse Procedures, Delivery Procedures, Community Consultation Statement, Transport Statement, Acoustic Testing Report, Kitchen Extract Statement, Ecology Unit Description, Brewhouse Refuse Procedures)

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.

CONTROL OF NOISE

(2) The noise emanating from the fans/ventilation equipment/air conditioning/ plant (LAeqT) should 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 ensure that the proposed dwellings hereby permitted achieve a satisfactory living standard and do not experience unacceptable levels of noise disturbance to comply with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document 2007

ODOUR FROM KITCHEN EXTRACTION SYSTEMS

(3) Details of the specification and design of equipment to control the emission of fumes and smell from the premises have been submitted and hereby approved. Any alteration or variation to the equipment should receive the written approval of the Local Planning Authority. All equipment installed as part of the scheme shall be operated and maintained in accordance with the manufacturer's instructions.

Reason:

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

DELIVERIES AND REFUSE COLLECTION

(4) Deliveries and refuse collections are restricted to the following times:-

Monday to Saturday - No deliveries or refuse collection between 6pm and 8am

Sundays and Bank Holidays - No deliveries or refuse collection

Reason:

To protect the residential and general amenity of the area from noise emanating from delivery and waste collection activities and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

OPENING HOURS

(5) The use hereby permitted shall not be open to customers outside the following times: 9am until 00:00 hours Mondays to Saturdays inclusive and 9am until 22:00 hours on Sundays and Bank or Public Holiday with the exception of New Years Eve to which the hours permitted shall be 9am until 2am hours.

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.

NO AMPLIFIED MUSIC

(6) No amplified (live) music shall be played in the premises outside the following times: 6pm to 22:30pm hours Monday to Saturday inclusive and 10am to 10pm hours on Sundays and Bank or Public Holidays.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, such as noise and vibration, and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CONTROL OF USE

(7) The part of the building which is the subject of this planning permission shall be used for A3 restaurants and café purposes only (as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended)) Under no circumstances shall the premises be used as a Drinking Establishment, as defined in Use Class A4.

Reason:

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

REFUSE STORAGE

(8) The development shall not be commenced until details of waste and recycling storage enclosures showing the design, location, external appearance and size have been submitted to and approved by the Local Planning Authority. The approved enclosures shall be provided before the commencement of the use and thereafter permanently retained.

Reason:

To provide satisfactory refuse storage provision in the interests of the appearance of the site and locality.

NOISE LEVELS AND MITIGATION

(9) Acoustic insulation installed within the unit to prevent any unwarranted noise transmission from the commercial unit to residential properties above, should continue to meet both clauses below:

(a) The noise mitigation level of the ceiling(s) between the development and any residential development should be a minimum of 55dB DnT, W+ Ctr for airborne noise.

(b) The insulation installed should allow the properties above to experience the Good Room Criteria as set out in BS8233:1999, such that the noise level experienced within any living room or bedroom is 30dB LA(5minute).

Reason:

To ensure that the development hereby permitted doesn't cause any unwarranted noise disturbance to the existing nearby residential dwellings as per policy CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007

INTERNAL LOBBY

(10) Details of an internal lobby have been submitted hereby approved (Drawing number; I5DTL 31 01 A).

Reason:

To ensure appropriate sound insulation measures in accordance with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

WINDOWS

(11) Openable windows serving the ground floor restaurant, as identified on the Window Reference Plan (Drg No BRS4485_01F) shall only be opened in accordance with the restrictions set down on the plan, and at no other times. This condition will apply for a 12 month period following the approval date of this decision, following which the applicant will apply in writing to the local planning

authority for the continuation of this condition. If no agreement is reached the original condition will apply i.e. "Openable windows serving the customer seated areas must be closed and must remain closed during trading hours".

Reason:

To safeguard the amenity of the occupiers of adjoining properties and to comply with policy CS22 of Plymouth City Council's Local Development Framework.

Informatives

INFORMATIVE - OUTSIDE SEATING

(1) This grant of planning permission must not be taken as planning consent to place tables and chairs outside of the premises. Planning permission has been sought separately and approved under planning reference 13/01663/FUL.

INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)

(2) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

INFORMATIVE: WINDOWS

(3) Noise caused by patrons has the potential to negatively impinge on local residents in the reasonable use and enjoyment of their properties. Keeping windows and doors closed during times laid out within condition 11 minimise the impact of this noise on residents and it is advisable to ensure that windows are not openable outside of these times. This condition may continue to adversely impact on the ventilation of restaurant areas which may require further mechanical ventilation or air conditioning.

INFORMATIVE: NOISE VERIFICATION

(4) In terms of monitoring for condition 9 a noise verification report should detail tests to show that the criteria in condition 9 are met. This should mean an airborne noise test to verify the requirements of part (a). The requirement of part (b) will be an ongoing requirement and can be tested should complaints arise.

CS28 - Local Transport Consideration

CS34 - Planning Application Consideration

CS22 - Pollution

CS13 - Evening/Night-time Economy Uses

CS03 - Historic Environment

CS03 - Historic Environment

MS01 - Royal Williams Yard

NPPF - National Planning Policy Framework March 2012

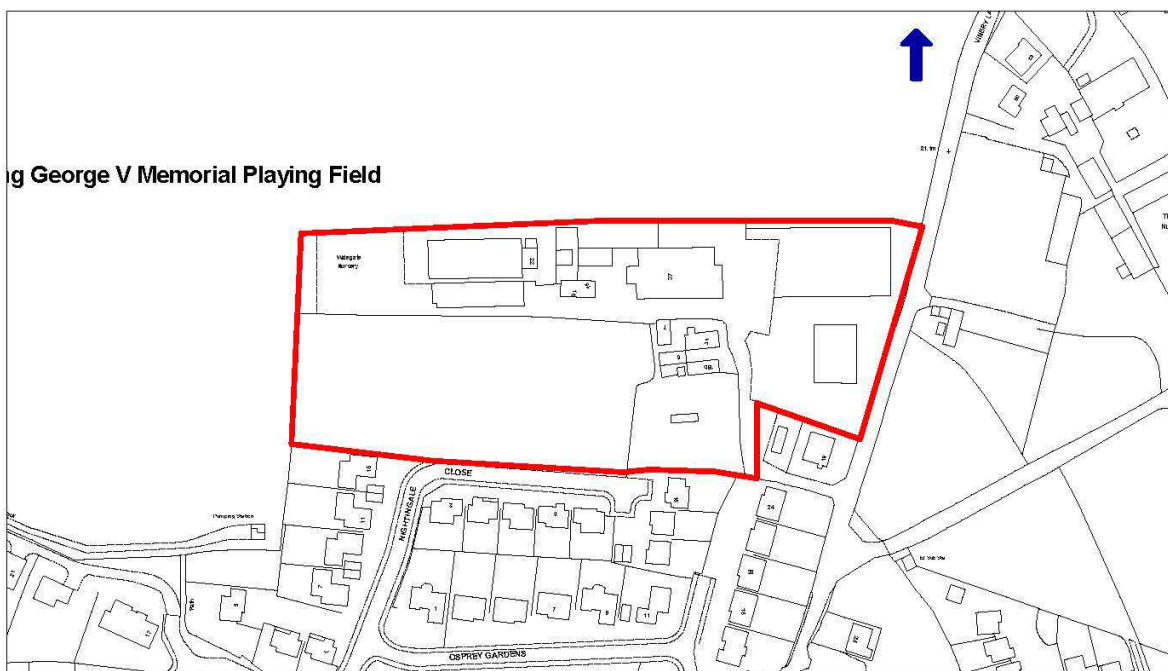
PLANNING APPLICATION REPORT



Application Number	13/02348/FUL	Item	6.2
Date Valid	07/02/2014	Ward	Plymstock Dunstone

Site Address	NIGHTINGALE CLOSE PLYMOUTH		
Proposal	Redevelop site by erection of 70 new dwellings with associated access road, car parking and landscaping (demolition of existing buildings)		
Applicant	Spectrum Premier Homes Ltd		
Application Type	Full Application		
Target Date	07/02/2015	Committee Date	Planning Committee: 04 December 2014
Decision Category	Major - more than 5 Letters of Representation received		
Case Officer	Robert Heard		
Recommendation	Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 07/02/2015		

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1. Description of site

The site measures approximately 1.77 hectares in area and is loosely rectangular in shape. It is bounded by King George V Memorial Playing Fields to the north and west, Vinery Road to the east and Nightingale Close to the south.

The majority of the site is currently disused former agricultural land, which has been vacant for many years. Parts of the site, to the north and east, are currently occupied by small, independent light commercial uses such as a nursery and workshops, with some uncovered storage also present.

The topography is generally flat with a gentle slope from the south-east to the north-west. Surfacing is mainly grassland with hedgerow boundaries containing numerous trees of various species. Whilst the majority of the site has no formal existing access, both vehicular and pedestrian access is available to the open undeveloped part of the site from the south via Nightingale Close. Vehicular access to the commercial area is taken from the east via Vinery Lane.

The surrounding area to the south is mostly residential in character, with a high percentage of 4 and 5 bedroom mainly detached suburban dwellings. There is a varied pallet of finish materials, including renders, stone, masonry and tiled roofs. Ground finishes are generally tarmacadam or grass. Playing fields exist to the west of the site, with rural fields and a quarry characterising areas to the north. Areas to the east are typified by further rural fields broken up by horticultural uses containing some large greenhouses.

2. Proposal description

This proposal is for the construction of 70 dwellings comprising 21 (30%) affordable and 49 (70%) open market homes, which are a mix of 2, 3 and 4 bedroom units. With regards to density, this equates to a total density across the site of 39 dwellings per hectare.

The development proposes a new access road from Nightingale Close, constructed to adoptable standards and intended for adoption. Off-street car parking is provided at a ratio of 1.9 spaces per dwelling and each of the proposed dwellings has private amenity space. Refuse and recycling storage, as well as cycle parking provision, is proposed to be accommodated within rear garden areas (private amenity space). The scheme also includes the provision of a pedestrian and cycle link along the northern boundary of the site, providing pedestrian and cycle access to the surrounding playing fields.

3. Pre-application enquiry

12/02117/MAJ – Development of site for residential purposes (30% affordable housing). Positive advice given - advised to submit a planning application.

4. Relevant planning history

No relevant planning history.

5. Consultation responses

Local Highway Authority

Support subject to conditions.

Public Protection Service

Support subject to conditions.

Environment Agency

No objection subject to conditions.

Police Architectural Liaison Officer

Support subject to conditions.

6. Representations

The scheme has been amended following a consultation meeting with residents which has resulted in a revised layout, and one additional dwelling being added. The revised plans have been advertised and at present an additional 16 letters of objection have been received following the re-advertisement, confirming previous comments made. This makes a total of 148 letters of representation received, all in objection to the application. The main grounds of objection are summarised below:

- The density of housing proposed on the land in question is far too high as it is a relatively small parcel of land and is not in keeping with the general density of housing in the neighbouring area.
- The type of housing proposed (sizes and styles) to achieve the proposed density is not aligned with the type of housing that already exists in this area. It would therefore be completely out of place.
- The traffic implications of the proposals are significant - even the developer assesses the additional movements likely to be 200 or more a day. In particular there is only one way in and out of the site which involves joining Sherford Road at it's junction with Station Road. This junction is already quite dangerous with limited views when entering Sherford Road and this increased volume is expected to make this junction unacceptably dangerous.
- The density of the development is still out of keeping with the remainder of the area, the development plans are clearly designed to tick the Political Correctness box with the rights of Bats and Reptiles being considered and generating income for the developer over and above the genuine concerns of existing homeowners.
- The scale of the proposal is inappropriate. The proposed development will damage the neighbourhood, devalue existing properties and add to the traffic noise, air pollution and traffic bottlenecks which occur daily. Emergency vehicles can often be hindered in traffic around the Hays Road and Sherford Road junctions with the A379 as evidenced by their sirens.
- The development will adversely impact the area and is badly designed.
- The volume of housing units is far too large for the available site.
- The type of houses to be built is out of character with the existing dwellings in the area.

- The proposed access route (Nightingale Close) is wholly inadequate for the potential number of vehicles that may be generated by the development.
- The problems that will arise for both traffic access and parking will be considerable. This is likely to spill onto the existing estate, and could possibly cause problems for emergency vehicle access as I have seen in other estates with a similar density of properties.
- The proposal allows for 136 parking spaces (1.9 per dwelling) but there is no provision for visitor or service vehicle parking.
- Given the high density of the proposed development and significant increase in the volume of traffic, the level of noise and disruption for the residents is likely to be unpleasant to say the least, even post completion of the building work. It is not appropriate for the location and it does not meet the needs of the neighbourhood.
- We fail to see how the proposed development benefits the community. It has a potential high risk of damage and injury from the quarry. At a local level it must be regarded as a major development with high density housing that is totally inappropriate for the location and does not improve the sustainability of individual communities and neighbourhoods.
- Elburton already has a northern edge and the proposed development does nothing, in our view, to add to the positive sense of place and identity that already exists. The site is a small part of that Northern edge and will not in itself be a frontage to the future sports hub and transport link to Sherford.
- The area is currently "green space" land and should remain so.
- The amount of traffic that would result from the building of so many properties on such a small piece of land would be horrific particularly as Nightingale Close itself is only a minor estate road at present.
- The volume of traffic entering onto the mini roundabout at Sherford Road and indeed onto the A379 itself from Sherford Road would cause severe traffic disruption. It is very dangerous at present to turn right into Sherford Road from Station Road due to poor visibility. At peak times the traffic is queued from the roundabout outside the Elburton Hotel back to past the mini roundabout at Station Road trying to enter the A379 in both directions.
- The value of the quality houses in Nightingale Close, Osprey Gardens, Finches Close and the Oakwood estate would be devalued by building a mixed development of housing some of which would be rented housing.
- There would be considerable overlooking to No 11 Nightingale Close and the houses opposite the current green space area and the proposed new opening to the proposed housing development.
- The proposed housing development is not in keeping with this quality housing area.
- How does all this whole matter affect the much larger development of East Sherford. Is it sensible to allow other development to be given the go ahead which could aggravate/affect such matters as traffic flow, when the result/consequences of an earlier agreed planning one are not known.
- Having made an informed choice to buy the above bungalow/premises, which we did when they were built in 1997, we are now deeply concerned that, inter alia, the density of these proposed 69 new dwellings, is not appropriate for the surrounding area.
- The proposed number and type of properties to be crammed on to the site is totally inappropriate to the character of the surrounding area.
- Vehicular access: The large number of cars appropriate to such a number of properties, that will use the existing narrow estate road and then the narrow and twisting Hazel Grove road, is unacceptable, on safety grounds.
- The type of houses proposed in this application is totally out of character with the rest of the detached houses and bungalows in the area. Terraced houses are totally unacceptable in the existing surroundings and a greater emphasis should have been placed upon creating similar style houses in lesser numbers.

- The density of houses proposed by the developers own admission is 'greater population density than the surrounding area". In other words there are too many houses proposed for the size of the site. Perhaps they want to create a 'ghetto' style development instead of a well laid out lower density development.
- Vehicular access would be totally inadequate from Nightingale Close for the 130 car park spaces proposed plus visiting vehicles. This will undoubtedly obstruct this already narrow road and have a huge impact on the existing residents quality of life.
- The existing mini roundabout at Station Road / Sherford Road already cannot cope with the existing volume of traffic which would increase dramatically with these additional vehicles. Given the bad visibility on exiting Station Road there will be an increase risk of accidents at this junction.
- The land has no vehicular access.
- The roads around this site are not made/in a good state of repair for the heavy goods vehicles needed to build this development. Also Vinery Lane is not wide enough to sustain the amount of heavy goods vehicles that will be needed on this development and more damage will be done to the hedgerows not affected by the passing traffic/development.

7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007).

The National Planning Policy Framework (the Framework) is a weighty material consideration. It replaces the majority of Planning Policy guidance issued at National Government Level. Paragraph 215 of Annex 1 to the Framework provides that the weight to be afforded to Core Strategy policies will be determined by the degree of consistency of those policies with the Framework.

At the heart of the Framework is a presumption in favour of sustainable development. In the context of planning applications, this means approving development proposals that accord with the development plan without delay but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- specific policies in the Framework indicate development should be restricted.

In addition to the Framework, the following Adopted Supplementary Planning Documents are also material considerations to the determination of the application:

- Development Guidelines SPD;
- Affordable Housing and Planning Obligations SPD.

8. Analysis

1. This application has been considered in the context of the Council's adopted planning policy in the form of the Local Development Framework Core Strategy 2007, the Adopted North Plymstock Area Action Plan (2007), Adopted Developments Guidelines SPD and the adopted Planning Obligations and Affordable Housing SPD and is considered to be compliant with National Planning Policy Framework guidance. Specific local policies that are relevant to this application include CS01, CS02, CS15, CS16, CS18, CS19, CS20, CS21, CS22, CS28, CS30, CS32, CS33 and CS34.
2. The application raises a number of important planning issues, including the principle of development and highways issues. These and the other main planning issues are considered below

The Principle of Development

3. The site lies within the boundary of Policy NP06 (Future Development Options North of Elburton) of the Adopted North Plymstock Area Action Plan (2007). This states that:

Land to the north and north-east of Elburton and up to the proposed High Quality Public Transport (HQPT) link, shall be safeguarded for its potential to accommodate long term development, beyond 2016, subject to assessment of need and economic justification through a Plan, Monitor, Manage process. It is envisaged that any development in this location would need to establish a northern edge to Elburton, fronting onto the HQPT route, and sports hub to the north. It should also deliver some local facilities to serve this area, local linked greenspaces to provide local opportunities for play and amenity and access to other recreational areas, including the Sherford Community Park. Any residential development options should seek to achieve zero carbon development. Any proposals would need to consider local traffic management impacts and provide opportunities for access from existing residential development in Elburton to the north and to the proposed Public Transport Stop. The area should be able to accommodate in the region of 300 mixed type and tenure homes. Other options include retaining the area as a green buffer.

4. The reasoned justification is as follows:

This is a Policy to safeguard land to meet possible strategic housing need after 2016. Development proposals in the area that will be delivered in the period up to 2016 should be designed to allow for integration with this potential long-term development option. The detailed spatial planning policy framework for this long-term option will be prepared in the course of future reviews of the relevant part of the Local Development Framework, and which will explore and take account of the various impacts and issues. No decision on development will be taken until current needs, alternative options, and a sustainability assessment have been considered.

5. The site forms a small part of the overall area affected by NP06 and therefore is not expected to deliver the 300 homes quoted in the policy. The site does not affect the planned High Quality Public Transport Link (HQPT) that is planned to the north but will front onto it, as required. The proposed development makes provision for a strategic cycle route alongside its northern boundary and will form a northern edge to Elburton. It is considered that the development is therefore compliant with Policy NP06 of the Adopted North Plymstock Area Action Plan (2007).

5 year housing supply

6. When determining applications for residential development it is important to give consideration to housing supply.
7. Paragraph 47 of the NPPF stipulates that *“to boost significantly the supply of housing, local planning authorities should...identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”*
8. Paragraph 49 of the NPPF states that *“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”*
9. For the reasons set out in the Authority’s Annual Monitoring Report (December 2013) Plymouth cannot demonstrate at present a deliverable 5 year land supply for the period 2014-19 against the housing requirement set out in the Core Strategy which was set prior to the economic downturn. Plymouth can however identify a net supply of some 5,536 dwellings which equates to a supply of 3.16 years when set against the housing requirement as determined by the requirements of the NPPF or 2.64 years supply when a 20% buffer is also applied
10. The NPPF (footnote 11) also specifies that to be considered deliverable, a site must be:
 - Available to develop now
 - Suitable for residential development in terms of its location and sustainability; and
 - Achievable, with a reasonable prospect that homes will be delivered on the site within five years and in particular that the development of the site is viable.
11. Paragraph 14 of the NPPF states *“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking...”*

For decision-taking this means:

approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of date, granting permission unless:

- a. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or*
- b. *specific policies in this Framework indicate development should be restricted”*

12. As Plymouth cannot demonstrate a 5 year supply when set against the housing requirement as determined by the requirements of the NPPF, the city’s housing supply policy should not be considered up-to-date. Paragraph 14 of the NPPF is therefore engaged and substantial

weight must be accorded to the need for housing in the planning balance when determining housing applications.

Density

13. Density calculations can be a crude measurement in determining the quality of schemes but do provide a broad benchmark in their assessment. The density of development surrounding the site is fairly low in comparison to many other areas within the city boundary, as the area is characterised by larger family housing in the form of detached and semi-detached dwellings.
14. The NPPF states that LPAs should set out their own approach to housing density to reflect local circumstances. Core Strategy Strategic Objective 10.2 aims to promote the highest density compatible with the creation of an attractive living environment. Core Strategy policy CS01.2 states that development must be delivered at the appropriate type form, scale, mix and density in relation to its location relative to the neighbourhood's centre.
15. Proposed density levels at the site are higher than the density levels in the immediate vicinity, although this is considered necessary to make best use of the site and introduce a more diverse mix of housing to the community. Given the sustainable location of the site and the lack of demonstrable harm associated with the amount of development proposed the higher density is considered acceptable and in compliance with Strategic Objective 10.2 and Core Strategy policy CS01.2.

Design and Layout

16. The NPPF attaches great importance to the design of the built environment. Core Strategy policy CS02 supports well designed developments to promote the image of the city through enhanced city and local gateway locations and key approach corridors. Policy CS34 refers to siting, layout, orientation, local context and character. New development proposals are required to take account of the existing context and the criteria referred to. The form and use of existing development in the area is fairly consistent, the area is characterised by residential development mainly comprising of semi-detached and detached properties, on fairly large, generously proportioned plots.
17. Vehicular access to the site is from Nightingale Close, with 5 detached dwellings proposed along the southern boundary of the site fronting onto Nightingale Close. These form a street frontage to the northern side of Nightingale Close, replicating the layout on the southern side of the street.
18. The access road then travels north into the site with dwellings either side forming a traditional street layout. Within the site the proposed development forms 3 perimeter blocks, with all dwellings facing outwards and fronting the road. The perimeter to the west of the site contains a mix of larger detached properties facing north onto the surrounding playing fields with smaller terraced and semi-detached units facing south into the site. The central perimeter has fewer dwellings, containing a mix of semi-detached and terraced units, oriented to face east and west with two dwellings at the northern end facing onto the surrounding playing fields. The perimeter to the east of the site contains 3 detached dwellings at the northern end facing onto the surrounding playing fields, with a mix of detached and semi-detached units facing east and presenting a frontage onto Vinery Lane and some smaller terraced and semi-detached units facing west into the site.

19. The layout of the site has been designed to ensure that pedestrian permeability is improved and the development includes a pedestrian link through the site to the areas of greenspace to the north of the site. The proposal therefore provides improved access to the existing network of local greenspace and a pedestrian route that links into the existing network of public footpaths in the adjacent areas of playing fields and open space.
20. The layout of the scheme has been revised since the submission of the original information to reflect comments made by residents at a public consultation, and to take account of concerns raised on ecology grounds. There are now larger dwellings on the north side of Nightingale Close, with the access road to the site moved to the west. The existing hedgerow adjacent to Vinery Lane is now retained in its entirety, with vehicular access to the dwellings fronting onto Vinery Lane now achieved from the rear via the main vehicular access to the site.
21. With regards to massing, design and external appearance, the whole site follows the same design form and the different dwelling types contain some very similar features that ensure that the scheme has balance and a considered design approach, through subtle repetition of features and materials. The proposed dwellings are traditional in form, 2 storey with pitched roofs. The proposed dwellings that are closest to the existing dwellings are the larger detached properties, this is deliberate and has been done to ensure that the dwellings around the perimeter of the site reflect the context, which is characterised by larger detached units.
22. Whilst generally being of traditional form to reflect the existing surrounding development, an element of contemporary design is reflected in the provision of more modern canopy shelters for some of the front doors and weatherboard cladding so that the development does not have too much of a pastiche feel to it. The proposed dwellings are predominantly finished in render which is the dominant local material in this part of Plymouth, but some use of stone and minimal areas of cladding helps to break up the elevations and present an interesting façade to the development. The materials palette is respectful of the surrounding development whilst helping to introduce some minor contemporary features and generally the proposal is in keeping with the character and identity of the context in which it sits.
23. The layout of the site and design of the proposed dwellings is considered acceptable. In summary, it is considered that the application will provide a positive addition to the streetscene and help to improve local visual amenity. It is therefore compliant with Policies CS02 (Design) and CS34 (Planning Application Consideration) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

Residential Amenity

24. It is important that all new residential development should be designed to ensure that the degree of privacy enjoyed by existing nearby properties is not unacceptably reduced and that new problems of overlooking are not created. It is also imperative that the relationship between the new dwellings proposed is acceptable and that each property has an adequate level of privacy and natural light.
25. The layout of the site has been arranged in order to minimise impact on the surrounding properties. The properties that are closest to the site, located on the southern side of Nightingale Close and western side of Vinery Lane, have either back to back or side to back relationships with the proposed dwellings. The separation distance between the existing dwellings referred to and the proposed dwellings is in excess of the separation distances

quoted in the Development Guidelines SPD as being the minimum acceptable distance, being 21 metres for a back to back relationship and 12 metres for side to back. The topography at the site, being fairly level, does not present any additional residential amenity issues.

26. The layout of the site has been arranged so that the relationship between the proposed dwellings within the site is satisfactory and designed so that all new dwellings will benefit from adequate levels of residential amenity, in accordance with the guidance contained within the Council's Adopted Development Guidelines SPD. With regards to residential amenity standards, all of the proposed dwellings have private amenity space that in terms of area is considered acceptable. Bin stores and cycle storage are also included within the development, in accordance with the guidance contained within the Development Guidelines SPD.
27. In summary, it is considered that there will be no significant residential amenity conflict created between the existing dwellings and proposed development. The application is therefore considered to be in accordance with Policies CS14 and CS34 of the City of Plymouth Local Development Framework Core Strategy (2007) and the guidance contained within the Development Guidelines SPD.

Highways Issues

28. The proposal raises a number of issues relating to site layout and traffic impact on the wider network. Each of these points is considered below.
29. The main vehicular access to the site is located on Nightingale Close which connects to the main highway network via Hazel Grove and Station Road which were constructed relatively recently and are built to modern standards with suitable footways. Station Road connects to Sherford Road via a mini roundabout which in turn connects to A379 at Elburton Roundabout. Each property within the new development has at least 1 car parking space with most having 2, and 14 houses have garage parking in addition. Over 140 spaces in total are provided. Streets within the site are proposed to be laid out either as a traditional street or as shared space.
30. All 70 dwellings are proposed to be served from Nightingale Close. The frontage onto Vinery Lane is to be set back to allow a new 2m footway together with a widened carriageway of 5.5m which is a similar arrangement to other parts of Vinery Lane (subject to confirmation). The footway accessing the front of the properties also connects via a footpath cycleway into the main part of the development and onto the playing field. No new vehicular access is provided onto Vinery Lane, however emergency access can be achieved via this route.
31. A number of representations have been made regarding the safety of the mini roundabout at the Station Road junction with Sherford Road which forms part of the main access serving the site. The Council's Highways Officer has investigated this matter and confirmed that there is no record of any injury accidents occurring at this junction over the last 10 years and only 1 record of a damage only accident (although there is no legal requirement to report these). The Police Road Safety Officer has also confirmed this point and notes that he has no particular concerns about the safety of this junction.
32. Another key concern for residents is the impact of traffic generated by the site on the wider highway network. A Transport Assessment has been submitted with the application, although the size of the proposal is below the threshold size which would normally require a

Transport Assessment. Whilst it might be considered that the site would generate in the order of 40 trips in the peak hour, there are some existing commercial uses on the site which would generate in the region of 20 trips per hour, which should be taken into account and be offset from this total. Concerning public transport the site lies approximately 400m from the nearest bus stops on Sherford Road served by Service 18.

33. With regards to adopted policy guidance, the National Planning Policy Framework; (March 2012) refers to a 'Presumption in favour of sustainable development', and that 'Development should only be refused on Transport grounds where the residual cumulative impacts of development are severe'. The level of additional car trips on the highway network would not be significant, whilst the main access roads to the site are built to a modern standard and although the network is busy at peak times the proposal is not considered to have a severe impact.
34. The Local Highway Authority has considered the transport and highway matters raised by the application and recommended that permission be granted subject to conditions. The application is thus considered to be compliant with Policy CS28 (Local Transport considerations) of the Core Strategy and the guidance contained within the NPPF.

Affordable Housing

35. The delivery of Affordable Housing is one of the top priorities for Plymouth City Council. The policy context is set out in paras.10.17-10.24 of the Core Strategy which supports policy CS15.
36. The site falls in the Elburton and Dunstone Neighbourhood. A 2011 census profile summary completed in December 2013 shows a high disparity of tenure in favour of owner occupation, with the majority of dwellings being detached or semi-detached, larger dwellings.
37. The application proposes a residential development consisting of 70 dwellings, with a mix of 2, 3 and 4 bed properties (17 4BH, 33 x 3BH and 20 x 2BH) with 30% affordable housing across all house types.
38. This development will enhance the area's housing offer in terms of unit type, mix and tenure. This will provide an opportunity for people wishing to enter the housing market in this area, or potentially downsize to smaller, more modern, energy efficient homes. It will also provide opportunities for applicants on the City's Housing register to move to a popular location with currently low levels of affordable housing provision.
39. Of the total homes proposed 30% (21 units) will be provided as affordable housing. 60% of these will be held as rented units (13 units), with a further 40% held as shared ownership units (8 units) with a mix of two and three bed homes. The units are to be arranged in small clusters around the site.
40. Homes will be managed by a Registered Provider in the City (Spectrum) who are a member of the Plymouth Housing Development Partnership. The provision of 30% affordable housing is welcomed and meets the policy requirement set out within Policy CS15 (Overall Housing Provision) of the Core Strategy.

Sustainable Resource Use

41. 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.

42. In order to meet the requirement of Policy CS20 it is proposed to have Photovoltaic Panels installed on the roofs of the proposed dwellings. These will be almost flush with the roofline and will only have a 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.

Ecology

43. Policy CS19 (Wildlife) requires the application to provide a net gain in biodiversity at the site. The Ecological Assessment submitted with the application states that the site is generally of low value for biodiversity and wildlife.
44. However, there are parts of the site which are more valuable and a number of hedgerows around the perimeter are used by bats for foraging. These features are retained within the development and a number of other improvements are proposed to ensure that there is a net gain in biodiversity at the site, in accordance with the requirements of Policy CS19.
45. Council officers agree with this conclusion and in order to secure the proposed biodiversity gains at the site an Ecological Mitigation and Enhancement Strategy is required by condition.

9. Human Rights

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.

10. Local Finance Considerations

Local finance considerations are now a material consideration in the determination of planning applications by virtue of the amended section 70 of the Town and Country Planning Act 1990.

CIL

The provisional Community Infrastructure Levy liability (CIL) for this development is £141,063.35, including any potentially qualifying demolished floorspace. This information is based on the CIL information form submitted with the application and is based on current rates.

11. Planning Obligations

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting

planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

Planning obligations have been sought in respect of the following matters:

- Education contribution of £176, 694 towards the expansion of Pomphlett Primary School.
- Playing Pitches contribution of £57, 710 towards King George V Playing Fields improvements.
- Transport contribution of £72, 450 towards HQPT network between the City Centre and Pomphlett Roundabout.

Agreement has also been reached with regards to the provision of Affordable Housing at the site and the applicant has agreed to provide the following:

- The provision of 21 units to be provided as affordable housing at the site. 60% of these will be held as rented units (13 units), with a further 40% held as shared ownership units (8 units) with a mix of two and three bed homes.

In addition there is a Management fee of £15, 342.

It is considered that the affordable housing and contributions negotiated and listed above comply with the requirements of Policy CS33 (Community Benefits/Planning Obligations) of the Core Strategy.

12. Equalities and Diversities

The application proposes 70 new residential units. Twenty one of these, which equates to 30%, are being provided as affordable housing and will be available to people on the Council's Housing Register through a Registered Social Landlord, in this case Spectrum Housing Association. The rest will be offered for sale on the open market and therefore will be available to people from all backgrounds to purchase. No negative impact to any equality group is anticipated. A condition is attached to ensure that 20% of the development will be made available as Lifetime Homes.

13. Conclusions

To summarise, this application will provide 70 new dwellings (21 units to be provided as affordable housing) with a community benefits including financial contributions to mitigate the impacts of the proposal on education, green space and the local highway network.

It is considered that residential development in this location is acceptable and that any future residential development at the site would not impact significantly upon nearby properties residential amenities due to separation distances in the area and would not harm the surrounding highway network, providing adequate levels of off street car parking.

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with both local policy and national planning guidance. The application is therefore recommended for approval, subject to conditions and the satisfactory

completion of a S106 legal agreement, with delegated authority sought to refuse the application if the Section 106 Agreement is not signed by the 7th February 2015.

13. Recommendation

In respect of the application dated **07/02/2014** and the submitted drawings 1829.000, 1829.002, 1829.003P, 1829.004E, 1829.005F, 1829.006E, 1829.007G

1829.009E, 1829.010F, 1829.011E, 1829.016E, 1829.017, 1829.018, 1829.019, 1829.021, 1829.021AAA, 1829.022, 1892.023, 1829.024

Readvertised for 21 days due to amended description and amended plans, 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 7th February 2015.

14. Conditions

CONDITION: 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.

CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1829.000, 1829.002, 1829.003P, 1829.004E, 1829.005F, 1829.006E, 1829.007G, 1829.009E, 1829.010F, 1829.011E, 1829.016E, 1829.017, 1829.018, 1829.019, 1829.021, 1829.021AAA, 1829.022, 1892.023, 1829.024.

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, and paragraphs 61-66 of the National Planning Policy Framework 2012.

Pre-commencement Conditions

PRE-COMMENCEMENT: 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 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, and paragraphs 120 – 123 of the National Planning Policy Framework 2012.

PRE-COMMENCEMENT: SURFACE WATER MANAGEMENT

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

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

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

Reason:

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

PRE-COMMENCEMENT: DETAILS OF BOUNDARY TREATMENT

(5) No development shall take place past damp proof course level 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, and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

PRE-COMMENCEMENT: LANDSCAPE DESIGN PROPOSALS

(6) No development shall take place past damp proof course level until full details of both hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant; 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, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

PRE-COMMENCEMENT: STREET DETAILS

(7) No development shall take place past damp proof course level 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, and paragraph 32 of the National Planning Policy Framework 2012.

PRE-COMMENCEMENT: ACCESS (8)

(8) Before any other works are commenced, an adequate road access for contractors with a proper standard of visibility shall be formed to the satisfaction of the Local Planning Authority and

connected to the adjacent highway in a position and a manner to be agreed with the Local Planning Authority.

Reason:

To ensure an adequate road access at an early stage in the development in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

PRE-COMMENCEMENT: HABITAT PROTECTION AND ENHANCEMENT

(9) No development shall take place until an Ecological Mitigation and Enhancement Scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with a timetable forming part of the submitted scheme.

Reason:

To ensure wildlife habitats are protected, to comply with Policies CS19 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 118 of the National Planning Policy Framework 2012.

PRE-COMMENCEMENT: LIFETIME HOMES

(10) No development shall commence on site past damp proof course level until details showing how 20% of all dwellings at the site shall be constructed to Lifetime Homes standards have been submitted to and approved in writing by the Local Planning Authority.. The layout of the floor plans approved shall be permanently retained for so long as the development remains in existence, unless a further permission is granted for the layout of these units to change.

Reason:

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

PRE-COMMENCEMENT: ENERGY REPORT

(11) Prior to development being undertaken past damp proof course level, the applicant shall provide to the Local Planning Authority a full report for approval in writing identifying how a minimum of 15% of the carbon emissions for which the development is responsible will be off-set by on-site renewable energy production methods.

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

Reason:

To ensure that the development incorporates onsite renewable energy production equipment to off-set at least 15% of predicted carbon emissions for the period 2010-2016 in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2

Pre-occupation Conditions

PRE-OCCUPATION: PROVISION OF PARKING AREA

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

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

PRE-OCCUPATION: CYCLE PROVISION

(13) No dwelling shall be occupied until space has been laid out within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority for 53 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, and paragraph 32 of the National Planning Policy Framework 2012.

PRE-OCCUPATION: TRAVEL PLAN

(14) The development hereby permitted shall not be occupied 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][occupation] 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, and paragraphs 32 and 34 of the National Planning Policy Framework 2012. The applicant should contact Plymouth Transport and Infrastructure for site-specific advice prior to preparing the Travel Plan.

PRE-OCCUPATION: LANDSCAPE WORKS IMPLEMENTATION

(15) 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, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

PRE-OCCUPATION: ACCESS CONSTRUCTION BEFORE OCCUPATION

(16) The building shall not be occupied until a means of vehicular access 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, and paragraph 32 of the National Planning Policy Framework 2012.

PRE-OCCUPATION: NOISE VERIFICATION

(17) Prior to any occupation of dwellings, the developer should submit, for written approval by the LPA, a verification report proving that the dwelling meets the aforementioned criteria.

Reason:

To ensure that the aforementioned noise insulation standards are met.

Other Conditions

CONDITION: NOISE

(18) All dwellings shall be constructed in accordance with BS8233:1999 so as to provide sound insulation against externally generated noise. The good room criteria shall be applied, meaning there must be no more than 30 dB LAeq for living rooms (0700 to 2300 daytime) and 30 dB LAeq for bedrooms (2300 to 0700 night-time). Levels of 45 dB LAf.max shall not be exceeded in bedrooms (2300 to 0700 night-time).

Reason:

To ensure that the proposed dwellings hereby permitted achieve a

satisfactory living standard and do not experience unacceptable levels of noise disturbance to comply with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Informatives

INFORMATIVE: (1) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION

(1) The Local Planning Authority has assessed that this development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended). Details of the process can be found on our website at www.plymouth.gov.uk/CIL. You can contact the Local Planning Authority at any point to discuss your liability calculation; however a formal Liability Notice will only be issued by the Local Planning Authority once any pre-commencement conditions are satisfied.

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 with the Applicant [including pre-application discussions] and has negotiated amendments to the application to enable the grant of planning permission.

NOISE: INSULATION

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

NOISE: QUARRY

(4) Although the vibration from the quarry is within prescribed standards (under 10mm/s), it is recommended that the proposed dwellings are designed and constructed to ensure that any vibration from the quarry does not impact on any future occupiers.

INFORMATIVE: ROADWORKS

(5) 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.

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PLANNING APPLICATION REPORT



Application Number 14/01637/FUL

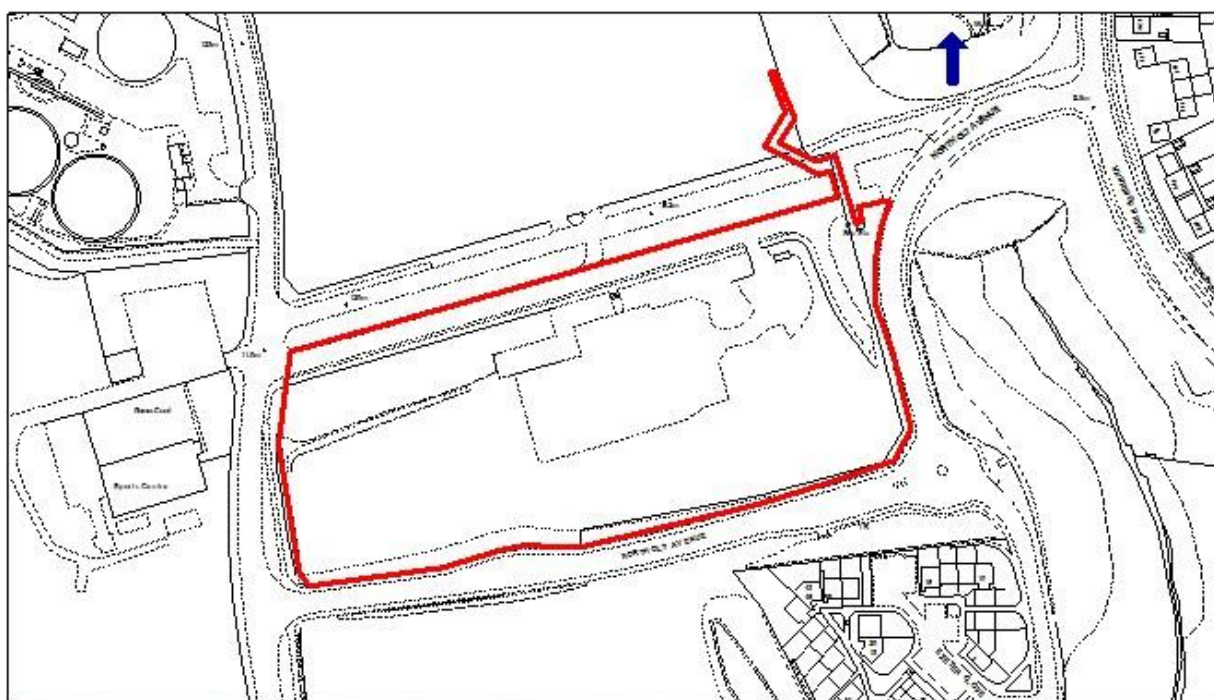
Date Valid 03/09/2014

Item 6.3

Ward Honicknowle

Site Address	ERNESETTLE LANE ERNESETTLE PLYMOUTH		
Proposal	Construction and operation of a biomass energy facility to generate renewable electricity and heat		
Applicant	Plymouth Biomass Limited		
Application Type	Full Application		
Target Date	24/12/2014	Committee Date	Planning Committee: 04 December 2014
Decision Category	Major - more than 5 Letters of Representation received		
Case Officer	Simon Osborne		
Recommendation	Refuse		

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1. Description of site

The site is located towards the north-west boundary of the Plymouth area. It extends to approximately 4.7 acres and is situated to the east of Ernesettle Lane and west of Northolt Avenue. Roughly rectangular in shape, the site boundaries are identified by existing vegetation and fence lines. The proposed site was previously used for storage of lorry trailers and is the former site of a school demolished many years ago.

The proposal sits at the south end of a ribbon of existing light industrial buildings. The southern and eastern areas are fringed by residential dwellings.

The site immediately adjacent to the north benefits from outline planning permission for B2 and B8 uses.

The site falls within the setting of the Tamar Valley AONB, is within close proximity of the Tavy and Tamar estuary SSSI, the Tamar Estuaries Complex Special Protection Area (SPA), and Plymouth Sound & Estuaries Special Area of Conservation (SAC).

2. Proposal description

The Proposed Development will involve the construction of the following:

- A single building with a part green roof designed to house the majority of the process operations, control and office accommodation (varying in height above ground level between 11m and 21m);
- External plant including gas cleaning equipment, stack (45m in height above ground level) and air-cooled condensers.
- Electricity sub-station;
- Access roads and HGV waiting / manoeuvring areas;
- Weighbridge;
- Visitor and staff parking spaces;
- Fencing; and
- Landscaping.

The existing sloping site levels are proposed to be levelled which requires lowering the existing ground-level to the south. The proposed building would be clad in non-reflecting panelling with a band of black panelling around the lowest 2 metres of the building, above which the building would be finished in a dark green colour on the lower façade and blending to a white colour on the higher façade. The proposed stack would also go from dark green to white as it gets higher

The proposed Biomass Process

The Proposed Development will generate electricity and heat from a gasification process, which uses heat, pressure and steam to convert a solid fuel directly into a 'syngas' (or 'synthetic gas'). It can be used in a similar way to natural gas in a domestic boiler. In this case, the syngas is used in a large boiler to produce steam and hot water. Steam produced by the boiler is then sent to a steam turbine generator which will produce electricity which can then be exported to the grid. The facility will have the capacity to deal with up to 100,000 tonnes of biomass feedstock per year. As well as electricity and heat, the other usable output of the Proposed Development is an ash/char material. The amount of output material will be approximately 5,000 tonnes per year. The facility will be operational 24 hours per day, 7 days per week, on a shift system. However feedstock will only be capable of being accepted during the following hours:

Monday to Friday 08:00 – 18:00

Saturdays 08:00 – 13:00

Periodic maintenance will be carried out which means that the plant is expected to operate for approximately 8,000 hours per year (there are 8,760 hours in one year).

Environmental Statement

A scoping opinion was previously requested for the proposed development as it was deemed by the applicant to fall within Schedule 1 paragraph 10 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. This is because the development falls within this classification: waste disposal installations for the incineration or chemical treatment of non-hazardous waste exceeding 100 tonnes per day.

A scoping opinion provides guidance to what the Environmental Statement needs to contain. The Local Planning Authority provided a scoping opinion on the 20th March 2014.

Further information was requested from the applicant via a regulation 22 request on the 15th October. Information was received in response on 30th October 2014.

3. Pre-application enquiry

14/00608/MAJ – Discussions were held regarding the proposal and the main issues to that would need to be overcome were discussed

4. Relevant planning history

There is a large amount of planning history relating to the now demolished Toshiba Factory, none of which is considered relevant.

13/00900/FUL - Change of use including installation of up to 52 diesel generators and 13 transformers for generation of Short Term Operating Reserve (STOR) electricity of up to 20mw to the local distribution network and associated works – Permitted.

13/01916/OUT - Outline application with details of access for development of 6,320m² of B2 (General Industry) and 9,100m² of B8 (Storage and Distribution) Uses (details of appearance, landscaping, layout and scale reserved for future consideration) - Permitted

13/02406/FUL - Change of use including installation of up to 52 diesel generators and 13 transformers for generation of Short Term Operating Reserve (STOR) electricity of up to 20mw to the local distribution network and associated works - Variation of condition 2 of planning consent 13/00900/FUL to allow substitution of drawing - minor material amendment to alter layout and infrastructure- Permitted.

14/00312/ESR10 - Request for scoping opinion for Environmental Impact Assessment for development of a Biomass Energy Facility- Scoping opinion sent 20/03/2014.

Land adjacent to previous Toshiba Car Park

12/01341/FUL- Change of use of part of main car park at Plymouth Karting to an outdoor kart circuit – PERMITTED

5. Consultation responses

Natural England – No Objections

Marine Maritime Organisation- No objections

MOD – No objections

Public Protection – object on contaminated land issues and raise concern regarding noise.

HSE – No objections

Highways Agency – No objections

Local Highways Authority – No objections subject to conditions

Environment Agency – recommend refusal on surface water drainage issues

Tamar Valley AONB – No objections

Economic Development – No objections

Queens Harbour Master – No objections

6. Representations

237 Letters of objection have been received regarding this application, 31 of which were forwarded by the local MP. There have been 3 letters of support and 23 letters of containing observations. 3 Petitions have also been received containing a total of 509 signitures.

Summary of main issues raised in Letters Of Representation:

- Risk To public Safety
- Highways pressures
- Conflict with established road users, such as learner drivers
- Increase of heavy vehicles
- Increased noise
- Increase pollution particularly given in an area prone to mist
- Loss of habitat
- Impacting wildlife
- Planning blight
- Proximity to schools and children
- Health concerns from toxins
- Loss of amenity and quality of life
- Not creating enough jobs
- Not benefiting the local economy
- No benefit for Ennesettle residents
- Inappropriate for the area
- Negatively impact the community

- Poor use of the land
- Impact on the AONB
- Contrary to Policy CS18 (Plymouths Green Space)
- Stack height is a concern
- Will impact other communities
- Cumulative impacts with Devonport
- Inaccurate information
- Odours will be bad
- Discriminates against the poor
- Inaccurate figures
- Not enough information from highways agency
- Damage our ocean city
- Future impacts
- Incinerator, not a Biomass

The letters of support raise the following reasons:

- Provide Jobs
- Provides Renewable energy
- Will get used to the impacts

7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007).

The National Planning Policy Framework (the Framework) is a weighty material consideration. It replaces the majority of Planning Policy guidance issued at National Government Level. Paragraph 215 of Annex 1 to the Framework provides that the weight to be afforded to Core Strategy policies will be determined by the degree of consistency of those policies with the Framework.

At the heart of the Framework is a presumption in favour of sustainable development. In the context of planning applications, this means approving development proposals that accord with the development plan without delay but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- specific policies in the Framework indicate development should be restricted.

8. Analysis

1. This application turns upon policies CS01, CS02, CS04, CS05, CS18, CS19, CS20, CS22, CS25, CS26, CS28, CS32, CS33, and SO13 of the Core Strategy, Waste DPD, the National Planning Policy for Waste (NPPW) and the NPPF. Also of relevance are the 'Overarching Energy National Policy Statement' (NPS ENI) and the 'Renewable Energy Infrastructure National Policy Statement (NPSEN3)
2. The main issues to consider are the visual appearance and impact landscape including the designated sites, impact on neighbouring amenities, the impact on the highway, pollution, impact on the waste strategy, employment, and renewable energy.

Principle of Development

Renewable Energy

3. The overarching National Policy Statements (NPS) while used to assess applications for large scale energy plants (Development Consent Orders) are useful to understand the significant national issues raised by energy use and the renewable energy targets that the UK has. These documents are also useful to identify key issues raised by renewable energy projects.
4. Paragraph 3.4.1 of the NPS ENI states that "UK commitments to sourcing 15% of energy from renewable sources by 2020. To hit this target, and to largely decarbonise the power sector by 2030, it is necessary to bring forward new renewable electricity generating projects as soon as possible. The need for new renewable electricity generation projects is therefore urgent"
5. Para 3.4.3 of the NPS ENI states the following:

“..biomass is a significant source of renewable and low carbon energy....Its combustion also displaces emissions of carbon dioxide ordinarily released using fossil fuels;”
6. Also the biomass proposed to be utilised is waste wood. NPS EN-I states the following regarding energy from waste plants:

“...the principal purpose of the combustion of waste, or similar processes (for example pyrolysis or gasification) is to reduce the amount of waste going to landfill in accordance with the Waste Hierarchy and to recover energy from that waste as electricity or heat....The energy produced from the biomass fraction of waste is renewable and is in some circumstances eligible for Renewables Obligation Certificates.”
7. In respect of renewable energy production, the acute need for this type of proposal is recognised. Government policy on the need for and development of new electricity generating infrastructure, including biomass fuelled generating stations, is set out in the overarching National Policy Statement for Energy and the National Policy Statement for Renewable Energy Infrastructure, designated by the Secretary of State on 19th July 2011

under the Planning Act 2008, It is clear that if the UK and EU targets are to be met then significant additional renewable generating capacity will be required.

8. The National Planning Policy Guidance (NPPF) classifies biomass as renewable energy and promotes the development of renewable energy and advises local authorities to approve applications if its impacts are (or can be made) acceptable.
9. However the updated National Planning Policy for Waste states that:

“Where a low carbon energy recovery facility is considered as an appropriate type of development, waste planning authorities should consider the suitable siting of such facilities to enable the utilisation of the heat produced as an energy source in close proximity to suitable potential”

10. Associated guidance in DEFRA'S 'Energy from Waste- A Guide to the debate 2014 stresses the importance of maximising energy production but observes that *“unless energy output can be effectively used then there is no benefit from maximising its production”* and goes on to state that this means steering waste towards the most efficient plants/outputs, and selecting sites that do not only generate electricity but export heat to local heat users.
11. Chapter 10 of the NPPF 'Meeting the challenge of climate change, flooding and coastal change' states in paragraph 93 that 'Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development'
12. Paragraph 96 states that in determining planning applications, local planning authorities should expect new development to:
 - comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable.
13. Paragraph 97 states that to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:
 - have a positive strategy to promote energy from renewable and low carbon sources;
 - design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
 - consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;

- support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

14. The recent inspection of Devon's Waste Plan (Report of the examination into the Devon Waste Plan", DCLG, October 2014 ref PINS/J1555/429/5), together with the background evidence, is therefore particularly relevant to Energy from Waste (EfW) applications in the Plymouth area.
15. As part of the evidence base for the plan a study on the recovery of energy from waste in Devon recommended that sites for thermal energy from waste should be driven by "the availability of suitable heat loads because, for efficient resource use, thermal treatment facilities should serve local heat loads from combined heat and power (CHP)" facilities. The study also stressed the need for "high utilisation heat loads".
16. The Inspector supports sites in the region that provide for the use of heat from Energy from Waste facilities with the quote "**Any given technology is more beneficial if both heat and electricity can be recovered. Particular attention should therefore be given to the location of the plant to maximise opportunities for heat use**".
17. Policy CS01 states that the council will safeguard and capitalise on the local environment including the need to **deliver effective and sustainable use of resources**.

Efficiency of the Biomass EfW plant

18. The University of Exeter has carried out a technical assessment of the proposed plant . The assessment states that the proposed heat to power ratio at Ernesettle (3 MW_{th} to $10.8 \text{ MW}_{\text{e}}$) is unlikely to provide significant efficiency gains even if the limited 3 MW_{th} capacity were to be used for 8000 hours per year. It suggests that the heat load for the Ernesettle plant is not sufficiently defined to give confidence that a material amount of the limited heat export capacity will be used to export heat from the facility and there has to be a concern that the plant will only produce electricity. The assessment states that comparison of the Ernesettle proposal with local examples of EfW facilities that can export heat show that to achieve significant efficiency gains the amount of heat compared to electricity exported needs to be significantly more than the headline 3:1 | 1 ratio proposed at Ernesettle. It concludes that based on the limited information provided, the Ernesettle EfW proposal does not have the potential to maximise energy production from the waste wood resource compared to other facilities in the region, because of the lack of likely heat (or cooling) customers in the vicinity, even if the potential customers identified are secured.
19. Whilst the applicants have confirmed that it meets the Good Quality CHPQA standard, further verification would be needed from the applicants to confirm this. There is insufficient information provided about the Ernesettle plant to make a proper assessment of the energy aspects of the proposed facility.

Co-location with local heat or coolth customers

20. Coolth customers are customers that require cooling rather than heating for example refrigeration or air conditioning. In this instance the heat is used to provide the energy required for the cooling process.
21. The potential heat loads identified (heat available for use by customers) in the applicant's Energy Statement, assuming all are connected, and can utilise the available energy would at very most be 12,499 MWh per annum. The potential thermal output of the plant is suggested to be approximately 24,000 MWh per annum at the current efficiency levels stated.
22. Whilst there could be some potential heat (or indeed coolth) customers in the vicinity of the plant, there is no certainty provided and indeed even the potential heat loads identified fall short of utilising the available heat, with only half utilised at best assuming maximum uptake.
23. During the Devonport EfW planning application process a review of alternative sites, included an adjacent location to this site and concluded that there were no significant heat users in this area, influencing the final location of this plant at HMNB Devonport.
24. It is also not clear who would be responsible for delivery of any offsite heat network infrastructure and whether additional significant investment to the plant would be required to be able to export the heat.
25. There is insufficient information provided to make a proper assessment of the energy aspects of the proposed plant and, from the limited information which is provided, officers conclude that:
 - the proposed heat to power ratio at Ernesettle (3 MW_{th} to $10.8 \text{ MW}_{\text{e}}$) is likely to provide a low level of overall energy recovery there is no certainty of heat (or coolth) customers in the vicinity of the plant taking any heat (or coolth) from the plant or, if they do, how much they would require.
 - From the information provided, it is evident that there is not likely to be sufficient heat utilised from the plant to allow it to achieve significant efficiency gains (to maximise energy recovery) when compared to similar EfW plants in the region where such use can occur.

Waste

26. The Core Strategy outlines the long term approach to Plymouth as a City that is as self-sufficient as possible in managing and treating its waste. Strategic Objective 13: Delivering Sustainable Waste Management sets the overall strategic approach for how Plymouth will accommodate waste management.
27. These objectives are taken forward in the Waste DPD, adopted in 2007. As this site is not located on an allocated strategic waste site this development will need to be assessed against Policy W7 of the Waste DPD.

28. Policy W7 states amongst other considerations that

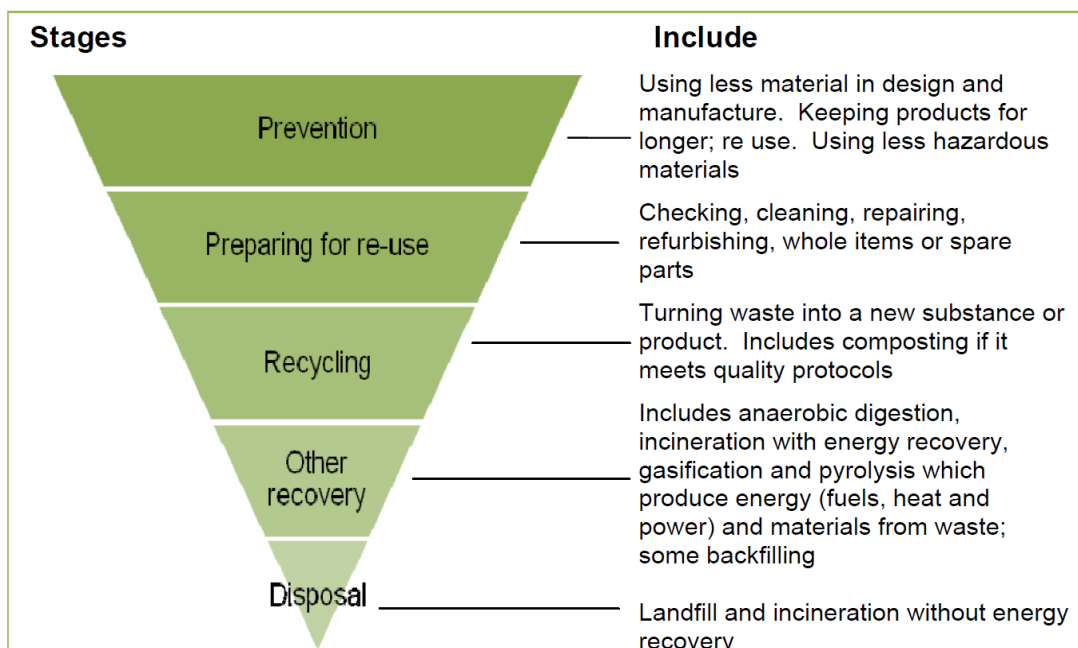
- They are consistent with relevant waste planning policies and objectives, are compatible with the objective of moving the management of waste up the waste hierarchy, and do not compromise the achievement of recovery targets.

29. Officers consider that the proposed development is not consistent with the adopted development plan.

30. The Government's policies on waste are contained within the Waste Management Plan for England 2013 and the National Planning Policy for Waste 2014 as well as the National Planning Policy Framework.

31. Government policy outlines that consideration of need is an important issue when assessing proposals that accommodate waste management facilities. Whilst this application is for a biomass plant the source of the feedstock (renewable, biological material used as fuel) will be waste wood, as a result waste planning policies are central to this proposal.

32. The National Planning Policy for Waste (NPPW) identifies that it is the government's objective to move towards a sustainable and efficient approach to resource management using the Waste Hierarchy, as identified below:



33. In terms of the Waste Hierarchy there are inconsistencies in the detail of the application. As part of the application details flexibility needs to be given to accepting a,b,c grades of waste wood (see table below for definitions), and other parts identify just c. Grade a and b waste wood are suitable for re-use and recycling and a plant accepting these grades would be contrary to the objectives of the Waste Hierarchy. Furthermore the Environment Agency, in their September 2014 briefing note document on the Regulation of Wood, has advised that there is uncertainty about how accurate the classification of waste wood. This therefore increases the risk that waste wood that could be re-used or recycled could be pushed lower down the Waste Hierarchy.

Grade	Typical markets	Typical sources of raw material for recycling	Typical materials	Typical non – wood content prior to processing	Notes
Grade A "Clean" recycled wood	A feedstock for the manufacture of professional and consumer products such as animal bedding and horticultural mulches. May also be used as fuel for renewable energy generation in non-WID installations and for the manufacture of pellets and briquettes.	Distribution, Retailing, Packaging, Secondary manufacture, e.g. joinery, Pallet reclamation.	Solid softwood and hardwood, Packaging waste, scrap pallets, packing cases and cable drums, Process off-cuts from the manufacture of untreated products.	Nails and metal fixings, Minor amounts of paint and surface coatings.	Some visible particles of coatings and light plastics will remain. Is a waste for the requirements of Waste Management Regulations. Does not require a WID installation. Should not contain lower grade material.
Grade B Industrial feedstock	A feedstock for industrial wood processing operations such as the manufacture of panel products, including chipboard and medium density fibreboard.	As Grade A, plus construction and demolition operations transfer stations.	May contain up to 60% Grade A material as above, plus building and demolition materials and domestic furniture made from solid wood.	Nails and metal fixings, Some paints, plastics, glass, grit, coatings, binders and glues, Limits on treated or coated materials as defined by WID.	The Grade A content is not only costly and difficult to separate, it is essential to maintain the quality of feedstock for chipboard manufacture, and for PRN revenues. Some feedstock specifications contain a 5% to 10% limit on former panel products such as chipboard, MDF and plywood. Should not contain lower grade material. Is a waste for the requirements of Waste Management Regulations. May require a WID installation, unless the operator of the biomass energy plant can demonstrate to the Regulator adequate quality controls in the supply chain to ensure no Grade C material is included.
Grade C Fuel	Biomass fuel for use in the generation of electricity and/or heat in WID compliant installations.	All above, plus municipal collections, recycling centres transfer stations and civic amenity recycling sites.	All of the above plus fencing products, flat pack furniture made from board products and DIY materials, High content of panel products such as chipboard, MDF, plywood, OSB and fibreboard.	Nails and metal fixings, Paints coatings and glues, paper, plastics and rubber, glass, grit, Coated and treated timber (non CCA or creosote).	Suitable only for WID installations. Material coated and treated with preservatives as defined by WID may be included. Should not contain lower grade material. Is a waste for the requirements of Waste Management Regulations.
Grade D Hazardous waste	Requires disposal at facilities licensed to accept hazardous waste.	All of the above plus fencing, track work and transmission pole contractors.	Fencing, transmission poles, railway sleepers, cooling towers.	Copper / chrome / arsenic (CCA) preservation treatments and creosote.	Is a waste for the requirements of Waste Management Regulations. Requires disposal in a process regulated as a hazardous waste incinerator.

I Source: Waste Wood: A Short Review of Recent Research DEFRA 2012

34. The applicant details that economics will result in grades a and b waste wood not being used and this provides little certainty. Without a mechanism to ensure that this is achieved
35. Plymouth City Council supports the movement of waste through the hierarchy through ensuring that there is sufficient capacity for waste management facilities in the City to allow waste to move through the waste hierarchy. The Council's Future Needs Assessment (2014) identifies that there is significant Energy Recovery capacity within Plymouth. The City therefore has enough facilities to process the waste.
36. The identified capacity in Plymouth includes 245,000 tonnes per annum Energy from Waste Plant at Devonport (of which up to 76,000 tonnes is available for 3rd party waste) and 40,000 tonnes per annum at Belliver waste wood CHP facility. The Devonport plant is due to

become operational in Spring 2015 and it is understood that the Belliver facility is undergoing commissioning but is not currently operational. As a result there is up to 116,000 of committed Energy Recovery capacity provided in Plymouth for third party waste. This clearly demonstrates that Plymouth City Council supports developments that drive waste up through the waste hierarchy.

37. Plymouth City Council has also worked jointly with other Waste Planning Authorities in the region to ensure that there is sufficient capacity in the region for waste management infrastructure.
38. In Cornwall the St Dennis Energy from Waste is under construction and scheduled to be operational by the end of 2015. This will provide 240,000 tonnes of waste management capacity, of which around 40,000 tonnes will be available for third party waste. In Exeter 60,000 tonnes of Energy from Waste capacity was delivered in 2014. The Devon Waste Plan also makes provision for up to 377,000 of Energy Recovery Capacity by 2031, across 5 sites.
39. The planned approach to providing facilities allows for the spatial distribution to be considered to ensure that there a suitable network of facilities for a mix and type to deliver sustainable waste management is available. Through ensuring that there is a balanced spatial distribution across the wider area planning ensures that there is not over-concentration in one area whilst ensuring that the need to travel distances are kept to a minimum.
40. The National Planning Policy for Waste also identifies that waste management capacity of more than local significance should be considered. The applicants have identified the DEFRA (2012) Wood Waste: Short Review of Recent Research which identifies characteristics and amounts of waste wood in the UK.
41. The review identifies that there are 375,000 tonnes of waste wood amounts in the South-West. Whilst this is a significant amount of wood waste, it has to be taken into account that this is for a region with a population of 5.3m people. On a per capita basis for this part of the region, the amounts are estimated to be about 40,000 tonnes.
42. Through the existing and planned capacity identified officers consider there is sufficient capacity to accommodate this level of arising's and it is therefore likely that the provision of 100,000 tonnes would result in significant over-capacity in the area. This will have a harmful impact on the sustainability of the energy recovery operation as waste wood would need to be transported from a wider catchment from where the waste arises. Furthermore this proposal could undermine the investment and the approach to waste management taken in the area through providing significant over-capacity.
43. The Council's Street Services Department who deal with and advise on waste issues has outlined there is not a void in the waste wood capacity in the City once the EFW plant is operational and that a plant with capacity of 100,000 tonnes may take wood that is suitable for higher uses within the Waste Hierarchy. They have further added that it is likely that waste wood would be imported. In addition through having a system that pays for waste wood instead of charging a gate fee the economics of the waste wood management may be detrimentally affected.

44. The applicant has submitted a Need Statement with this application. Officers consider this includes limited and inadequate information to demonstrate need. The Need Statement includes information from Boomco, a waste wood supplier from Gloucester, suggesting they could supply wood but no information is provided on quantity or where the waste wood arises. Further analysis of the local waste wood market would be required to allow an assessment to be made. As already identified there is significant capacity that will be delivered in the area to recover waste energy from waste wood. As a result waste wood would need to be sourced from national or international markets which would result in the environmental benefits of this operation being significantly weakened.
45. Through the submission of additional information in response to the Reg 22 request the applicant has provided limited further justification of need. This is centred around an additional local supplier and the exportation of waste wood from the UK. In terms of an additional letter again this evidence is considered inadequate as is full of caveats and does little to apprise where the waste arises or how it is currently managed.
46. In terms of waste wood being exported it is acknowledged that there is a wood chipping facility based at Roche in Cornwall where waste wood is processed and then exported. This contract is for 15,000 tonnes per annum, of which 10,000 tonnes is sourced from Cornwall's Local Authority Collected Waste and 5,000 tonnes from the commercial and industrial waste sectors.
47. However this waste movement is as a result of the current limited capacity for other recovery in the region. As already outlined in the earlier section of this report significant capacity is either under construction or planned in Plymouth, Devon and Cornwall. Once these sites are operational there will be capacity to accommodate this waste stream without needing to export.

Summary of Principle of Development

48. The application has not sufficiently demonstrated that there is a need for a 100,000 tonne bio-mass facility that would dispose of waste wood. This would cause significant harm to the Council's waste strategy which seeks to encourage waste to move up the waste hierarchy because the additional capacity could result in waste wood being imported from a wide catchment. As a result the development fails to promote the effective and sustainable use of resources and will cause harm to the to the environment. Officers consider the development does not therefore comply with Policy CS01 of the Core Strategy as it fails to deliver effective and sustainable use of resources.
49. The proposed facility will accept all grades of waste wood which could be suitable for re-use and preparing for re-use. This is expressly contrary to the principles established in the waste hierarchy and will cause harm to and undermine the Council's waste strategy and results in a treatment method which is at a lower stage in the waste hierarchy. Furthermore officers consider that the facilities likely low efficiency due to the proposed process and lack of end heat users will result in unsustainable development contrary to SO13, CS01, CS26, CS34 of the Core Strategy, W7, W8 of the Waste DPD and national policy found within the NPPF and NPPW.

Appearance and Landscape

50. The proposal would involve the construction of a relatively large building ranging in height from 11m and 21 metres with a stack of 45 metres from ground level.
51. The Waste DPD The council has previously allocated a site (W2) on the Western side of Ernesettle Lane which is closer to the protected areas than the present proposal. As with all Development Plan Documents the Waste DPD was tested for soundness by a planning inspector prior to its adoption in 2008. The inspector had to take into account whether the site would be capable of accommodating an energy from waste facility. When considering the potential visual impact the inspector stated in paragraphs 3.25 and 3.26
52. In terms of the potential visual impact of an EFW incinerator, clearly such a facility would be a very large structure occupying a site of between 2 and 5 hectares. The mass and height of such buildings, based on my observation of the facility at Marchwood, Southampton, would make such a building at Ernesettle highly visible from the Ernesettle neighbourhood, from the River, from the Saltash waterfront and from rural settlements further north in the Tamar valley. It would be unrealistic to expect that the prominence of such a building could be masked by landscaping.
53. The site is part of the setting of the Tamar Valley Area of Outstanding Natural Beauty (AONB). Government guidance and local development plan policy aims to preserve and enhance the natural beauty of such areas. The RSS states that the provision of waste facilities should generally avoid protected landscapes. RSS Policy W2 requires a sequential approach to be followed with the location of waste facilities being within the City in the first instance. Nevertheless, viewed from the western side of the River Tamar, the context for Ernesettle and buildings that could be built on the allocated site is provided by the overwhelming presence of the built form of Plymouth, and predominantly of HM Naval Base Devonport and the armaments depot. The Tamar Bridge and the Royal Albert Bridge are also very significant townscape elements. The Ernesettle site is on the edge of the built up area of Plymouth and adjoined by high quality landscape but so is much of Plymouth. In functional terms it is appropriate to consider the site as having a role in accommodating the requirements of a City of 250,000 that will grow to over 300,000 residents. The role of the site in this respect is further enhanced by the sub regional role that waste management facilities in Plymouth are expected to have.'
54. Although it is considered that there is no longer a need for an EFW facility the fact that the adopted Waste DPD (which has been tested and found sound) has identified the site suitable for a larger EFW must be given weight in determining the impact on the landscape.
55. Further to this Natural England conclude that the project is not likely to adversely affect the integrity of Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA.
56. As previously mentioned the application is in close proximity to the Tamar-Tavy Estuary SSSI. Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the

interest features for which the site has been notified. It therefore advise that the SSSI does not represent a constraint in determining this application.

57. With regard to the setting of the Tamar Valley Area of Outstanding Natural Beauty (AONB). Natural England has no comments to make on this proposal as they do not believe that this development is likely to impact on the reasons for which the site is designated. They note that given the location of the development, however, the local planning authority should seek the views of the Tamar Valley AONB Unit prior to determining this planning application, as they may have comments to make on the location, nature or design of the development.
58. The Tamar Valley AONB have commented on the application and raise no objections. They consider that 'whilst it will be a large building and the stack combined with the high roof level of part of the building will be taller than the surrounding industrial buildings, it still sits roughly in line with the developments to the rear (east of the site) as they cling to the hillside beyond. The building is slightly set back in the landscape than the other industrial buildings located near the foreshore (although these are all lower than the proposal).
59. They consider that overall there will be 'higher impacts to users of the river in this location but note that the landscape has already suffered a high degree of alteration making it distinctly industrial in nature. This has been further compounded by the solar PV development (visible from the Saltash Bridge). Overall the perceptions of receptors will be that they are on the outskirts of a very definite industrial/urban fringe. Perhaps most striking is that views of the two bridges spanning the river are what draws the eye the most from this location within the river corridor, being a strong vertical emphasis in the views from the river and foreshore. This strong vertical emphasis to parts of the river landscape in the vicinity of the site is such that it forms a dominant aspect in views of the site and surrounding area both within and adjacent to the AONB landscape. Therefore Tamar Valley AONB have no objections to the proposal in terms of visual impact or landscape impact'. They have raised some concern regarding the colour of the cladding particularly the higher elevations being white when the backdrop when viewed from the AONB is dark. Should the application be approved materials can be controlled by condition.
60. The Landscape Character and Visual Impact Assessment (Chapter 6 of the Environmental Statement) identifies that six visual receptor groups could experience Significant adverse effects as a result of the proposed development. These are the recreational users of the Public Right of Ways at Ernesettle (VR1) and Landulph Plymouth Biomass Energy Facility (VR14) and residential receptors in Lakeside Drive (VR3), Gravesend Walk (VR4), Croydon Gardens (VR5) and Elwell Road/Tavy Road (VR9). The study also finds significant adverse effects with the AONB at key rural points (Rural LCA 1) and on the water (Water LCA4).
61. Given the above it is considered that while there will be an adverse impact on the landscape, provided that adequate mitigation is secured through conditions and a S106 obligation, it is would not be so significant to warrant refusal of the application.

Employment

62. The proposal would provide full time employment for 18 people. It has to be recognised that the site is currently vacant and that the main central part of the Toshiba site has outline

permission for employment uses for a similar of employers to the previous factory. For these reasons the Councils Economic Development Department support the proposal and therefore the proposal is considered acceptable in employment terms.

Residential amenity

63. Part of the building would be 11 metres in height with the part containing the boilers and gasifiers being 21 metres in height. The stack itself would be 45 metres in height. The proposed building would be located approximately 47 metres from the rear boundary of the closest residential property in Gravesend Walk and approximately 53 metres from the dwelling itself. The building has been designed so that the part of the building closest to dwellings is 11 metres in height (from a slightly set-down groundlevel at the south of the site). Although it is recognised that the proposal will be highly visible, particularly the higher part of the building and the stack, the part of the building closest to these dwellings would be partly screened by the existing and proposed boundary vegetation. It is considered that the distance between the proposed building and the closest dwellings would be adequate to ensure that the impact on amenities in terms of outlook privacy and light would be acceptable in planning terms. The distance, especially the distance from the taller part of the building would ensure that the proposal would not appear unreasonably overbearing or dominant when viewed from nearby residential dwellings.

Biodiversity

64. Appendix 5 of the Environmental Statement includes an Ecological Mitigation and Enhancement Strategy which is considered appropriate for this development and includes:
- Reptile translocation will need to be undertaken before work begins on site;
 - Enhancement of the broad-leaved tree screening using locally sourced native species (but see note on landscaping below)
 - Wildflower seeding using the mix as specified.
 - Five Bird boxes, five bat boxes and five insect boxes to be installed, supervised by an Ecologist. Maintenance details have been provided.
 - Green sedum roof on the biomass energy facility as specified.
 - Financial contribution to Plymouth City Council to go towards local biodiversity in the surrounding area which includes the management of the reptile translocation site for 5 years as well as mitigation for the loss of 4,684m² of recently flailed scrub and felled scattered trees, and 2,264m² recently felled broad-leaved woodland.
65. In the event that the application is approved, this could be secured by condition.

Highways

66. The site will be accessed via a private road having a priority junction onto Ernesettle Lane. Access to the site itself will allow both private vehicles and HGV's to enter and exit in a forward direction.
67. It is acknowledged that the site's previous use as a part of a large scale factory facility would have generated a significant number of staff and HV trips. All parking, both for deliveries and

for staff is accommodated on site. Ten staff parking spaces are proposed along with space to accommodate four waiting HGV's. Secure cycle parking and motorcycle parking areas are also proposed.

68. A Transport Scoping Report was produced by the applicant and a formal scoping opinion was given under (14/00312/ESR10), requesting a full Transport Statement. As such a Transport Statement has been submitted and has indicated that at the proposed maximum limit of 100,000 tonnes of feedstock per annum, 58 HGV movements per day (28 in 28 out) will be generated by feedstock deliveries, with a further 36 (18 in 18 out) private car movements per day generated by staff. The Transport Assessment has conducted an assessment of peak hour traffic impact on the surrounding road network, including the A38 trunk road and has indicated that there will be minimal impact. The Local Highway Authority concur with the overall conclusion of minimal impact. In précis, the Local Highways Authority has no material objection to this application subject to conditions relating to a travel plan and cycle storage.

69. The Highways Agency also has no objections.

Pollution

Air Quality

70. It is evident from many letters of representation that there is a public fear of health risk associated with this planning application for what is termed an Incinerator. The weight that the Local Planning Authority attaches to such fears depends on the conclusion as to whether such fears are capable of being objectively justified by reference to evidence.

71. The submitted Environmental Statement includes a chapter on air quality. The chapter concludes that during the construction phase, residential properties within 100 m of the main construction area may experience an occasional increase in local soiling rates (dust rates) during times when activities are carried out in extremely dry and windy weather. Any such impacts would be restricted to short-term episodes affecting a small number of properties at any one time, and would be of slight significance. These impacts are most likely to take the form of increased dust on property surfaces and are not normally associated with a general risk to health.

72. The submitted information suggests:

- An evaluation of stack heights has shown that a stack height of 45 metres is capable of mitigating the short-term and long-term impacts of operational emissions to an acceptable level, with regard to existing air quality and ambient air quality standards.
- The combined impact of emissions to air from the biomass energy facility and operational traffic would not result in any significant effect at air quality sensitive receptors. Taking into account available information on background concentrations, predicted operational concentrations of the modelled pollutants would be within the assessment criteria for the protection of human health.

- Emissions from the proposed biomass energy facility would not result in a significant effect on annual mean NO₂ concentrations within AQMAs in Plymouth or elsewhere.
 - No significant effects are predicted on designated ecological sites with regards to direct toxic effects (NO_x, SO₂, NH₃ and HF) and deposition (acid and nutrient nitrogen).
73. The Council's Public Protection Service concurs with these findings however point out that such emissions from the stack will be monitored by the Environment Agency because the site will be subject to an Environmental Permit.
74. It is therefore the Environment Agency which has the expertise to deal with air quality issues arising from the stack. They have indicated that despite the information submitted in response to the 22 regulation request for further clarification on air quality issues, particularly with regard to controls and residues, they are likely to conclude that there is still insufficient information to demonstrate that the proposal is acceptable in this respect. A further update clarifying this position will be provided in an addendum report.
75. National policy makes it clear that matters of health and pollution are the responsibility of the pollution control regime and not the planning process. The new National Planning Policy for waste explains that the pollution control and planning system regimes are separate but complementary. The former seeks to prevent pollution through the adoption of measures to restrict or prohibit the release of substances to the environment to the lowest practicable level. It also ensures the ambient air and water quality standards which guard against the impacts to the environment and to human health. In contrast, the planning system controls the use of land and development of land in the public interest. Paragraph 7 of the NPPW makes the point that, in the determination of a planning application for waste management facilities, planning authorities should 'concern themselves with implementing the planning strategy in the development plan and not with the control processes which are a matter for the pollution control authorities'. The NPPW further explains that planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.
76. The relevant Local Policies are Policy CS22 of the Core Strategy which states that the Council aims *"To protect people and the environment from unsafe, unhealthy and polluted environments through...2. Ensuring development causes no unacceptable impact on water or air quality"* and Policy CS34, which states that *"Planning permission will be granted if all relevant considerations are properly addressed. These considerations will include whether the development...Has adequately considered the on and off-site impacts of the proposal in terms of climate change, flood risk, wildlife, natural resource use and pollution."*
77. The issue for the Local Planning Authority therefore is whether, with suitable controls in place (whether through planning conditions or the permit) there would be an acceptable effect on air quality.
78. As mentioned the EA have indicated that there is insufficient information to determine the impact of the proposal. An update is awaited and will be provided in an addendum report.

Ground contamination

79. Information that been submitted relating to land contamination in Chapter 9 of the ES and appears to consider the significance of the impact of the proposed development.
80. Although the proposed land use is relatively insensitive and it is acknowledged that hard cover and buildings/structures will cover the site, the information provided so far confirms variable made ground within the development site area that may be a source of ground gas. A potential landfill area flagged by the Environment Agency lies adjacent to the site and another close by, but no information has been presented to support the consultant conclusion in the Environmental Statement that the risk of harm to human health from lateral and/or vertical migration and accumulation of landfill gases in future structures on the site is low. The Public Protection Unit therefore recommends refusal of the application on the basis of inadequate information to demonstrate the impact will be acceptable. Officers consider that the recommended refusal is justified.

Noise

81. Clarification on noise issues was requested as part of the Regulation 22 request. With regards to the additional information that has been submitted by the applicant this has not significantly altered or allayed concerns of the Public Protection Unit with regards to the noise levels that will be experienced by nearby residents.
82. Whilst they accept that the wording of BS4142 does warn against using this assessment methodology in areas with low background noise, below 30dB or low rating levels, below 35dB, this doesn't alter that fact that a significant indicator using this method is of concern.
83. It is usual to use worst case scenarios in reports of this nature, and this report does mention that the night-time noise levels as measured (at receptor NI Exeter Close) ranged from 24dB to 30dB with an average of 27dB. However if a worst case approach was taken of a background of 24dB even with mitigation in place there is a receptor with a level 10 rating level, which is an indication that complaints are likely. A level of 7 is still relatively significant, and given the low levels that are present, potentially significantly disturbing.
84. The Public Protection Unit points out that the noise levels reported for a number of receptors are the same both in daytime and night-time, thus implying that the noise contribution made by alteration in operations is nil. As such if it is appropriate to apply a 5dB character correction during the daytime it is also appropriate during the night-time for these receptors. By taking this approach two receptors would have a rating level of 10 and 12 respectively both of significant concern.
85. With regards to the findings of the report overall – the conclusions state that that resultant daytime impact will be minor adverse at receptors R3-R7, it should be remembered that these receptors are representative of 143-189 Lakeside Drive which is 24 households (as a

minimum- knowing the topography of the area it could be argued that many more households may be impacted). Taking an average household in that location as 3 people, which is likely to be conservative given the size of the properties, that is 72 people being adversely affected by this development.

86. The Public Protection Unit has advised that due to the background noise the methodology used is in line with standards and that with the figures predicted they cannot raise a full objection. However the overall the level of predicted impact coupled with the failings in the report, which lower their confidence in the predictions themselves, leads them to feel that the noise is of concern.

87. As this is a proposal that requires an environmental permit the EA also assess the noise impact. They have currently indicated that there is a lack of sufficient information to adequately assess the noise impacts of the proposal. An update will be provided via an addendum.

Surface water drainage

88. Whilst drawing number G002 Revision B contains a basic proposal to connect the plots to the Tamar Estuary, the Environment Agency state that they would expect the application to demonstrate the following:

- the proposed surface water drainage network for the site
- how this site will integrate to the wider site drainage strategy
- how water quality will be managed

89. Further clarification was requested in the Reg 22 request however the addendum received only referred back to the submitted Environmental statement and so provided no further information as per the request.

90. In the absence of this detail, the submitted FRA is not sufficient to demonstrate that an acceptable surface water drainage system can be provided on the site and does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development contrary to policy CS21 and the NPPF

Other issues

91. The plans provided show that the proposed biomass energy facility would be situated within the outer explosive safeguarding zone, the Vulnerable Building Distance (VBD), surrounding DM Ernesettle. All buildings within this zone should be 'non-vulnerable' that is of robust construction and design so that should an explosive accident occur at the MOD storage facility, buildings nearby will not collapse or sustain damage that could cause critical injury to the occupants.

92. The main building appears to comprise of a clad steel frame with bay sizes in the region of 9.5 x 30m. A building of this type with clear spans of this size is considered to be potentially vulnerable to blast effects. The building may be susceptible disproportionate damage if exposed to the blast loading that could be generated in an explosive event at the MOD storage facility. The MOD has therefore recommended structural requirements which should the application be approved could be secured by condition.

9. Human Rights

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.

10. Local Finance Considerations

Community Infrastructure Levy

Due to its size or nature, the development is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

11. Planning Obligations

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

The application offers the following heads of terms:

1) In the event of a District Energy Network being established, the Council may serve notice upon the Developer requiring that the Developer make a connection available at the site boundary to allow for a supply of excess heat (i.e. heat which is not already being distributed to other outlets) is available for the District Energy Network (subject to contract with the consumers of such supply and commercially acceptable terms) as reasonably determined by the Council.

2) Prior to the establishment of a District Energy Network, the Developer will use its reasonable endeavours to establish the demand for and to use its reasonable endeavours to secure a use for the excess heat energy in the following manner:

(i) Prior to Commencement of the Proposed Development to establish the potential demand and interest in the use of heat energy from local businesses and provide a written report of its findings to the Council.

(ii) Upon Commencement of the Proposed Development to approach at least three established interested parties (or parties reasonably directed by the Council) to understand their requirements including their preferred medium (e.g. steam or hot water) and develop outline requirements for transfer equipment and layouts ensuring that suitable connections and potential equipment layouts are provided within the detailed design and to continue approaches to other potential users (or potential users directed by the Council) to establish interest. To provide a written

report to the Council of progress made in this phase.

3) In respect of businesses within Plymouth Energy Park, to undertake an Initial Feasibility Study for the supply of renewable heat energy to any business upon receipt of a written reasonable request from such business or as reasonably directly by the Council.

4) To make reasonable endeavours (and subject to agreement of commercially acceptable terms and completion of a legally binding agreement) to enable an individual or group of heat users including those reasonably directed by the Council to achieve a supply of renewable heat energy from the Gasification System via suitable connections from the Land.

5) Prior to Commencement of the Proposed Development to pay to the Council an Infrastructure Delivery Fund of £X for the purposes of assisting small companies with costs of infrastructure which would enable them to connect to a supply of heat energy such monies to be used at the entire discretion of the Council.

6) To support a local employment scheme [requirement for contractors to provide opportunities for training of local apprentices], which will set out mechanisms for securing the use of local labour, contractors and goods and services where appropriate during the construction and operation of the project.

7) To set up a Community Fund and to contribute £X per annum for a period of X years. The Community Fund shall be used for specific purposes as defined in the Section 106 Agreement to be similar to those used for the Landfill Tax Credit Scheme and will be managed by the Developer and the Council who shall jointly consult on the allocation of the funds.

8) To create a dedicated web site for the Development, such web site to include Specified Information to be defined in the Section 106 Agreement but including at least monitoring data on the emissions from the Development.

9) To implement, and maintain for the life of the Development, an Ecological Mitigation and Enhancement Scheme.

10) To make a contribution to road infrastructure improvement, safety and road noise reduction schemes within 0.5 km of the site provided that the contribution does not exceed £X and that the schemes are carried out within 5 years of the Commencement of the Development.

11) To implement and maintain a Travel Plan for the Development which shall include measures to promote sustainable travel to and from the Development including the provision of a cycle shed and showers on the Site; setting up a car sharing club; and providing subsidised bus season tickets for employees from the Plymouth area.

12) In the event that agreement with relevant landowners can be secured the Developer shall provide funding up to a limit of £X to be used for appropriate planting of vegetation and trees to be provided on specified sites as agreed between the Developer and the Council to further mitigate and improve the view of the facility from various locations.

13) To carry out monitoring of noise levels at specified nearby receptors to be agreed between the Developer and the Council during the construction period and for the first year of the operation of the facility and to compare the actual contribution of that noise to the predicted noise levels.

It is considered that S106 obligations will be required to mitigate the proposals impact on infrastructure and to secure policy requirements pursuant to Core Strategy Policy CS33 and the Planning Obligations and Affordable Housing Supplementary Planning Document. However given the in principle concerns to the scheme no S106 negotiations have taken place. Through the submission of the proposed heads of terms the applicant has demonstrated that they are prepared to enter into negotiations should the application be approved by members. It appears that the offered heads of terms are CIL regulations compliant however it should be noted that obligations must be required to mitigate the impacts of the proposal only and therefore the applicant's heads of terms may not reflect the obligations required.

12. Equalities and Diversities

No further issues

13. Conclusions

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal does not accord with policy and national guidance and Local Policy.

13. Recommendation

In respect of the application dated **03/09/2014** and the submitted drawings

1329 PL01.05/B, PL01.06/B, 1329 PL01.02/G, 1329 PL01.01/J, 1329 PL01.03/G, 1329 PL03.01/D, 1329 PL01.04/D, 1329 PL04.01/D, 1329 PL04.02/D, 1329.PL02.01/E, Environmental Statement, Energy Statement Final, Foul Sewerage and Utilities Statement, Need Statement, Statement of Community Involvement, Supporting Statement, Transport Statement, Environmental Statement Addendum, Supporting Statement Addendum, Environment Statement Non-Technical Summary, it is recommended to: **Refuse**

14. Reasons

UNSUSTAINABLE DEVELOPMENT: OVER CAPACITY AND EFFICIENCY

(1) The Local Planning Authority considers that the proposed development by virtue of providing significant over capacity would cause significant harm to the City's Waste Strategy which seeks to push waste up through the waste hierarchy. Furthermore the facilities likely low efficiency due to the proposed process and lack of end heat users together with waste wood travelling long distances due to the existing capacity in the region will result in unsustainable development contrary to SO13, CS01, CS26, CS34 of the Core Strategy, W7, W8 of the Waste DPD and national policy found within the NPPF and NPPW.

INADEQUATE INFORMATION: FLOODING

(2) The Local Planning Authority considers that in the absence of information regarding - the proposed surface water drainage network for the site, how this site will integrate to the wider site drainage strategy and how water quality will be managed the submitted FRA, is not sufficient to demonstrate that an acceptable surface water drainage system can be provided on the site and does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development contrary to policy CS21 and the NPPF

INADEQUATE INFORMATION: LAND CONTAMINATION

(3) The Local Planning Authority considers there is insufficient information to demonstrate that the risk of contaminated land or that the risk of pollution to controlled waters is acceptable. There is a potential for contamination to be present at the site as it is brownfield and located within an area where made ground is known and in the vicinity of potential areas of landfill. The risk is considered unacceptable because there is no evidence to indicate otherwise contrary to Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE: (NOT CIL LIABLE) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

(1) The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

INFORMATIVE: REFUSAL (WITH ATTEMPTED NEGOTIATION)

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

CS28 - Local Transport Consideration

CS33 - Community Benefits/Planning Obligation

CS34 - Planning Application Consideration

CS22 - Pollution

CS25 - Provision for Waste Management

C505 - Development of Existing Site

CS18 - Plymouth's Green Space

CS19 - Wildlife

CS20 - Resource Use

CS21 - Flood Risk

CS05 - Development of Existing Sites

CS01 - Sustainable Linked Communities

CS02 - Design

SO13 - Delivering Sustainable Waste Management Targets

CS26 - Sustainable Waste Management

SPD1 - Development Guidelines First Review

NPPF - National Planning Policy Framework March 2012

Waste DPD W7 - Waste DPD policy W7

Waste DPD W8 - Waste DPD policy W8

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PLANNING COMMITTEE

Decisions issued for the following period: 9 November 2014 to 23 November 2014

Note - This list includes:

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

Item No 1

Application Number: 14/01119/FUL **Applicant:** Lanes Development Ltd

Application Type: Full Application

Description of Development: Installation of external lift

Site Address FLATS 1-20,3 BELGRAVE LANE PLYMOUTH

Case Officer: Jon Fox

Decision Date: 18/11/2014

Decision: Refuse

Item No 2

Application Number: 14/01237/FUL **Applicant:** GF Energy Ltd

Application Type: Full Application

Description of Development: Standby small scale embedded STOR power plant with associated tanks and connection to national grid

Site Address FARADAY MILL BUSINESS PARK, CATTEWATER ROAD
PLYMOUTH

Case Officer: Kate Saunders

Decision Date: 21/11/2014

Decision: Application Withdrawn

Item No 3

Application Number: 14/01529/PRDE **Applicant:** Mr Alastair Sinclair
Application Type: LDC Proposed Develop
Description of Development: Proposed external wall insulation
Site Address 104 PEMROS ROAD PLYMOUTH
Case Officer: Aidan Murray
Decision Date: 14/11/2014
Decision: Issue Certificate - Lawful Use

Item No 4

Application Number: 14/01551/FUL **Applicant:** Mr Andrew Thompson
Application Type: Full Application
Description of Development: Change of use from shop (A1) to café / restaurant (A3)
Site Address 133 ARMADA WAY PLYMOUTH
Case Officer: Katie Beesley
Decision Date: 21/11/2014
Decision: Grant Conditionally

Item No 5

Application Number: 14/01608/LBC **Applicant:** Dr Gemma Blackshaw
Application Type: Listed Building
Description of Development: Internal alterations and refurbishment works, including rebuilding of small toilet extension
Site Address 19 SOUTH HILL STOKE PLYMOUTH
Case Officer: Christopher King
Decision Date: 17/11/2014
Decision: Grant Conditionally

Item No 6

Application Number: 14/01616/FUL **Applicant:** Plymouth City Council
Application Type: Full Application
Description of Development: Installation of temporary support to existing northlights
Site Address PLYMOUTH MARKET, MARKET AVENUE PLYMOUTH
Case Officer: Opani Mudalige
Decision Date: 14/11/2014
Decision: Grant Conditionally

Item No 7

Application Number: 14/01617/LBC **Applicant:** Plymouth City Council
Application Type: Listed Building
Description of Development: Installation of temporary support to existing northlights
Site Address PLYMOUTH MARKET, MARKET AVENUE PLYMOUTH
Case Officer: Opani Mudalige
Decision Date: 14/11/2014
Decision: Grant Conditionally

Item No 8

Application Number: 14/01689/FUL **Applicant:** Ice Angels Events Ltd
Application Type: Full Application
Description of Development: Erection of temporary ice rink, ancillary equipment, skate hire facilities, santa's grotto and refreshment stalls
Site Address PIAZZA, ROYAL PARADE PLYMOUTH
Case Officer: Katie Beesley
Decision Date: 12/11/2014
Decision: Grant Conditionally

Item No 9

Application Number: 14/01698/FUL **Applicant:** Mr Dean Reynolds
Application Type: Full Application
Description of Development: Erection of single storey detached rear garage
Site Address 23 WATERLOO STREET STOKE PLYMOUTH
Case Officer: Christopher King
Decision Date: 11/11/2014
Decision: Grant Conditionally

Item No 10

Application Number: 14/01713/FUL **Applicant:** Krystal Klean
Application Type: Full Application
Description of Development: Change of use from shop (Class A1) to launderette and coffee shop (Class A1/A3)
Site Address DEVON AIR AMBULANCE, 40 MUTLEY PLAIN PLYMOUTH
Case Officer: Christopher King
Decision Date: 13/11/2014
Decision: Grant Conditionally

Item No 11

Application Number: 14/01740/LBC **Applicant:** Mr Oliver Gibbins
Application Type: Listed Building
Description of Development: Replacement fireplace in lounge
Site Address 1 BERKELEY COTTAGES, COLLINGWOOD ROAD PLYMOUTH
Case Officer: Liz Wells
Decision Date: 21/11/2014
Decision: Grant Conditionally

Item No 12

Application Number: 14/01743/PRDE **Applicant:** Mr Iain Watson
Application Type: LDC Proposed Develop
Description of Development: Porch
Site Address 63 MOLESWORTH ROAD PLYMPTON PLYMOUTH
Case Officer: Aidan Murray
Decision Date: 11/11/2014
Decision: Issue Certificate - Lawful Use

Item No 13

Application Number: 14/01763/TPO **Applicant:** Workforce Solutions
Application Type: Tree Preservation
Description of Development: 2 x sycamore - remove growth up to 4m above ground level
1 sycamore - fell due to damage/location
1 Turkey Oak - fell
Site Address 334 OUTLAND ROAD PLYMOUTH
Case Officer: Jane Turner
Decision Date: 11/11/2014
Decision: Grant Conditionally

Item No 14

Application Number: 14/01769/LBC **Applicant:** Urban Splash
Application Type: Listed Building
Description of Development: Internal refit and associated works to allow the Royal William Bakery to move from south end of building to north
Site Address SLAUGHTERHOUSE, ROYAL WILLIAM YARD PLYMOUTH
Case Officer: Jess Maslen
Decision Date: 17/11/2014
Decision: Grant Conditionally

Item No 15

Application Number: 14/01786/FUL **Applicant:** Miss L Harding
Application Type: Full Application
Description of Development: Erection of additional floor, rear conservatory and rear dormer
Site Address 8 AVENT WALK PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 21/11/2014
Decision: Grant Conditionally

Item No 16

Application Number: 14/01794/FUL **Applicant:** Mr Wayne Donovan
Application Type: Full Application
Description of Development: Erection of a split level bungalow with integral garage and high boundary wall: variation of condition 2 of applications 13/00272/FUL and 14/00736/FUL to include minor amendments to the elevations and provision of a turntable in the driveway
Site Address LAND IN CURTILAGES OF 99 AND 97 WOODFORD AVENUE PLYMOUTH
Case Officer: Robert McMillan
Decision Date: 18/11/2014
Decision: Grant Conditionally

Item No 17

Application Number: 14/01795/FUL **Applicant:** Mr R Greep
Application Type: Full Application
Description of Development: Construction of enclosed rear entrance stairs to serve second floor flats (amendment to planning permission 12/00662/FUL)
Site Address 146 AND 148 SALTASH ROAD KEYHAM PLYMOUTH
Case Officer: Liz Wells
Decision Date: 13/11/2014
Decision: Grant Conditionally

Item No 18

Application Number: 14/01809/FUL **Applicant:** Ridgeway School
Application Type: Full Application
Description of Development: Extension to existing sports hall building and associated external alterations
Site Address RIDGEWAY SCHOOL, MOORLAND ROAD PLYMOUTH
Case Officer: Chris Dadds
Decision Date: 21/11/2014
Decision: Grant Conditionally

Item No 19

Application Number: 14/01810/FUL **Applicant:** Dr Gemma Blackshaw
Application Type: Full Application
Description of Development: Internal alterations/refurbishment and rebuilding of small toilet extension
Site Address 19 SOUTH HILL STOKE PLYMOUTH
Case Officer: Christopher King
Decision Date: 17/11/2014
Decision: Grant Conditionally

Item No 20

Application Number: 14/01814/FUL **Applicant:** Vospers Motorhouse Ltd
Application Type: Full Application
Description of Development: Extension and alterations to existing building and some additional screening
Site Address VOSPERS MOTOR HOUSE (PLYMOUTH) LTD, MARSH MILLS PARK LONGBRIDGE ROAD PLYMOUTH
Case Officer: Christopher King
Decision Date: 13/11/2014
Decision: Grant Conditionally

Item No 21

Application Number: 14/01818/FUL **Applicant:** Plymouth Community Homes
Application Type: Full Application
Description of Development: Retrospective application for externally applied wall insulation with a render finish.
Site Address 26A-28B, 332-334, 346-366, 375-383, 339-421, 423-429, 508-512, 520-524, 536-540, 579-585, 620-658 BUDSHEAD ROAD, 6-17 MONMOUTH GARDENS, 1-27, 2-8 & 10-24 WHITLEIGH WAY, 1-43 & 2-32 LEWES GARDENS PLYMOUTH
Case Officer: Liz Wells
Decision Date: 21/11/2014
Decision: Grant Conditionally

Item No 22

Application Number: 14/01820/FUL **Applicant:** Plymouth Community Homes
Application Type: Full Application
Description of Development: Retrospective application for externally applied wall insulation with a render finish
Site Address 58A, 59A, 60A, 61A, 63A, 65A, 66A, 67A, 68A, 69A, 79A, 81A, 83A, 84A, 85A, 86A, 87A, 88A, 89A, 90A, 91A, 93A HORNCHURCH ROAD, 3A, 4A, 5A, 5B, 6A, 7A, 8A, 14A, 15A, 16A, 17A, 18A, 19A NORTH WEALD GARDENS PLYMOUTH
Case Officer: Liz Wells
Decision Date: 13/11/2014
Decision: Grant Conditionally

Item No 23

Application Number: 14/01821/FUL **Applicant:** Plymouth Community Homes
Application Type: Full Application
Description of Development: Retrospective application for externally applied wall insulation with a render finish
Site Address 106, 110, 114, 118, 122, 126, 130, 134, 138, 142, 148, 152, 156, 160, 164, 168, 172, 176, 180, 184, 193, 197 HAM DRIVE, 25A-D MELROSE AVENUE, 19-25 & 22-28 SPRINGHILL GREEN PLYMOUTH
Case Officer: Liz Wells
Decision Date: 17/11/2014
Decision: Grant Conditionally

Item No 24

Application Number: 14/01823/FUL **Applicant:** Plymouth Community Homes
Application Type: Full Application
Description of Development: Retrospective application for externally applied wall insulation with a render finish
Site Address 6,10 BERWICK AVENUE,17, 21, 25, 29, 33, 37 DINGWALL AVENUE, 70, 74, 78, 82, 86, 90, 110, 112, 114 ELGIN CRESCENT, 23, 27, 31, 35, 37, 43, 47, 51, 55, 98, 102 KIRKWALL ROAD PLYMOUTH
Case Officer: Liz Wells
Decision Date: 18/11/2014
Decision: Grant Conditionally

Item No 25

Application Number: 14/01824/FUL **Applicant:** Plymouth Community Homes
Application Type: Full Application
Description of Development: Reterospective application for externally applied wall insulation with a render finish
Site Address 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 40, 44, 157, 161 & 173 WARWICK AVENUE and 29, 30, 33, 34, 45, 49, 53, 57, 118, &122 DORCHESTER AVENUE PLYMOUTH
Case Officer: Liz Wells
Decision Date: 13/11/2014
Decision: Grant Conditionally

Item No 26

Application Number: 14/01826/FUL **Applicant:** Mrs Evaline Pitney
Application Type: Full Application
Description of Development: Installation of access, porch and ramp to rear
Site Address 9 ST MARYS CLOSE PLYMOUTH
Case Officer: Jess Maslen
Decision Date: 10/11/2014
Decision: Grant Conditionally

Item No 27

Application Number: 14/01832/FUL **Applicant:** Plymouth Community Homes
Application Type: Full Application
Description of Development: Retrospective application for installation of externally applied wall insulation with a render finish
Site Address 83, 84, 87, 88, 92, 96, 101, 105, 108, 111, 112 WHITLEIGH AVENUE PLYMOUTH
Case Officer: Liz Wells
Decision Date: 11/11/2014
Decision: Grant Conditionally

Item No 28

Application Number: 14/01833/FUL **Applicant:** Plymouth Community Homes
Application Type: Full Application
Description of Development: Retrospective application for externally applied wall insulation with a render finish
Site Address VARIOUS FLAT ADDRESSES FROM 5-180 BRENTFORD AVENUE AND 18-127 NEWCASTLE GARDENS PLYMOUTH
Case Officer: Liz Wells
Decision Date: 12/11/2014
Decision: Grant Conditionally

Item No 29

Application Number: 14/01836/FUL **Applicant:** Mrs Christine Auguste
Application Type: Full Application
Description of Development: Retrospective application for two storey side extension with smaller set down from ridge
Site Address 28A MOORLAND ROAD PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 21/11/2014
Decision: Grant Conditionally

Item No 30

Application Number: 14/01839/FUL **Applicant:** Mr Iain Maitland
Application Type: Full Application
Description of Development: Installation of external insulation to front and rear
Site Address 278 NORTH ROAD WEST PLYMOUTH
Case Officer: Opani Mudalige
Decision Date: 17/11/2014
Decision: Grant Conditionally

Item No 31

Application Number: 14/01847/ADV **Applicant:** Mitchells & Butler Plc
Application Type: Advertisement
Description of Development: Replacement advert boards
Site Address TOBY CARVERY, 399 TAVISTOCK ROAD PLYMOUTH
Case Officer: Aidan Murray
Decision Date: 17/11/2014
Decision: Grant Conditionally

Item No 32

Application Number: 14/01859/TPO **Applicant:** Mr Colin Chadwick
Application Type: Tree Preservation
Description of Development: Sycamore - Various pruning works
Pine - Various pruning works
Site Address 2 TREVERBYN CLOSE PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 21/11/2014
Decision: Grant Conditionally

Item No 33

Application Number: 14/01860/FUL **Applicant:** Mr & Mrs Campbell
Application Type: Full Application
Description of Development: First floor rear extension
Site Address 9 BEECH AVENUE PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 12/11/2014
Decision: Grant Conditionally

Item No 34

Application Number: 14/01869/FUL **Applicant:** Mr William Peter Gilbert
Application Type: Full Application
Description of Development: Side dormer to serve bedroom
Site Address 10 KINVER CLOSE PLYMOUTH
Case Officer: Liz Wells
Decision Date: 13/11/2014
Decision: Grant Conditionally

Item No 35

Application Number: 14/01875/TPO **Applicant:** Management Committee
Application Type: Tree Preservation
Description of Development: Tree management works including felling and reduction
Site Address ST BONIFACE PARK PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 21/11/2014
Decision: Grant Conditionally

Item No 36

Application Number: 14/01888/GPD **Applicant:** Vanessa and Ryan Woodruff
Application Type: GPDO Request
Description of Development: A single-storey rear extension which extends beyond the rear wall of the original dwellinghouse by 4m, has a maximum height of 2.85m, and has an eaves height of 2.25m
Site Address 58 MERAFIELD ROAD PLYMOUTH
Case Officer: Christopher King
Decision Date: 12/11/2014
Decision: Prior approval not req

Item No 37

Application Number: 14/01894/PRDE **Applicant:** Mr & Mrs Patton
Application Type: LDC Proposed Develop
Description of Development: Side and rear extensions
Site Address 28 ST BRIDGET AVENUE PLYMOUTH
Case Officer: Ben Wilcox
Decision Date: 18/11/2014
Decision: Issue Certificate - Lawful Use

Item No 38

Application Number: 14/01907/FUL **Applicant:** Mr M Fowler
Application Type: Full Application
Description of Development: 1 storey rear and side extension
Site Address 44 COLESDOWN HILL PLYMOUTH
Case Officer: Opani Mudalige
Decision Date: 13/11/2014
Decision: Grant Conditionally

Item No 39

Application Number: 14/01911/FUL **Applicant:** Mr Edward Pusey
Application Type: Full Application
Description of Development: Change of use of first floor store to two bedroom residential flat with two-storey extension
Site Address 5 VERNA PLACE PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 14/11/2014
Decision: Grant Conditionally

Item No 40

Application Number: 14/01913/FUL **Applicant:** Plymouth City Council
Application Type: Full Application
Description of Development: Removal of two double temporary classroom units, erection of 3 extensions to existing school, installation of new covered walkway and creation of 8 additional car parking spaces
Site Address WOODFORD PRIMARY SCHOOL, LITCHATON WAY PLYMOUTH
Case Officer: Jon Fox
Decision Date: 21/11/2014
Decision: Grant Conditionally

Item No 41

Application Number: 14/01914/FUL **Applicant:** Mr C Marshall
Application Type: Full Application
Description of Development: Second storey extension and garage conversion
Site Address 41 WOODWAY PLYMOUTH
Case Officer: Opani Mudalige
Decision Date: 18/11/2014
Decision: Grant Conditionally

Item No 42

Application Number: 14/01922/FUL **Applicant:** Mr Alex Zessimedes
Application Type: Full Application
Description of Development: Gable end roof extension with dormer windows to front and rear. New bay window to the front
Site Address 36 CHAPEL WAY PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 13/11/2014
Decision: Grant Conditionally

Item No 43

Application Number: 14/01927/FUL **Applicant:** Mr Gil Rowe
Application Type: Full Application
Description of Development: Conversion of warehouse to form 4 new student flats
Site Address 9 ARMADA STREET PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 20/11/2014
Decision: Grant Conditionally

Item No 44

Application Number: 14/01928/FUL **Applicant:** Mrs Jodie Pond
Application Type: Full Application
Description of Development: Creation of hardstanding
Site Address 35 PERIWINKLE DRIVE PLYMOUTH
Case Officer: Aiden Murray
Decision Date: 18/11/2014
Decision: Grant Conditionally

Item No 45

Application Number: 14/01929/FUL **Applicant:** Mr & Mrs Allun Davies
Application Type: Full Application
Description of Development: 3 front and 3 rear rooflights
Site Address 14 HIGHER WOODFORD LANE PLYMOUTH
Case Officer: Opani Mudalige
Decision Date: 13/11/2014
Decision: Grant Conditionally

Item No 46

Application Number: 14/01930/FUL **Applicant:** Mr & Mrs Mike Corbyn
Application Type: Full Application
Description of Development: Demolition of rear tenement and construction of a single storey rear and side extension
Site Address 27 VAPRON ROAD PLYMOUTH
Case Officer: Opani Mudalige
Decision Date: 18/11/2014
Decision: Grant Conditionally

Item No 47

Application Number: 14/01939/PRDE **Applicant:** Mr & Mrs P Shepherd
Application Type: LDC Proposed Develop
Description of Development: Rear dormer
Site Address 31 GEORGE AVENUE PLYMOUTH
Case Officer: Ben Wilcox
Decision Date: 20/11/2014
Decision: Issue Certificate - Lawful Use

Item No 48

Application Number: 14/01945/PRDE **Applicant:** Mr Matthew Conyers
Application Type: LDC Proposed Develop
Description of Development: Rear extension
Site Address 9 WELBECK AVENUE PLYMOUTH
Case Officer: Ben Wilcox
Decision Date: 21/11/2014
Decision: Issue Certificate - Lawful Use

Item No 49

Application Number: 14/01946/FUL **Applicant:** Mr & Mrs D Adams
Application Type: Full Application
Description of Development: Rear extension
Site Address 14 VINERY LANE PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 20/11/2014
Decision: Grant Conditionally

Item No 50

Application Number: 14/01947/FUL **Applicant:** Mr Jon Goulder
Application Type: Full Application
Description of Development: Demolition of garage, single storey rear extension and two storey side extension
Site Address 1 COPSE CLOSE PLYMOUTH
Case Officer: Christopher King
Decision Date: 18/11/2014
Decision: Grant Conditionally

Item No 51

Application Number: 14/01949/FUL **Applicant:** The Co-operative Group
Application Type: Full Application
Description of Development: AC condenser replacement and redecorations
Site Address CO-OPERATIVE RETAIL SERVICES, 89 WILTON STREET PLYMOUTH
Case Officer: Opani Mudalige
Decision Date: 20/11/2014
Decision: Grant Conditionally

Item No 52

Application Number: 14/01953/FUL **Applicant:** Mr Marc Norman
Application Type: Full Application
Description of Development: New vehicle hardstanding
Site Address 63 CHURCH ROAD PLYMSTOCK PLYMOUTH
Case Officer: Christopher King
Decision Date: 18/11/2014
Decision: Refuse

Item No 53

Application Number: 14/01958/FUL **Applicant:** Plym Valley Railway Company L
Application Type: Full Application
Description of Development: Construction of entrance wall and railing along West boundary
Site Address PLYM VALLEY RAILWAY, TAVISTOCK JUNCTION
FREIGHT YARD, COYPOOL ROAD PLYMPTON PLYMOUTH
Case Officer: Christopher King
Decision Date: 18/11/2014
Decision: Grant Conditionally

Item No 54

Application Number: 14/01977/FUL **Applicant:** Mr Matthew Frost
Application Type: Full Application
Description of Development: Rear utility room and conservatory
Site Address 43 HILL TOP CREST PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 20/11/2014
Decision: Grant Conditionally

Item No 55

Application Number: 14/01978/FUL **Applicant:** Mr Allan Wien
Application Type: Full Application
Description of Development: Change of use from offices to create 2 flats and extension over flat roof to create additional flat
Site Address 160 ARMADA WAY PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 20/11/2014
Decision: Grant Conditionally

Item No 56

Application Number: 14/01989/FUL **Applicant:** Mr & Mrs Jefferey
Application Type: Full Application
Description of Development: Single storey side extension to create 'granny annexe'
Site Address 134 KINGS TAMERTON ROAD PLYMOUTH
Case Officer: Christopher King
Decision Date: 21/11/2014
Decision: Grant Conditionally

Item No 57

Application Number: 14/01993/FUL **Applicant:** The Co-operative Group
Application Type: Full Application
Description of Development: Installation of new access ramp and handrails to the front entrance of the store
Site Address CO-OP STORE, 41 TORRIDGE WAY PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 21/11/2014
Decision: Grant Conditionally

Item No 58

Application Number: 14/01995/GPD **Applicant:** Mr Steve Smeeth
Application Type: GPDO Request
Description of Development: A single-storey rear extension which extends beyond the rear wall of the original dwellinghouse by 6m, has a maximum height of 2.7m, and has an eaves height of 2.7m
Site Address 51 SOUTHWELL ROAD PLYMOUTH
Case Officer: Liz Wells
Decision Date: 21/11/2014
Decision: Prior approval required

Item No 59

Application Number: 14/01997/FUL **Applicant:** Co-operative Estates
Application Type: Full Application
Description of Development: Installation of a new external ATM machine
Site Address CO-OPERATIVE BANK, 8 OLD TOWN STREET
PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 20/11/2014
Decision: Grant Conditionally

Item No 60

Application Number: 14/02084/GPD **Applicant:** Eliot Design & Build Ltd
Application Type: GPDO Request
Description of Development: Change of use from B1 office(s) to C3 residential – 2x 1 bed student flats
Site Address 23 COLLEGE LANE PLYMOUTH
Case Officer: Christopher King
Decision Date: 20/11/2014
Decision: Prior approval required

Item No **61**

Application Number: 14/02095/OUT **Applicant:** Mr Romuald Boco
Application Type: Outline Application
Description of Development: Change of use of un-occupied former residential care home to
7 self-contained flats
Site Address SOUTHVIEW, WOODSIDE PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 12/11/2014
Decision: Application Withdrawn

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

Application Number	Planning Compliance Case 12/01858/OPR
Appeal Site	31 Hirmandale Road, West Park, Plymouth, PL5 2JZ
Appeal Proposal	Appeal against a planning enforcement notice seeking the demolition of a substantial unauthorised garden building (double garage) and the restoration of the site to its condition as it existed immediately prior to the development having been carried out.
Case Officer	Christopher Watson
Appeal Category	Enforcement Notice
Appeal Type	Informal Hearing
Appeal Decision	Appeal Allowed, conditional planning permission granted.
Appeal Decision Date	20 October 2014
Conditions	Garage to be used for domestic purposes only ancillary to main dwelling and not for primary living accommodation ie not bedrooms nor living rooms.
Award of Costs	Full appeal costs awarded to appellant.

Appeal Synopsis

In October 2012 the Council's Planning Compliance Officers became aware that a large detached outbuilding had been constructed in the side garden of this two-storey semi-detached house in West Park without the required planning permission.

While the development met most planning policy and supplementary planning guidance criteria, it failed on one very significant ground, in as much as the building had been constructed within approximately 1.0 metre of the trunk of a very large mature oak tree that had been made the subject of a Tree Preservation Order in 2007. The Preservation Order had been made as a result of concerns that the owner of the property was intending to build in a way which would unreasonably, and harmfully, impact on the tree.

Although having been informed of the need for planning permission for the structure, the owner declined to seek retrospective planning permission for the building. After very careful consideration of the expediency of pursuing enforcement action, officers concluded that the development was wholly unacceptable in terms of its relationship with the protected tree, and issued a planning enforcement notice in March 2014 seeking the removal of the entire structure in order to protect the long-term health of the protected tree.

The owner appealed against the enforcement notice and an informal hearing took place before a Planning Inspector on 14 October 2014.

In his decision letter, the Planning Inspector, although apparently accepting that planning permission would almost certainly be refused if planning permission had been sought for the garage in advance, has allowed the appeal on the unusual basis that, in his view, the removal of the unauthorised structure may risk causing more harm to the protected tree in the long-term than allowing the development to remain, particularly given what he describes as the 'lack of care' taken by the applicant in carrying out the works, which he fears would be repeated if the garage were to be required to be removed.

Furthermore, the Planning Inspector has awarded full costs to the appellant on the basis that the Inspector considered that the Council should have given this unusual point significant weight, and not proceeded with enforcement action. The Inspector adding that the Council should also have taken into account that a hypothetical smaller scale repositioned development could have been carried out as 'permitted development' equally close to the tree, and that this also has heavily influenced his decision to award costs to the appellant. Both the appeal decision, and the costs award, are therefore very disappointing, given the circumstances that have led to the enforcement action in this case.

Note:

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

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