

**Democratic Support**

Plymouth City Council
Ballard House
West Hoe Road
Plymouth
PL1 3BJ

Please ask for Helen Rickman/
Lynn Young
T 01752 398444/304163
E helen.rickman@plymouth.gov.uk/
lynn.young@plymouth.gov.uk
www.plymouth.gov.uk/democracy
Published 08 December 2015

#plymplanning

PLANNING COMMITTEE

Thursday 17 December 2015

4.00 pm

Council House, Plymouth (Next to the Civic Centre)

Members:

Councillor Nicholson, Joint Chair in the Chair

Councillor Stevens, Joint Chair

Councillors Mrs Bowyer, Mrs Bridgeman, Darcy, Sam Davey, K Foster, Jarvis, Kelly, Ricketts, Jon Taylor, Kate Taylor and Tuohy.

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

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Tracey Lee

Chief Executive

PLANNING COMMITTEE

AGENDA

PART I – PUBLIC MEETING

1. APOLOGIES

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

2. DECLARATIONS OF INTEREST

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

3. MINUTES

(Pages 1 - 10)

The Committee will be asked to confirm the minutes of the meeting held on 19 November 2015.

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. 20 ST JOHNS DRIVE, PLYMOUTH - 15/02009/FUL

(Pages 11 - 16)

Applicant:	Mr and Mrs John Douglass
Ward:	Plymstock Radford
Recommendation:	Grant Conditionally

6.2. 282 OUTLAND ROAD, PLYMOUTH - 15/02132/FUL (Pages 17 - 26)

Applicant: WM Morrison Supermarkets PLC
Ward: Peverell
Recommendation: Grant Conditionally

6.3. 110 MOUNT GOULD ROAD, PLYMOUTH - 15/02123/FUL (Pages 27 - 32)

Applicant: Mr and Mrs Kowtuniw
Ward: Sutton and Mount Gould
Recommendation: Grant Conditionally

6.4. FORMER TENNIS COURTS, HOE ROAD-PIER STREET, PLYMOUTH - 15/01798/FUL (Pages 33 - 52)

Applicant: Rivage Estates Ltd
Ward: St Peter & The Waterfront
Recommendation: Grant Conditionally

6.5. KINTERBURY POINT, HMAD BULLPOINT, HMNB DEVONPORT, PLYMOUTH - 15/01271/FUL (Pages 53 - 80)

Applicant: Defence Infrastructure Organisation
Ward: St Budeaux
Recommendation: Grant Conditionally

6.6. UNIT 1 SEYMOUR STORES, 1 SEYMOUR ROAD, PLYMPTON, PLYMOUTH - 15/01896/FUL (Pages 81 - 88)

Applicant: Marazion Developments LTD
Ward: Plympton St Mary
Recommendation: Refuse

6.7. LAND ADJACENT (EAST) TO 790 WOLSELEY ROAD, PLYMOUTH - 15/01630/FUL (Pages 89 - 102)

Applicant: HSK Developments LTD
Ward: St Budeaux
Recommendation: Grant Conditionally

6.8. LAND OFF MILLER WAY, PLYMOUTH - 15/01626/FUL (Pages 103 - 126)

Applicant: Taylor Wimpey Homes
Ward: Moor View
Recommendation: Minded to Grant subject to S106 obligation delegated to Assistant Director of Strategic Planning and Infrastructure in consultation with joint chairs. If Sport England's objection

is not removed the decision is subject to referral to the National Planning Casework Unit.

**6.9. MODIFICATION ORDER APPLICATION TO RECORD
THREE LENGTHS OF PUBLIC RIGHTS OF WAY IN ST
BUDEAUX** **(Pages 127 -
138)**

The Committee will consider an application for an Order under section 53 of the Wildlife and Countryside Act 1981 to modify the definitive map and statement of public rights of way by the addition of three lengths of public footpath in St Budeaux.

7. PLANNING APPLICATION DECISIONS ISSUED **(Pages 139 -
176)**

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 8 November 2015 to 6 December 2015, 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 to view online at:
<http://www.plymouth.gov.uk/planningapplicationsv4/welcome.asp>

8. 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.

Planning Committee

Thursday 19 November 2015

PRESENT:

Councillor Stevens, in the Chair.

Councillors Mrs Bowyer, Mrs Bridgeman, Darcy, K Foster, Hendy (substitute for Councillor Sam Davey), Jarvis, Kelly, Mrs Nicholson (substitute for Councillor Nicholson), Ricketts, Jon Taylor, Tuohy and Wheeler.

Apologies for absence: Councillors Sam Davey and Nicholson.

Also in attendance: Peter Ford (Planning Lead Officer), Julie Parkin (Senior Lawyer), Mark Lawrence (Lawyer), Gemma Pearce (Team Leader – Democratic Support) and Helen Rickman (Democratic Support Officer).

The meeting started at 4.00 pm and finished at 8.25 pm.

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

58. DECLARATIONS OF INTEREST

In accordance with the code of conduct, the following declaration of interests were made in regard to an item under consideration at this meeting –

Name	Minute No and Item	Reason	Interest
Councillor Darcy	Minute 65. Love's Field Central Park – 15/01595/FUL	Applicant and agent known to him	Personal
Councillor Wheeler	Minute 67. Land adjacent to 790 Wolseley Road – 15/01630/FUL	He has spoken publicly of his objection to this item – predisposition.	Open declaration

59. MINUTES

Agreed the minutes of the meeting held on 22 October 2015.

60. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

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

The following question was received from a member of the public for this meeting, in accordance with part B, paragraph 11 of the constitution.

Question No.	Question by	Cabinet Member or Committee Chair	Subject
Q2 15/16	Mr Wright	Committee Joint Chair - Councillor Stevens/ Councillor Nicholson	Plymouth Plan Part 2 – Plymouth Airport
<p>Question:</p> <p>Consultation on Stage 2 of Plymouth Plan 2031 closes on 8 January 2016</p> <p>The North Toolkit states that the Airport will be protected for aviation use until 2031.</p> <p>If any suggestion to develop that site for housing was to be submitted, would the suggestion be accepted or rejected from the consultation?</p>			
<p>Response:</p> <p>The North Area Toolkit reflects the position taken in the Plymouth Plan Part One which was approved by Plymouth City Council on 21 September 2015. Namely that Policy 4 aims to safeguard the opportunity for the potential future re-use of Plymouth airport as a general aviation airport, whilst at the same time strengthening links to Exeter and Bristol airports. It can also be noted that Policy 44 identifies the reopening of Plymouth Airport as one of the City's proposed infrastructure projects, subject to feasibility study.</p> <p>Furthermore, I can confirm that Policies 4 and 44 were agreed by the Council having considered the evidence base relating to airport use as well as representations made both for and against safeguarding the airport site. The Plymouth Plan process is still not yet complete. Therefore it should be noted that the Council will be duty bound to consider any further representations made about the airport on their merits, and the Council's position will also be tested at an independent public examination before the Plymouth Plan can finally be adopted as part of the development plan.</p> <p>As ever, any Planning Application will be decided when submitted.</p>			

62. **PLANNING APPLICATIONS FOR CONSIDERATION**

The Committee considered the following applications, development proposals by local authorities and statutory consultations submitted under the Town and Country Planning Act, 1990, and the Planning (Listed Buildings and Conservations Areas) Act, 1990.

Order of business

With the permission of the Chair, the order of business was amended, as set out in the minutes below.

63. **LAND OFF MILLER WAY - 15/01626/FUL**

Taylor Wimpey Homes

Decision:

Application **DEFERRED** to allow an objection from Sport England, with regards to playing pitch mitigation, to be fully investigated and considered.

(The Committee heard from the applicant's agent)

64. **28A MOORLAND ROAD - 15/01918/FUL**

Mrs Christine Auguste

Decision:

Application **Minded to GRANT** delegated to Assistant Director for Strategic Planning & Infrastructure in consultation with Joint Chairs of Planning Committee.

65. **LOVE'S FIELD CENTRAL PARK - 15/01595/FUL**

Mr Kevin Notman on behalf of Green Taverners

Decision:

Application **REFUSED**.

(The Committee heard from the applicant's agent)

66. **LAND AT PLYMBRIDGE ROAD - 14/02401/OUT**

Linden Limited

Decision:

Application **REFUSED**

(The Committee heard from Councillors Nicholson, James and Sam Leaves in their capacity as ward councillor, speaking against the application)

(The Committee heard representations against the application)

(The Committee heard from the applicant's agent)

(A Planning Committee site visit was held on Tuesday 17 November 2015 in respect of this application).

(Councillor Wheeler's proposal to defer the application, having being seconded by Councillor Taylor, was put to the vote and overturned)

67. **HOOE LAKE, BARTON ROAD - 15/01675/FUL**

Barratt David Wilson Homes

Decision:

Application **REFUSED** on the grounds that it was contrary to policy CS34 sub-sections 3 and 4.

The Committee discussed that the Assistant Director for Strategic Planning and Infrastructure contact the development community to express the Committee's concerns at the number of retrospective planning applications being submitted to the planning authority.

(The Committee heard from Councillor Michael Leaves, ward councillor, speaking against the application)

The Committee heard representations against the application

(The Committee heard from the applicant's agent)

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

68. **LAND ADJACENT 790 WOLSELEY ROAD - 15/01630/FUL**

HSK Developments Ltd

Decision:

Application **DEFERRED** for a site visit as Members did not have sufficient contextual evidence to consider the impact the development would have on the character and appearance of the local area.

(Councillor Wheeler, having made an open declaration and spoken against the application, did not take part in the debate nor vote on this item).

The Committee heard from Councillor Bowie, ward councillor, speaking against the application

(Councillor Stevens' proposal to defer the application to allow time for a site visit, having been seconded by Councillor Darcy, was put to the vote and declared carried)

69. **DRAKE'S ISLAND I4/00001/FUL**

Rotolok (Holdings) Ltd

Decision:

Application DEFERRED - Members were Minded to Grant the application however it was delegated to the Assistant Director for Strategic Planning and Infrastructure in consultation with the Joint Chairs, to liaise with the Secretary of State to investigate the options available for consideration and determination of the planning application.

(The Committee heard from the agent's representative)

(Councillor Darcy's proposal for the committee to be 'minded to grant' the application delegated to the AD for Strategic Planning and Infrastructure in consultation with the Joint Chairs, to refer the application to the Secretary of State for determination, having been seconded by Councillor Stevens, was put to the vote and declared carried)

70. **DRAKE'S ISLAND - I4/00002/LBC**

Rotolok (Holdings) Ltd

Decision:

Application **GRANTED** conditionally subject to a S106 agreement, with delegated authority to the Assistant Director for Strategic Planning and Infrastructure to refuse if the S106 agreement is not completed by the end of February 2016.

71. **PLANNING APPLICATION DECISIONS ISSUED**

The Committee noted the report from the Assistant Director for Strategic Planning and Infrastructure on decisions issued for the period 13 October to 8 November 2015.

72. **EXEMPT BUSINESS**

There were no items of exempt business.

SCHEDULE OF VOTING

PLEASE NOTE

A schedule of voting relating to the meeting is attached as a supplement to these minutes.

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PLANNING COMMITTEE – 19 November 2015

SCHEDULE OF VOTING

Minute number and Application		Voting for	Voting against	Abstained	Absent due to interest declared	Absent
6.1	28a Moorland Road – 15/01918/FUL	Councillors Mrs Nicholson, Stevens, Mrs Bowyer, Mrs Bridgeman, Darcy, Hendy, K Foster, Jarvis, Kelly, Jon Taylor, Tuohy and Wheeler.				
6.2	Love's Field Central Park – 15/01595/FUL Recommendation to Refuse	Councillors Mrs Nicholson, Stevens, Mrs Bowyer, Mrs Bridgeman, Hendy, K Foster, Jarvis, Kelly, Ricketts Jon Taylor, Tuohy and Wheeler.		Councillor Darcy		
6.3	Land at Plymbridge Road – 14/02401/OUT Proposal to Defer Recommendation to Refuse	Councillors Stevens, Jarvis, Hendy, Wheeler, Tuohy and Jon Taylor. Councillors Mrs Bowyer, Ricketts, Darcy, Mrs Nicholson, Foster, Kelly and Mrs Bridgeman	Councillors Mrs Bowyer, Ricketts, Darcy, Mrs Nicholson, Foster, Kelly and Mrs Bridgeman. Councillors Jarvis, Hendy and Stevens			

Minute number and Application		Voting for	Voting against	Abstained	Absent due to interest declared	Absent
6.4	Hooe Lake, Barton Road – 15/01675/FUL Proposal to Refuse	Councillors Mrs Nicholson, Stevens, Mrs Bowyer, Mrs Bridgeman, Darcy, Hendy, K Foster, Jarvis, Kelly, Ricketts Jon Taylor, Tuohy and Wheeler.				
6.5	Land off Miller Way – 15/01626/FUL Recommendation to Defer	Councillors Stevens, Mrs Nicholson, Mrs Bowyer, Mrs Bridgeman, Darcy, Hendy, K Foster, Kelly, Jarvis, Ricketts, Jon Taylor, Tuohy and Wheeler.				
6.6	Land Adjacent 790 Wolseley Road Proposal to defer to allow for a site visit	Councillors Mrs Nicholson, Stevens, Mrs Bowyer, Mrs Bridgeman, Darcy, Hendy, K Foster, Jarvis, Kelly, Ricketts, Jon Taylor and Tuohy.			Councillor Wheeler (spoke in his capacity as a ward councillor and therefore did not vote on this item – he declared an open declaration).	
6.7	Drake's Island 14/00001/FUL Proposal to defer, minded to grant the application delegated to the Assistant Director for Strategic Planning and Infrastructure in consultation with the Joint Chairs, to refer the application to the planning inspectorate on behalf of the Secretary of State for determination.	Councillors Mrs Nicholson, Stevens, Mrs Bowyer, Darcy, Hendy, K Foster, Kelly, Ricketts, Jon Taylor, Tuohy and Wheeler.	Councillors Bridgeman and Jarvis			

Minute number and Application		Voting for	Voting against	Abstained	Absent due to interest declared	Absent
6.8	Drake's Island 14/00002/LBC Recommendation to Grant conditionally	Councillors Mrs Nicholson, Stevens, Mrs Bowyer, Mrs Bridgeman, Darcy, K Foster, Hendy, Jarvis, Kelly, Ricketts, Jon Taylor, Tuohy and Wheeler.				

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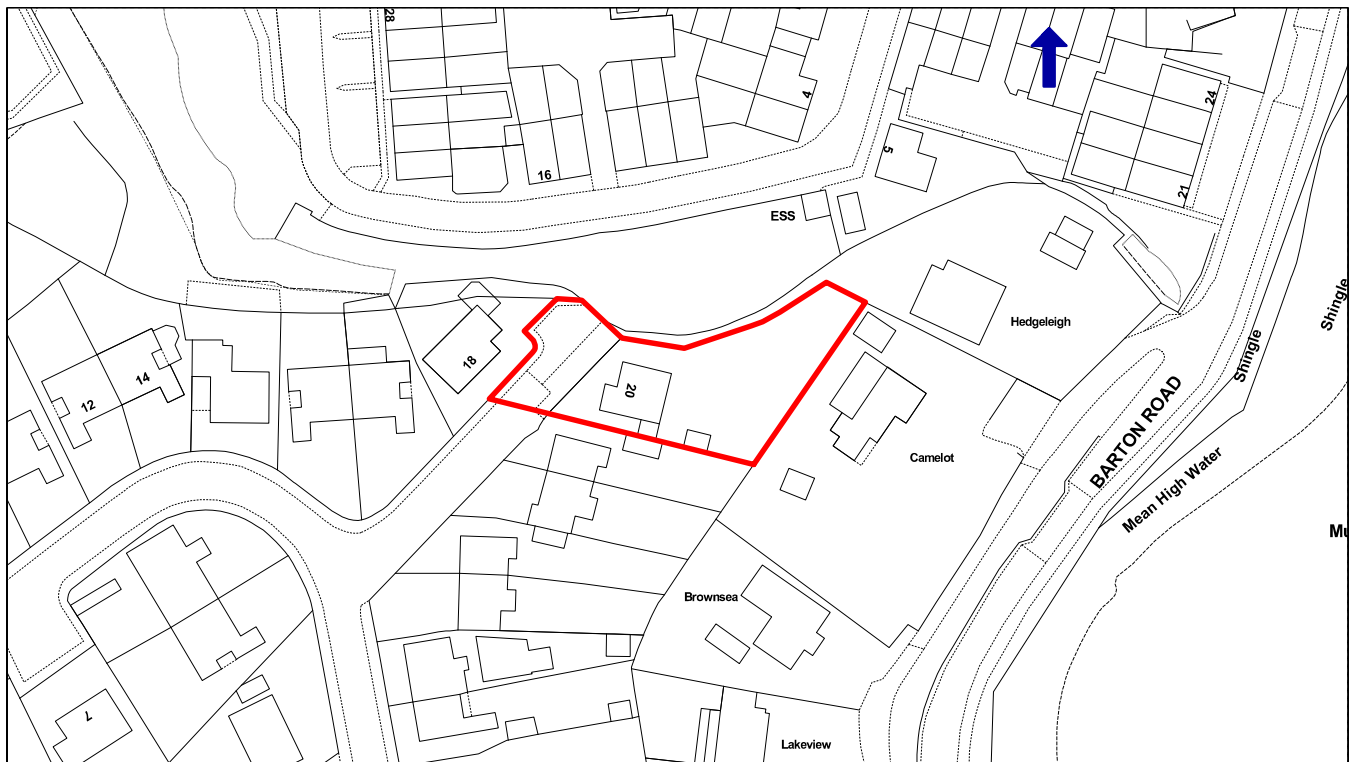
PLANNING APPLICATION REPORT



Application Number	15/02009/FUL	Item	01
Date Valid	28/10/2015	Ward	Plymstock Radford

Site Address	20 ST JOHNS DRIVE PLYMOUTH		
Proposal	Single storey extension - revision to application 14/02148/FUL		
Applicant	Mr & Mrs John Douglass		
Application Type	Full Application		
Target Date	23/12/2015	Committee Date	Planning Committee: 17 December 2015
Decision Category	Member/PCC Employee		
Case Officer	Aidan Murray		
Recommendation	Grant Conditionally		

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1. Description of site

20 St Johns Drive is a detached property located in the Hooe area of Plymouth. The property is a split bungalow which has a lower ground floor area as well as a ground floor.

2. Proposal description

The proposal seeks to create a single storey rear extension. This will extend from the rear of the property by 4 metres. The proposal seeks to create a roof terrace which will be accessible from the ground floor on top of this extension. This is a revision the previously approved application (14/02148/FUL)

3. Pre-application enquiry

None

4. Relevant planning history

14/02148/FUL - Erection of part two storey, part single storey extension with terrace above, car port and new vehicular access – Permitted

5. Consultation responses

Local Highway Authority – No Objections

Public Protection Service – No Objections

6. Representations

No Letters of Representation have been received for this application.

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 development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One was approved by the City Council in September 2015. The Plan, which incorporates draft development plan policy, has been prepared following a consultation process. As such it is a material consideration for the purposes of planning decisions.

The policies contained in National Planning Policy Framework (the Framework) and guidance in National Planning Practice Guidance (NPPG) are also material considerations which should be taken into account in the determination of planning applications. Due weight should be given to relevant policies in existing and emerging plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Framework provides that the weight to be given to an emerging draft plan is also to be determined according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at a relatively early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).

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.

Additionally, the following planning documents are also material considerations in the determination of the application:

- *Sustainable Design Supplementary Planning Document*
- *Development Guidelines Supplementary Planning Document*

8. Analysis

This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7.

- (1) The application turns about policy CS02 (design) and CS34 (Planning Application Considerations). This focuses on the design and considerations of the planning application and the effect that it will have on neighbour amenity as well as the design of the proposal.

Planning Application Considerations

- (2) Planning permission for a part single storey, part two storey extension featuring a roof terrace was granted permission on 16th January 2015. The proposal here is for changes to this previously approved application 14/2148/FUL which is to create a single storey rear extension with roof terrace above with associated works.

- (3) The most significant change to these plans in this application is the removal of the part two storey extension. The overall size of the proposal has been reduced by 300mm which would make the single storey extension permitted under permitted development, however the roof terrace is not permitted and so there is a requirement for planning permission.

Overlooking Issues

- (4) The proposed terrace will be located to the rear of the property and will run the full length of the property. The proposed will be built above the lower ground floor extension of the kitchen/diner and will be accessible from ground floor.
- (5) Given the previous permission has already granted permission for a part roof terrace, it is not considered that this would significantly impact the privacy of the neighbouring properties as there is already a degree of mutual overlooking already in situ. The Supplementary Planning Document advises 21 metres should be the minimum distance that should be placed between habitable rooms to ensure that there are no privacy concerns. Officers feel that there are no significant overlooking issues that will be created by the proposed terrace. Furthermore the Hooe Lake Development plot is 49metres away from the proposed terrace which is more than double the recommended 21 metres in the SPD. Any other properties that may be affected by the proposed terrace are 40 metres and 35 metres distance.
- (6) The open space to the north of the property which is in the Barratts development has be designated for tree planting and associated soft landscape which will act as a screen and further minimise any overlooking concerns.

Design

- (7) A balustrade will be added to the proposed roof terrace for safety reason and to improve privacy concerns.
- (8) The new windows and doors to be added to the rear elevation will also be replaced with grey coloured uPVC units to match those recently replaced elsewhere on the property.

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

This application is not liable for CIL.

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.

- Given the size and scale of this application it does not qualify for planning obligations.
-

12. Equalities and Diversities

N/A

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 CS02 (design) and CS34 (planning application considerations) and is therefore recommended for approval.

13. Recommendation

In respect of the application dated **28/10/2015** and the submitted drawings Site Location Plan Dwg 0100, Proposed Block Plan Dwg No. 0102 Rev A, Existing Existing Ground Floor Plan Dwg No. 0200 Rev A, Lower Ground Floor Plan Dwg No. 0201 Rev A, Existing East Elevation Dwg No. 0300 Rev A, Existing North Elevation Dwg No. 0301 Rev A, Existing South Elevation Dwg No. 0302 Rev A, Proposed Lower Ground Floor Dwg No 0212 Rev B, Proposed Ground Floor Plan Dwg No. 0211 Rev B, Proposed North Elevation Dwg No. 0311 Rev B, Proposed South Elevation Dwg No. 0312 Rev B, Proposed East Elevation Dwg No. 0310 Rev B, it is recommended to: **Grant Conditionally**

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: Site Location Plan Dwg 0100, Proposed Block Plan Dwg No. 0102 Rev A, Existing Existing Ground Floor Plan Dwg No. 0200 Rev A, Lower Ground Floor Plan Dwg No. 0201 Rev A, Existing East Elevation Dwg No. 0300 Rev A, Existing North Elevation Dwg No. 0301 Rev A, Existing South Elevation Dwg No. 0302 Rev A, Proposed Lower Ground Floor Dwg No 0212 Rev B, Proposed Ground Floor Plan Dwg No. 0211 Rev B, Proposed North Elevation Dwg No. 0311 Rev B, Proposed South Elevation Dwg No. 0312 Rev B, Proposed East Elevation Dwg No. 0310 Rev B.

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.

Informatives

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: 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.

PLANNING APPLICATION REPORT



Application Number 15/02132/FUL

Date Valid 13/11/2015

Item 02

Ward Peverell

Site Address 282 OUTLAND ROAD PLYMOUTH

Proposal Variation of condition 1 of application 98/00780/FUL to allow temporary extended hours of 0600 to 2400 for 4 days prior to Christmas

Applicant WM Morrison Supermarkets Plc

Application Type Full Application

Target Date 12/02/2016

Committee Date

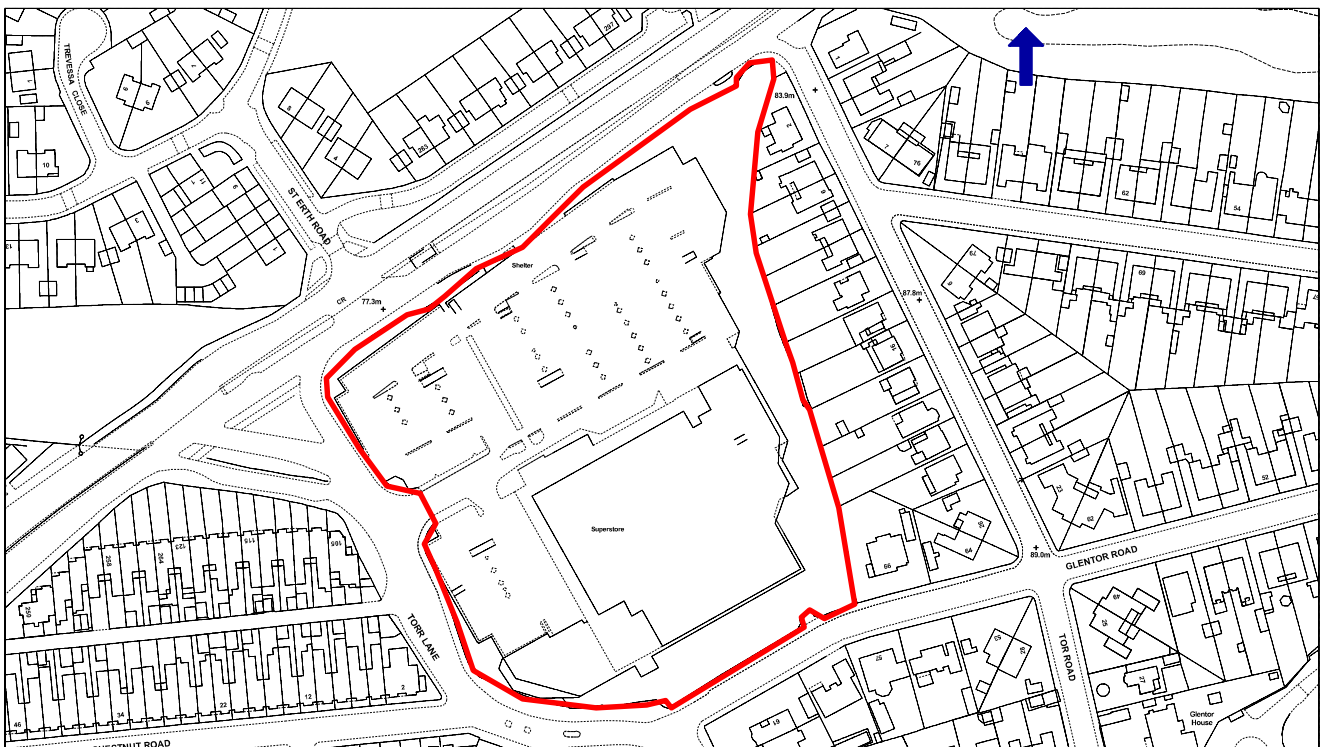
**Planning Committee: 17
December 2015**

Decision Category Member/PCC Employee

Case Officer Christopher King

Recommendation Grant Conditionally

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This application has been referred to planning committee by Cllr John Mahony

1. Description of site

The application site comprises an area of approximately 2.4 hectares fronting onto Outland Road on the edge of the Peverell/Beacon Park area of the city. The site is currently occupied by a Morrison's food store, associated customer parking, servicing and landscaping. The store building occupies the south eastern and central parts of the site with customer parking located to the north, between the store building and Outland Road, and on the western part of the site, adjacent to Tor Lane. Shared vehicular access, for customers and delivery Lorries, is from Tor Lane.

There is a row of tall leylandi trees along the eastern boundary, which screens the property from residential property in Tor Road to the east, and rows of much smaller trees, planted as part of the original landscape strategy in the car park. These trees are protected by a group Tree Preservation Order (TPO No 271 and 209). Levels fall within the site from east to west (approximately 5m) and from south to north (approximately 2m) in accordance with the surrounding topography.

The existing store building is essentially a flat roofed structure, but this is disguised by an element of roof plane, all around and on the conspicuous higher parts of the building, so that it appears, when viewed from ground level, as a pitched roofed building with decorative arches and an entrance portico.

The character of the surrounding area is dominated by Outland Road (A386), a dual carriageway which forms one of the main arterial route ways into the city.

The area around the site is completely residential in character. On the opposite side of Tor Lane, and in Chestnut Road to the west, are larger Edwardian/ Victorian terraces. Houses in Glentor to the south, Tor Road to the east and facing Outland Road, and in St Erth Road to the north, are a mixture of detached and semidetached houses in reasonable sized plots, dating from the middle of the last century.

2. Proposal description

Variation of condition 1 of application 98/00780/FUL to allow temporary extended hours of 0600 to 2400 for 4 days prior to Christmas. The proposal requests that temporary extended hours be permitted on the following days:-

Saturday 19th December 2015; Monday 21st December 2015; Tuesday 22nd December 2015 and Wednesday 23rd December 2015, which are the last four trading days prior to Christmas that is not restricted by the Sundays trading and as Morrisons has not applied for extended hours on Christmas Eve.

Opening hours will then revert in perpetuity to the originally approved hours on the 24th December 2015 imposed by the planning inspector.

No other conditions are proposed to be varied by this application.

3. Pre-application enquiry

No pre-application advice has been sought with regards to this proposal

4. Relevant planning history

The site has an extensive planning history (35 applications since 1974). Some predate the current supermarket use and others relate to signage and minor applications. The following are considered relevant:-

- Ref: 15/01617/FUL - Variation of condition 6 of planning permission 12/01724/FUL to permit the delivery of goods between 0500 hours and 2300 hours Monday to Saturday; and 0700 hours and 2300 hours on Sundays and Bank Holidays – Under consideration by the Local Planning Authority
- Ref: 15/01619/FUL - Variation of condition 2 of planning permission 98/00780/FUL to permit the delivery of goods between 0500 hours and 2300 hours Monday to Saturday; and 0700 hours to 2300 hours Sundays and Bank Holidays – Under consideration by the Local Planning Authority
- Ref: 12/01724/FUL - Extension to food store 1,030sqm including decked car park and access works. Granted conditionally subject to S106 agreement.
- Ref: 12/00515/FUL – Extension to food store (1,415sqm) including 2 storey car park and access works. Withdrawn. The application had been prepared for a recommendation to committee to refuse the application due to highway concerns, design concerns, amenity and safety.
- Ref: 00/00379/FUL - Single storey side extension to retail sales area to provide an additional 585 sq. metres of retail sales floor space. The scheme reduced the number of parking spaces by 31 and provided 50 additional jobs. Granted subject to conditions Oct 2001
- Appeal Ref: T/APP/NI 160/A/98/299599/P4 – Planning Inspector overturned Local Planning Authority decision to refuse 98/00780/FUL; granting conditional approval
- Ref: 98/00780/FUL - Variation of Cond.13 & 14 of Notice No.643/90 to now permit Sun. trading & Sun. deliveries, revised (shorter) delivery hours Mon-Sat, alterations to enclose & landscape service yard, additional landscaping. Approved Nov 1998 on Appeal T/APP/NI 160/A/98/299599/P4
- Ref: 96/00743/FUL - Vary Condition 13 and 14 of Notice No. 0643/90 to now permit Sunday trading and Sunday deliveries, revised (shorter) delivery hours Monday-Saturday; alterations to increase height of boundary walls and Refused Dec 1996
- Ref: 96/00742/FUL - Variation of Cond.13 and 14 of Notice No.643/90 to now permit Sun. trading and Sun. deliveries, revised (shorter) delivery hours Mon-Sat, alterations to enclose and landscape service yard, and off site Withdrawn Dec 1996
- Ref: 93/00143/FUL - Variation of condition 13 of Notice ref NO.643/90 to allow for Sunday trading Granted Jun 1993
- Ref: 91/01241/REM - New access and highway improvements in connection with the outline permission Ref.0643/90 (dated Apr 1991). Granted
- Ref: 91/01372/REM - Erection of superstore with associated parking and service areas (approval of reserved matters) GRANTED Jan 1992

- Appeal Ref: LI 120/A/90/156592 and 1172788 - Planning Inspector overturned LPA decision to refuse 90/00643/OUT; granting conditional approval
- Ref: 90/00643/OUT - outline application to develop industrial site by erection of a retail shop (47,050sqft) with car parking new access and highway improvements. Granted on Appeal LI 120/A/90/156592 and 1172788

5. Consultation responses

Local Highways Authority – No Objections

Police Architectural Liaison – No Objections

Public Protection Service – No Objections

6. Representations

1 letter of representation has been submitted to the Local Planning Authority objecting to the proposal for the following reasons:

- Morrison's to increase sales and profits by unfairly attracting trade from competitors
- No mention of adverse social effects on staff having to work unsocial hours
- Will it rely on genuine volunteers or work to involve compulsion and zero hours contracts?

Officers do not consider these to be valid planning considerations

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 development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One was approved by the City Council in September 2015. The Plan, which incorporates draft development plan policy, has been prepared following a consultation process. As such it is a material consideration for the purposes of planning decisions.

The policies contained in National Planning Policy Framework (the Framework) and guidance in National Planning Practice Guidance (NPPG) are also material considerations which should be taken into account in the determination of planning applications. Due weight should be given to relevant policies in existing and emerging plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Framework provides that the weight to be given to an emerging draft plan is also to be determined according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at a relatively early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).

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

This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7.

1. This application turns upon policies CS22 (Pollution), CS28 (Local Highways Considerations) and CS34 (Planning Application Considerations) of the Local Development Framework Core Strategy; and Policy 30 (Safeguarding environmental quality, function and amenity) of the Emerging Plymouth Plan Part One.
2. The principle issues relating to this application are considered to be impact toward the residential amenity in terms of noise pollution, traffic and general disturbance.
3. This Morrison's supermarket is permitted to sell goods between the hours of 8.00am and 9.00pm Monday to Saturday, and between 10.00am and 4.00pm on Sundays, which are considered normal trading hours for a supermarket of this size. These hours were approved by the Planning Inspectorate following an appeal of planning application 98/00780/FUL which was refused by the Local Planning Authority.
4. It is noted that when compared to other supermarkets in the city, the hours it is permitted to trade are more restricted. The Morrison's supermarket in Pomphlett Mill, Plymstock for example is permitted to trade 24 hours a day excluding Sunday and the Sainsbury's superstore at Marshmills can trade from 7am to 11pm (excluding Sunday), although it is recognised that the Marshmills store is not as close to residences as others.
5. Officers are therefore of the opinion that local residents in close proximity to the application site are currently well protected from noise and disturbance on a normal basis due to the

hours that the Local Planning Authority has approved when compared to other locations in the city.

6. As noted in the section two of the report, the application does not seek to vary any other conditions on decision notice 98/00780/FUL; however conditions that were pre-commencement that are no longer required having been discharged to the satisfaction of the Local Planning Authority, have been omitted.
7. The case then, is to consider only whether the variation of condition 1, opening hours, for four days prior to Christmas 2015 will be detrimental to the amenity of the area. This application proposes that on Saturday 19th December 2015; Monday 21st December 2015; Tuesday 22nd December 2015 and Wednesday 23rd December 2015 only, the store will open two hours earlier in the morning, and close three hours later at night, equalling an additional five (5) hours of trading on these four days.
8. Paragraph 1.03 of the Planning Statement suggests that the Christmas period is the busiest time of year for Morrison's and in particular the final week in the lead up to Christmas day. The Statement suggests that when continuing to operate to the standard permissible hours it has in the past lead to a number of issues including:
 - a. Congestion on surrounding roads, at the access point into the store car park and around the store car park itself;
 - b. Lack of available car parking spaces;
 - c. Congested aisles within the store, long queues at the tills and increased pressure on Morrison's employees; and increased noise levels with a potential adverse impact on local residents.
9. The applicant also states that a temporary permission to allow extended opening hours over the four days prior to Christmas Eve would serve to spread the anticipated high demand from customers over a longer timeframe, thereby mitigating against the potentially adverse impacts which could arise over this period.
10. In officers view the extended hours could give rise to increased customer activity, and as such, increased vehicular movements; however as identified in the application documents, it is anticipated that this will be spread over a greater period, thus reducing congestion at peak times, and improving the general amenity of the area during these normally busy periods. The Public Protection Service has indicated that they do not have any concerns with the proposal from an environmental/noise aspect, and as such do not object. Furthermore, the Local Highways Authority has not identified any highways concerns and is not objecting to the proposal either. No issues have been raised by the Police Architectural Liaison officer over the temporary late night trading.
11. Only one letter of representation has been received thus far, and focuses on issues relating to employment and trading, not residential amenity, pollution or congestion. Officers are of the view that if the extended hours do in fact increase employment opportunities then that is a positive employment feature of the proposal in accordance with CS04 of the Core Strategy, benefiting local residents who are employed at the store.
12. The one letter of representation also suggests that approving the proposal will give the applicant an unfair advantage over its competitors; however this report has identified that

many other supermarket in the city already have longer trading hours than this particular store; however members should note that this not a planning consideration.

13. Officers recognise that this is a particularly busy time of year for all locations in and around a major supermarket therefore if a strategy that can reduce the pressure at peak times is presented, then the Local Planning Authority should look to support this. Due to the temporary nature of the proposal, and given the likely impact it will have on reducing congestion at peak times, officers consider that the extended temporary hours are acceptable, and will not have a significantly detrimental impact on residential amenity for the four days in the lead up to Christmas in accordance with policies CS22 and CS34. The proposed hours will also reduce the need for nearby residents to travel further distance at potentially unsociable hours to other stores with later trading hours.
14. The store hours will revert back to the normal hours of 8am to 9pm on the 24th December 2015, meaning this temporary permission will expire. Should the applicant seek to permanently extend the trading hours on Mondays and Saturday, then a new planning application will be required, and it will be considered on its own merits. Officers do not consider that this temporary consent will set an unhelpful precedent for future applications, and are of the view that this will be helpful in monitoring the impact if any permanent change is proposed in the future.

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

N/A

11. Planning Obligations

N/A

12. Equalities and Diversities

There are no equality or diversity issues to consider

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 the Local Development Framework Core Strategy and is therefore recommended for conditional

approval. The conditions attached include those relevant as imposed by the inspector following the appeal of application 98/00780/FUL.

13. Recommendation

In respect of the application dated **13/11/2015** and the submitted drawings Planning Statement Nov 2015, it is recommended to: **Grant Conditionally**

14. Conditions

CONDITION: OPENING HOURS

(1) The premises shall only be open for the sale of goods between the hours of 0800 and 2100 Mondays to Saturdays (inclusive), and 1000 and 1600 on Sundays; and for a four day temporary period the premises shall be permitted to open for the sale of goods between the hours of 0600 and 0000 on Saturday 19th December 2015; Monday 21st December 2015; Tuesday 22nd December 2015 and Wednesday 23rd December 2015 only.

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, and paragraph 123 of the National Planning Policy Framework 2012 .

CONDITION: DELIVERY HOURS

(2) There shall be no deliveries made to the premises after 2000 hours or before 0800 hours Mondays to Saturdays (inclusive) and after 1600 hours or before 0900 hours on Sundays.

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 delivery vehicles 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, and paragraph 123 of the National Planning Policy Framework 2012 .

CONDITION: SERVICE YARD

(3) The service yard shown hatched blue on the drawing accompanying planning permission 98/1453, and also shown on drawing No 2697/10 Rev D, shall be kept clear at all times as a manoeuvring space for delivery vehicles, except for the area cross hatched blue, which shall only be used for the parking of delivery vehicles when being loaded and unloaded. The service yard shall not be used for any other purposes.

Reason:

To ensure that space is available at all times to enable such vehicles to be loaded and unloaded off the public highway so as to avoid:- (i) damage to amenity; (ii) prejudice to public safety and convenience, and (iii) interference with the free flow of traffic on the highway; in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

CONDITION: LOADING AND UNLOADING

(4) There shall be no loading or unloading of delivery vehicles on any part of the premises, other than in the enclosure illustrated on Drawing No 2697/10 Rev D.

Reason:

To enable such vehicles to be loaded and unloaded off the public highway so as to avoid:- (i) damage to amenity; (ii) prejudice to public safety and convenience; and (iii) interference with the free flow of traffic on the highway; in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

CONDITION: ACOUSTIC CURTAIN

(5) The acoustic curtain within the shutter door as illustrated on Drawing 2697/10, Rev D, and described in the letter from the Appellant's agent dated 8 February 1999, shall remain drawn at all times when the door is opened.

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 using the premises, and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 123 of the National Planning Policy Framework 2012 .

Informatives

INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)

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

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

(2) 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).

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PLANNING APPLICATION REPORT



Application Number 15/02123/FUL

Date Valid 17/11/2015

Item 03

Ward Sutton & Mount Gould

Site Address 110 MOUNT GOULD ROAD PLYMOUTH

Proposal Retrospective application for balcony and dormer

Applicant Mr and Mrs Kowtuniw

Application Type Full Application

Target Date

12/01/2016

Committee Date

**Planning Committee: 17
December 2015**

Decision Category Assistant Director of Development Referral

Case Officer Chris Cummings

Recommendation Grant Conditionally

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This application has been referred to Planning Committee by the Assistant Director of Strategic Planning and Infrastructure because there are public interest reasons for the matter to be determined by the committee.

1. Description of site

110 Mount Gould Road is a mid-terrace property in the Lipson area. The rear of the property faces over a garden and garage onto a rear access lane. The lane is faced onto by the rear gardens and rear elevations of Edith Avenue.

2. Proposal description

Retrospective application for balcony and dormer in roofspace

3. Pre-application enquiry

None

4. Relevant planning history

The following relate to planning decisions close to the application site that are relevant:

09/01092/FUL – 100 Mount Gould Road - Formation of room in roofspace, involving front rooflights and rear dormer, patio doors and bay extension, and rear conservatory and decking (existing lean-to to be removed) - Granted conditionally

08/00717/FUL – 119 Mount Gould Road – Conversion of roof space into bedroom, two rear dormer windows and front rooflights – Granted Conditionally

06/01534/FUL – 112 Mount Gould Road – Formation of rooms in roofspace, including rear dormer, balcony and rooflights, and front rooflights – Granted Conditionally

06/00485/FUL - 112 Mount Gould Road - Formation of rooms in roofspace, including rear dormer extension and balcony and front rooflights - Refused

5. Consultation responses

None requested

6. Representations

One letter of representation was received. It regards the style of the dormer and that is not in keeping with other properties on the street, making reference to an application from 2006 (06/00485/FUL) that was refused for this reason.

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 development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One was approved by the City Council in September 2015. The Plan, which incorporates draft development plan policy, has been prepared following a consultation process. As such it is a material consideration for the purposes of planning decisions.

The policies contained in National Planning Policy Framework (the Framework) and guidance in National Planning Practice Guidance (NPPG) are also material considerations which should be taken into account in the determination of planning applications. Due weight should be given to relevant policies in existing and emerging plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Framework provides that the weight to be given to an emerging draft plan is also to be determined according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at a relatively early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).

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.

Additionally, the following planning documents are also material considerations in the determination of the application:

- Development Guidelines Supplementary Planning Document

8. Analysis

- I. The application turns upon policies CS02 (Design) and CS34 (Planning application considerations) of the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021 and the aims of the Council's Development Guidelines Supplementary Planning Document 1st review (2013), and the National Planning Policy Framework. The primary planning considerations in this case are the impact on neighbour amenity and the impact on the character and appearance of the area.

2. The balcony and dormer have already been built and are sited on the rear roof of the property.
3. The dormer window is approximately 5.3m wide, 2.6m deep and 2.45m tall. It is set back into the existing roof slope and is approximately 1.8m from the eaves of the roof. It is set down from the existing ridgeline and set away from both party walls. The windows and doors are set back from the eaves of the existing roof, and are approximately 32.5m from the rear windows of the closest properties on Edith Avenue that may have had privacy issues.
4. The property is located in a terrace of houses and a number of properties already have installed dormer windows. These are smaller and set over the bay windows with ridged roofs. The proposed dormer is wider than those, but has a flat roof has used materials to blend it into the existing roof. It is not considered to be unduly prominent and officers consider that it does not have a significant impact on the streetscene.
5. An application for a similar style dormer at 112 Mount Gould Road was refused in 2006. This was prior to the 2008 amendment to the General Permitted Development Order which relaxed the allowances for rear slope dormer windows. The size of this dormer would allow it to be built under permitted development rights under Schedule 2, Part 1, Class B of the Town and Country Planning Act (General Permitted Development) (England) Order 2015, but the addition of a balcony means that planning permission is required. As the dormer would be considered Permitted Development without the balcony, the balcony and access onto it would be the only aspect of this application that could be target for any planning enforcement action.
6. The balcony is sited on top of the existing third floor and does not extend past the edge of the rear elevation. It is approximately 4.15m wide and extends approx. 1.9m on the eastern edge, and 2.7m on the western edge, over the third floor bay window.
7. There are existing balconies installed over the bay windows at 100 and 112 Mount Gould Road. The proposed balcony will extend the width of the roof, but is positioned on the top of the existing floorspace and does not extend over the existing rear elevation. The balcony area over the bay window is the most prominent aspect, but this is in keeping with the balconies on nearby properties so Officers consider it will not have a significant impact on the streetscene.
8. The main concern for the balcony is the impact on neighbours. The third floor has a bay window with rear and side windows that already overlook neighbouring properties and gardens. As the balcony does not extend past the existing rear elevation it will create any significant additional impact on the current privacy levels. The option of adding a privacy screen was considered, but this would increase the bulk of the balcony and make it appear more prominent.
9. The application under consideration seeks planning permission retrospectively for the whole development.
10. In August 2015 the Government announced a new national planning policy relating to intentional unauthorised development. The new policy applies to all planning decisions made by Local Planning Authorities, after then, including those made by Planning Inspectors where decisions are made on appeal to them. The new policy requires weight to be given in the

decision making process where unauthorised development has been carried out intentionally. Unfortunately, the policy does not indicate exactly how much weight should be afforded to this in relation to the weight given to other material planning considerations that will apply. Neither does the policy clarify exactly what evidence is required to demonstrate the unauthorised development has been carried out intentionally, as opposed to it possibly having been carried out unintentionally.

11. In reality, given the difficulties in interpreting these issues, it is considered that little or no weight can be given to this aspect, unless the Council has clearly indicated to the applicant that in its opinion unauthorised development is being carried out, and that works have continued beyond that point. This does not apply in this case, and so it is considered that no weight should be afforded to this point in the determination of this application.

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

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.

No obligations have been sought in this matter

12. Equalities and Diversities

None

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 CS02 (Design) and CS34 (Planning applications considerations) and it is therefore considered that planning permission should be granted.

13. Recommendation

In respect of the application dated **17/11/2015** and the submitted drawings Site Location Plan, Block/Site Plan, Existing (Original) Elevations, Existing Elevations, it is recommended to: **Grant Conditionally**

14. Conditions

CONDITION: APPROVED PLANS

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Block/Site Plan, Existing (Original) Elevations, Existing Elevations

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61-66 of the National Planning Policy Framework 2012.

Informatives

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: UNCONDITIONAL APPROVAL (APART FROM APPROVED PLANS)

(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 granted planning permission.

PLANNING APPLICATION REPORT



Application Number 15/01798/FUL

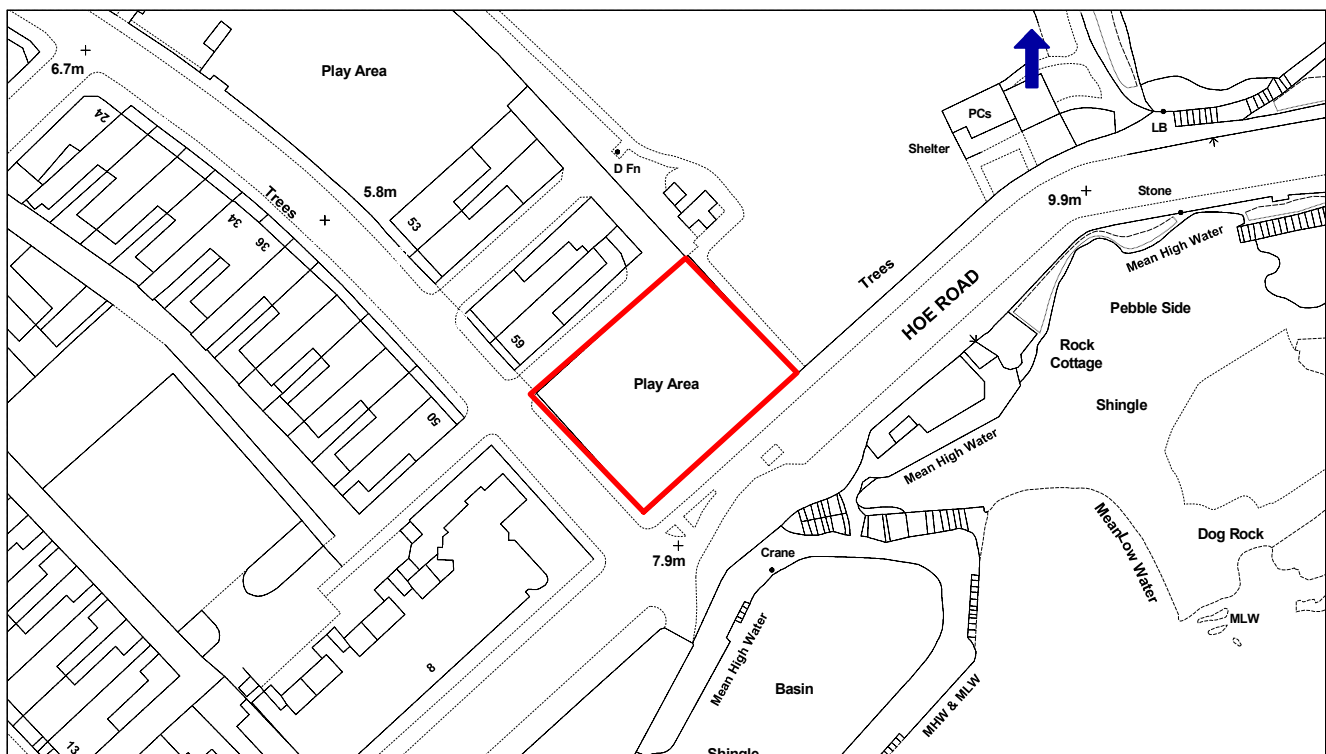
Date Valid 25/09/2015

Item 04

Ward St Peter & The Waterfront

Site Address	FORMER TENNIS COURTS, HOE ROAD-PIER STREET PLYMOUTH		
Proposal	Variation of condition 1 (plans condition) of 14/01449/FUL to allow fourth floor roof top swimming pool and associated plant buildings		
Applicant	Rivage Estates Ltd		
Application Type	Full Application		
Target Date	25/12/2015	Committee Date	Planning Committee: 17 December 2015
Decision Category	Major - more than 5 Letters of Representation received		
Case Officer	Karen Gallacher		
Recommendation	Grant Conditionally		

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1. Description of site

The site occupies a prominent location on Hoe Road and abuts the south west corner of West Hoe Park. The site is bounded by Pier Street and Hoe Road at its south and south west edges and by a small access/service road on its northern edge. The site is situated within the Hoe Conservation Area.

In terms of the broader context of the site, the site lies in close proximity to The Hoe which is a Grade II Listed Designated Park and Garden. Whilst not within the designated Landscape itself, the setting of this landscape and its architectural backdrop of high quality buildings including the Grade II Listed buildings of the old Grand Hotel (Now converted into apartments), Elliot Terrace and the Grade I Listed Smeaton's Tower, is an important part of the site's setting.

There are local views of the site from Hoe Road, Pier Street and West Hoe Park, and from the Hoe itself and Cliff Road, together with views from Plymouth Sound.

The adjacent West Hoe Park is a popular park for both locals and visitors for both its landscape qualities and the range of amusements it offers including a children's railway which bounds the site on its north eastern edge.

The site covers an area of approximately 0.09 hectares. It is currently under construction with a proposal for a mixed use development comprising 14 residential apartments, ground floor café/restaurant and basement parking.

2. Proposal description

The proposal is to vary the plan condition for the proposal currently under construction to allow a roof top swimming pool and associated buildings.

The pool is for use by one of the apartments below.

The pool would measure approximately 9.4m by 3.8m, with two associated pool rooms at either end, each measuring 2m high. To the rear of the pool there is a proposed 1.6m obscure glazed screen.

The proposal has been amended since first submission. The main changes are that the Plymouth limestone and railings have been reinstated and the solar panels have been removed from the proposal.

3. Pre-application enquiry

None.

4. Relevant planning history

14/01449/FUL – Variation of condition 2 (plans condition) of planning permission 11/01874 for third floor glass balconies to the bays on the South elevation. GRANTED CONDITIONALLY.

11/01874/FUL - Redevelopment of site for mixed use development comprising 14 residential apartments, ground floor café/restaurant (class A3 use) and associated basement car parking – GRANTED CONDITIONALLY

11/01875/CAC – Demolition of boundary walls – APPROVED

11/01145/FUL - Redevelopment of site for mixed use development comprising 14 residential apartments, ground floor café/restaurant (class A3 use), public toilet facilities and associated basement car parking – REFUSED – APPEAL LODGED BUT WITHDRAWN

11/01146/CAC - Demolition of boundary wall and steps - APPROVED

08/00615/FUL – Redevelopment of site for mixed use development comprising of 14 residential apartments, office, café/restaurant and associated basement parking - WITHDRAWN

5. Consultation responses

Lead Local Flood Authority— No objection. There is no change in the risk of flooding to or from the property caused by this variation.

Environment Agency – No comments.

Public Protection Service – No objection subject to conditions restricting hours of use.

Historic England – No objection

Historic Environment Officer – No objection

Urban Design Officer – No objection

Police Architectural Liaison – No objection following reinstatement of railings.

Local Highway Authority— No objection

6. Representations

There have been 63 letters of objection. The letters raise the following concerns:

- The development was originally reduced to 3 floors to make it acceptable and so adding a fourth floor is unacceptable and the roofline would no longer be in keeping.
- The additional buildings, solar panels and associated deck chairs etc would cause unacceptable clutter on the roof.
- The proposal is out of character and does not enhance or maintain the area.
- The replacement of the green roof with development will reduce the schemes green credentials.
- The loss of the biomass boiler and replacement with solar panels would result in the unacceptable loss of the green roof, which better maintained views from the conservation area and towards Mount Edgumbe.
- The additional development will set a precedent for an additional storey and more residential accommodation.
- The additional height will block light, sun to neighbours and the park and interrupt local views and outlook.

- Neighbours and the park users will suffer loss of privacy.
- Loss of TV reception.
- There is a danger of things falling from the roof.
- The use of the roof would cause noise disruption to local residents.
- The weight of the water would be too much for the structure and lead to flooding of the apartments.
- There is no need for further swimming facilities in the area.
- The development would bring no community benefit and would be an ostentatious display of wealth.
- Any commercial use of the pool would give rise to parking problems.
- The removal of the Plymouth Limestone would give rise to a scheme of unacceptable quality.
- The loss of the railings would reduce safety.
- The previous scheme included methods for keeping gulls off the roof.
- An application of this nature should be considered by the Planning Committee.
- The pool will give rise to additional energy needs.
- The existing scaffolding is unsightly

There has been one letter of support:

- The development would support the aims of the 2020 vision for Plymouth, improve West Hoe and provide employment and housing.
- It would be efficient use of land.
- The people it would attract would increase council tax payments, prosperity for local business and in turn support infrastructure improvements.

Since these letters were received, the scheme has been amended and additional information has been submitted. The consultation deadline for letters to be received regarding these changes is December 15th. Any new comments raised will be reported in an addendum report.

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 development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One was approved by the City Council in September 2015. The Plan, which incorporates draft development plan policy, has been prepared following a consultation process. As such it is a material consideration for the purposes of planning decisions.

The policies contained in National Planning Policy Framework (the Framework) and guidance in National Planning Practice Guidance (NPPG) are also material considerations which should be taken into account in the determination of planning applications. Due weight should be given to relevant policies in existing and emerging plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Framework provides that the weight to be given to an emerging draft plan is also to be determined according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at a relatively early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).

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.

Additionally, the following planning documents are also material considerations in the determination of the application:

- *Sustainable Design Supplementary Planning Document*
- *Development Guidelines Supplementary Planning Document*

8. Analysis

1. This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7.
2. This application turns on the following strategic objectives and policies of the Local Development Framework Core Strategy:- CS02 (Design), CS03 (Historic Environment), CS18 (Plymouth's Greenspace), CS22 (Pollution) and CS34 (Planning Application Considerations)
3. This application is for a variation to the plans for the redevelopment of the site for mixed use including restaurant and 14 apartments. The variations are for a roof top swimming pool, associated plant and pool rooms and therefore this report relates only to these changes. The main considerations are design and amenity issues.

4. The proposal gives additional height to the building. The enclosure around the pool to the north is 1.6m and the pool buildings are 2.3 m in height. Letters have expressed concerns that the proposed roof line would be out of keeping, that it would spoil views from the wider area, and that the previously approved roof being green blended in and was uncluttered.
5. The pool and buildings are set well back from the edges of the building. Because of this officers consider the proposal will not impact on closer views of the building and would not therefore change the appearance from the immediate vicinity.
6. The wider views would be affected, but from distances far enough away that officers consider they would not appear to be obtrusive. Again the fact that they are set well in from the edge of the building minimises the impact on the views.
7. The buildings themselves have been designed with clean lines and to be in keeping with the design of the main building. The materials used are high quality zinc cladding and glazing.
8. The privacy screen to the north of the pool and the pool buildings will screen any clutter and protect the view from The Hoe. The proposal also includes landscaping that would encourage plants to grow around the buildings to soften their appearance and help them to blend into the approved green roof. This will also assist in meeting the requirement to provide wildlife mitigation for the loss of the areas of green roof that this development entails.
9. Many of the letters of objection refer to the first application for this site, which included a full fourth floor and was refused by planning committee because it was unacceptably high. The main difference now, however, is that the buildings for the fourth floor are set well back and are of such a size that officers consider the character of the conservation area and the impact on the appearance of the area are maintained and the use of high quality materials will enhance the area in terms of design.
10. On balance, in terms of urban design and impact on historic environment officers consider that the proposal meets the requirements of policies CS02, CS03, CS19, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.

Amenity issues

11. The property to the north, at 59 Pier Street, has windows in the side elevation facing the proposal, these are secondary windows or to non-habitable rooms. Grand Parade, to the west has habitable room windows facing the proposal. There would be some very slight reduction in light and outlook to these windows. Given that the windows in 59 Pier Street are not main windows to habitable rooms the impact is considered to be acceptable. The closest windows in Grand Parade are also secondary windows to habitable rooms, but given that they would be west of the proposal, there is approximately 15 m between the site and these windows, and the buildings are set back from the main west elevation of the apartment block, the impact is considered to be acceptable. The additional height of the swimming pool and buildings would therefore be unlikely to significantly affect the amenity of these properties.
12. The applicant has submitted images to show the overshadowing. When compared to the images showing the overshadowing for the approved building, officers conclude that there

would be no significant increase in loss of light or sunlight to neighbouring property or the park..

13. Privacy has also been a concern. To the east and west the swimming pool enclosure would be screened by the proposed buildings, which would mean that Grand Parade and the West Hoe Park would be protected. The nearest property would be number 59 Pier Street. Plans have been submitted to show lines of sight from the roof. As a result of this study amended plans have been submitted to show the proposed glazed screen being increased in height and installed with obscure glass. Officers consider that this would protect privacy and have no significant impact on light to neighbouring property.

Noise

14. Concerns have been expressed about levels of noise from the pool disturbing neighbours. The applicants have submitted a noise assessment, which considers the noise from plant machinery and use of the pool. It has been amended since first submitted to take account of the increase in height of the glazed, privacy screen to the rear of the pool. The report concludes that the predicted noise emissions associated with the proposed swimming pool pump and users are likely to have a low impact for all existing and proposed dwellings during the daytime and night time. These findings have been agreed by Public Protection officers subject to restricting the use to 21:00 hours. A condition has therefore been agreed to restrict the use of the pool as suggested.
15. Subject to these conditions, officers consider the proposal complies with policies CS34 and CS22 of the Local Development Framework, the Development Guidelines Supplementary Planning Document and the NPPF in terms of noise and amenity for neighbours.

Other matters arising from letters of representation.

16. Some of the letters of objection express concern about the safety of the structure and its use. The building will be subject to building regulation permission, which will cover issues such as whether the structure can take the weight of the water and guarding of the pool area. There is no access from the pool area to the rest of the roof.
17. Some concern has been expressed about the pool increasing energy needs. The original permission required that 15% of the carbon emissions for which the development is responsible will be off-set by low carbon production methods. This condition will be reiterated and the pool will have to be included in these calculations if approved. The proposal would therefore comply with Policy CS20 of the local development framework core strategy and the NPPF.
18. The rooftop landscaping details will be reduced in area by the installation of the pool and buildings. To mitigate this loss additional planting is proposed to screen the proposed buildings. Full details for the landscaping and the sustainable bird control system, to prevent gull nesting are required by conditions as for the original permission.
19. All other representations have been considered and do not raise any issues that would conflict with adopted policy.

Conditions

20. This is an application to vary the plans condition of the original planning application. As such it is necessary to reiterate all of the original conditions where they are still relevant and to update them to reflect current policies and the proposed amendments. For clarification, additional conditions are recommended in respect of the hours of use of the swimming pool.

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

The provisional Community Infrastructure Levy liability (CIL) for the additional floorspace provided by this development is £1,775.89 (index-linking applied, but subject to change before final liability confirmed).

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.

No obligations are sought in respect of this development.

12. Equalities and Diversities

There are no conflicts with CS34 in respect of equalities and diversity.

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 as identified above. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. All representations have been taken into account and none of the considerations raised are considered by officers to justify refusal of this proposal.

13. Recommendation

In respect of the application dated **25/09/2015** and the submitted drawings Amended documents received, it is recommended to: **Grant Conditionally**

14. Conditions

BUILT IN ACCORDANCE WITH PLANS

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: 3605-220 RevF (south), 3605-221 RevE (east), 3605-222 Rev E (north), 3605-223 RevF (west), 3605-230 Rev B (section), 3605-216 Rev A (roof plan), RP/P01 Rev A (Roof garden), 3605-201 (site plan), 3605 – 211 (basement), 3605-212 (ground), 3605-213 (first), 3605 – 214 (second), 3605 - 215 (third), and the accompanying Noise Assessment

Reason:

To ensure that the development accords strictly with the submitted plans hereby approved in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy and the NPPF.

Pre-occupation Conditions

PRE OCCUPATION - MECHANICAL EXTRACT VENTILATION DETAILS

(2) Prior to occupation, the applicant shall provide the Local Planning Authority with plans and specifications (including siting and design) in respect of any proposed mechanical extract ventilation system for the ground floor commercial unit, which must be approved for use in writing prior to the installation of any such equipment.

Prior to submitting the report, the applicant should carry out a noise impact survey to establish current background levels and submit a report detailing the results of the survey and the likely impact on noise the mechanical extract ventilation system will make to these levels to the local Planning Authority. The information should outline details of methods proposed to reduce any noise caused by the operation of the mechanical extract ventilation system to ensure that the noise emanating from equipment (LAeqT) does 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.

The information should include details of the design and route of the system including the ducting, and the proposed methods for reducing vibration and noise caused by the operation of the system, including sound attenuation measures to prevent noise and vibration transmission through the system and the building fabric itself, together with details of methods to eliminate or reduce to an acceptable level cooking smells, and should include confirmation of any odour control methods proposed for use in conjunction with the system, i.e., filtration systems, odour neutralising systems, etc.

The approved scheme shall be implemented in accordance with the approved details. Any alteration or variation to the equipment should receive the prior written approval of the Local Planning Authority.

Reason:

To protect the residential and general amenity of the area from vibration and noise emanating from the operation of any mechanical extract system, or odour emanating from the operation of the system or site, to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the NPPF.

PRE OCCUPATION - MOD EXPLOSIVES SAFEGUARDING

(3) Prior to use of the development commencing, the applicant shall provide written confirmation verifying that the building has been designed and constructed to withstand structural collapse or damage that could cause critical injury, in the event of an explosion within the statutory explosive safeguarding zone surrounding Plymouth Sound. The approved details shall thereafter be so retained and maintained unless the written consent of the Local Planning Authority is given to any variation.

Reason:

The site of the proposed development falls within the outer statutory explosive safeguarding zone surrounding Plymouth Sound. All buildings within this zone should be 'non-vulnerable' that is of robust construction and design, so that should an explosive incident occur, buildings nearby will not collapse or sustain damage that cause critical injury to the occupants. Further information is therefore required to demonstrate that the development is not a vulnerable structure in accordance with adopted Policy CS02 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the NPPF.

PRE - OCCUPATION - MECHANICAL PLANT DETAILS

(4) Prior to use of the ground floor commercial unit commencing, the applicant must provide the Local Planning Authority (LPA) with plans and specifications in respect of any proposed mechanical plant, such as air conditioning or refrigeration condensers, or other similar equipment, which must be approved for use in writing by the LPA prior to the installation of any such equipment.

The applicant should carry out a noise impact survey to establish current background levels and submit a report detailing the results of the survey and the likely impact on noise the mechanical plant will make to these levels taking account of the cumulative effect of the mechanical extract ventilation plant to the local Planning Authority. The information should outline details of methods proposed to reduce any noise caused by the operation of the mechanical plant to ensure that the noise emanating from equipment (LAeqT) does 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.

The approved scheme shall be implemented in accordance with the approved details. Any alteration or variation to the equipment should receive the prior written approval of the Local Planning Authority.

Reason:

To protect the residential and general amenity of the area from noise emanating from the operation of any mechanical plant and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the NPPF.

PRE OCCUPATION - GREEN ROOF LANDSCAPE DESIGN AND BIRD CONTROL PROPOSALS

(5) Details of the green roof soil medium and water irrigation system and a programme for the implementation of the landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority.

These works shall be carried out as approved prior to occupation of the building and thereafter so maintained and retained. These details shall also include cultivation and other operations associated with plant and grass establishment; the implementation, phasing and proposed ongoing maintenance programme together with details of the design of a seagull and bird control system for the roof of the building.

Reason:

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

Other Conditions

OPENING HOURS

(6) The commercial use hereby permitted shall not be open to customers outside the following times: 08.00 - 23.00 hours Mondays to Sundays.

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 and the NPPF.

PROVISION OF PARKING AREA

(7) Notwithstanding the details of the car parking shown on the submitted plans, no work shall commence on the layout of the parking area until details of the design and layout of each car parking space has been submitted to and agreed in writing by the Local Planning Authority.

Each parking space shown on the subsequently 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 the NPPF.

SUSTAINABILITY

(8) Unless otherwise agreed previously in writing with the Local Planning Authority, the applicant shall provide to the Local Planning Authority a report for approval identifying how for the period up to 2016, a minimum of 15% of the carbon emissions for which the development is responsible will be off-set by low carbon production methods. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations.

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

Reason:

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

DESIGN DETAILS

(9) Notwithstanding the submitted details, further details shall be submitted to and approved in writing by the Local Planning Authority (to include drawings including sections at a scale of not less than 1:20 with key details at a scale of 1:10) for the following:

1. Details of the design, method of construction and finish of the winter garden bays (including balconies, balustrades, frames, spandrel panels and junctions with ground floor loggia/colonnade, stone and render);
2. Details of the design, method of construction and finish of the windows including junctions with head, cill's and jambs;
3. Details of the design, method of construction and finish of the ground floor loggia/colonnade including soffit and lighting adjacent to commercial unit;
4. Details of the design, method of construction and finish of the principal entrance doors and ground floor commercial unit window system, including junctions with ground floor loggia/colonnade together with details of the basement garage door/gate;

5. Details of the design, method of construction and finish of the junctions between stone, render and concrete including parapet at 3rd floor;

6. Details of the design, method of construction and finish of the 3rd floor penthouse including details of the curtain walling system, soffits, stone clad columns, walls and eaves;

7. Details of the design, method of construction and finish of the access gates to lower ground level;

8. Details of the design, method of construction and finish of the boundary railings/stone plinths, replacement boundary wall adjacent to the highway and junctions with ground floor loggia/colonnade;

9. Details of the proposed siting, design and external materials of any roof plant, rooms, screening, services or lift rooms and any wall or roof vents, ducts, pipes or other accretions to the roof or elevations. Unless otherwise agreed in writing with the Local Planning Authority, before any roof plant and/or machinery is used on the premises, it shall be enclosed with sound insulating material and mounted in such a way which will minimise the transmission of structure borne sound in accordance with a scheme to be approved in writing by the Local Planning Authority.

The approved details shall be strictly adhered to during the course of development and thereafter be so retained and maintained.

Reason

To enable the Local Planning Authority to consider the above details in the interests of the appearance and character of the building and locality, in accordance with Policies CS01, CS02, CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the NPPF.

EXTERNAL MATERIALS

(10) Samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

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

SURFACING MATERIALS

(11) Samples of all surfacing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

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

COMPLAINCE WITH HIGHWAY REQUIRMENTS

(12) The details of the proposed access and highway improvements approved by the 278 agreement shall be strictly adhered to during the course of development. The development shall not be occupied until the approved access and highway improvements have been completed on site.

Reason:

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

HIGHWAY DETAILS

(13) Development shall comply with the details approved by the Highway Authority for the junction between the proposed service road and the highway and the building shall not be occupied until that junction has been constructed in accordance with the approved details.

Reason:

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

ACCESS

(14) Adequate road access for contractors with a proper standard of visibility shall be maintained 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 the NPPF

LANDSCAPE MANAGEMENT PLAN

(15) A green roof landscape and bird control system management plan, including long term objectives, management responsibilities and maintenance schedules for the roof landscaping maintenance and bird control measures for a minimum of ten years, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development for its permitted use and shall thereafter be carried out in accordance with the approved schedule.

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.

COMMERCIAL DELIVERIES AND COMMERCIAL WASTE COLLECTION RESTRICTION

(16) Unless otherwise agreed previously in writing with the Local Planning Authority, all commercial deliveries and commercial waste collection to the ground floor commercial unit shall be made within the following hours Monday - Sunday 8am-6pm.

Reason:

To protect existing and proposed residents from potentially noisy activity outside reasonable hours in accordance with policy CS13, CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the NPPF.

REPORTING OF UNEXPECTED GROUND CONTAMINATION

(17) In the event that contamination is found at any time when carrying out the development hereby approved that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken. The report of the findings must include:

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

(ii) an assessment of the potential risks to:

human health,

property (existing or proposed) including buildings, crops, livestock,
pets, woodland and service lines and pipes,

adjoining land,

groundwaters and surface waters,

ecological systems,

archeological sites and ancient monuments;

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

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

Where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

Reason:

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

MECHANICAL EXTRACTION PLANT HOURS OF OPERATION

(18) No mechanical extract ventilation system or other mechanical plant shall be operated on the premises outside the following hours:-

Monday to Sunday 08.00 - 23.00 hrs

Reason:

To protect the residential and general amenity of the area from noise emanating from the operation of any mechanical plant and systems, and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the NPPF.

Part M4(19) COMPLIANT

(19) Notwithstanding the submitted drawings, unless otherwise previously agreed in writing with the Local Planning Authority, at least 20% of the residential units hereby permitted shall be part M4(2) compliant in accordance with details (including details of the precise siting of the specific units) which shall have been previously submitted to and agreed in writing by the Local Planning Authority. Unless otherwise agreed previously in writing with the Local Planning Authority, the approved details shall be fully implemented prior to completion of the development or occupation of the 20th residential unit (whichever is the sooner) and thereafter so maintained and retained.

Reason:

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

COMMERCIAL WINDOW DISPLAYS

(20) Unless otherwise previously agreed in writing with the Local Planning Authority, at least 75% of the ground floor commercial unit display windows shall be constructed so as to permit open views into the commercial unit. For the avoidance of doubt, no more than 25% of the total display window area shall be obscured in whole or in part by walling, screening, obscure glazing or other such similar fixed or applied screening.

Reason:

In order to maximise the extent of visibly active ground floor uses in the interests of the appearance and character of the building and locality and in accordance with adopted Core Strategy policies CS01, CS02, CS34 and relevant Government advice contained the NPPF.

SOUND INSULATION

(21) All dwellings shall be constructed in accordance with BS8233:1999 so as to provide sound insulation against externally generated noise. Unless otherwise agreed in writing with the Local Planning Authority, the good room criteria shall be applied, meaning there must be no more than 30 dB Laeq for living rooms (0700 to 2300 daytime) and 30 dB Laeq for bedrooms (2300 to 0700 night-time), with windows shut and other means of ventilation provided. Levels of 45 dB Laf.max shall not be exceeded in bedrooms (2300 to 0700 night-time).

Prior to any occupation of the development, the developer shall submit, for written approval by the LPA, a verification report proving that the dwelling meets the aforementioned criteria.

Reason:

To ensure that the proposed dwellings hereby permitted achieve a satisfactory living standard and do not experience unacceptable levels of noise disturbance from commercial users of West Hoe Park to comply with policies CS22 and CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the NPPF.

USE OF THE OUTDOOR AREA

(22) The outside seating area shall not be used by customers outside the hours of 0800 to 21:00, other than for use as a designated smoking area. The siting and size of the smoking area shall have been previously submitted to and agreed in writing with the Local Planning Authority and shall thereafter be limited to the approved area.

Reason:

To protect the amenity of the residents to comply with policies CS22 and CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the NPPF.

CYCLE STORAGE

(23) The secure area for storing cycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

To ensure that there are secure storage facilities available for occupiers of or visitors to the building. In accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the NPPF.

USE RESTRICTION

(24) The proposed swimming pool and terrace shall not be occupied after 21:00 hours or before 07:00 hours on any day.

Reason:

To protect the amenity of the residents to comply with policies CS22 and CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the NPPF.

Informatives

INFORMATIVE: CONDITIONAL APPROVAL

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

INFORMATIVE: DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION

(2) 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 "planning permission first permits development" as defined by the CIL Regulations. You must ensure that you submit any relevant forms and get any pre-commencement details agreed before commencing work. Failure to do so may result in surcharges or enforcement action.

INFORMATIVE: EXCLUSION FROM RESIDENT PARKING PERMIT SCHEME

(3) The applicant should be made aware of the fact the development will be excluded from obtaining permits and visitor tickets, including business tickets, for use within the resident parking scheme, as existing and as proposed.

INFORMATIVE: GREASE SEPARATION

(4) The applicant is recommended to consider the fitting of a grease separator within the kitchen of the ground floor commercial unit. Building Regulations doc. H states that drainage serving kitchens in commercial hot food premises should be fitted with a grease separator, complying with prEN1825-1:2004 and designed in accordance with prEN1825-2:2002 or other effective means of grease removal.

INFORMATIVE: FOOD HYGIENE AND SAFETY ADVICE

(5) The applicant is strongly recommended to contact the Food Safety and Standards Team, Public Protection Service, prior to finalising plans for and commencing work on the internal layout of the commercial unit to ensure that the layout, equipment and facilities meet with the requirements of health and safety, and food law.

The applicant is urged to visit the pages of the food safety and standards team on the following link for further information and to access a food premises registration form
<http://www.plymouth.gov.uk/homepage/environmentandplanning/foodsafety.htm>

INFORMATIVE: CUSTOMER TOILETS

(6) The developer is reminded that toilet and hand washing facilities must be provided for use by customers as well as staff in the commercial A3 unit, in order to meet the provisions laid down in Approved Document G and BS 6465-1:2006 & A1:2009. The aforementioned documents should be referred to in order to determine the numbers of facilities required in the commercial A3 unit based on the number of anticipated customers and staff. The facilities should be adequately ventilated, with a minimum of 15 air changes per hour, to remove stale air and odour.

INFORMATIVE: NOISE INSULATION

(7) 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.

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PLANNING APPLICATION REPORT



Application Number 15/01271/FUL

Date Valid 09/07/2015

Item 05

Ward St Budeaux

Site Address

KINTERBURY POINT, HMAD BULLPOINT, HMNB DEVONPORT
PLYMOUTH

Proposal

Proposed helipad and forward operating base to service the Fleet Helicopter Support Unit, comprising construction of helicopter landing site, demolition of three existing buildings, modification of part of an existing building, relocation of security fencing, construction of a new building to replace those demolished, and construction of a fuel bowser park

Applicant

Defence Infrastructure Organisation

Application Type

Full Application

Target Date

23/12/2015

Committee Date

**Planning Committee: 17
December 2015**

Decision Category

Major - more than 5 Letters of Representation received

Case Officer

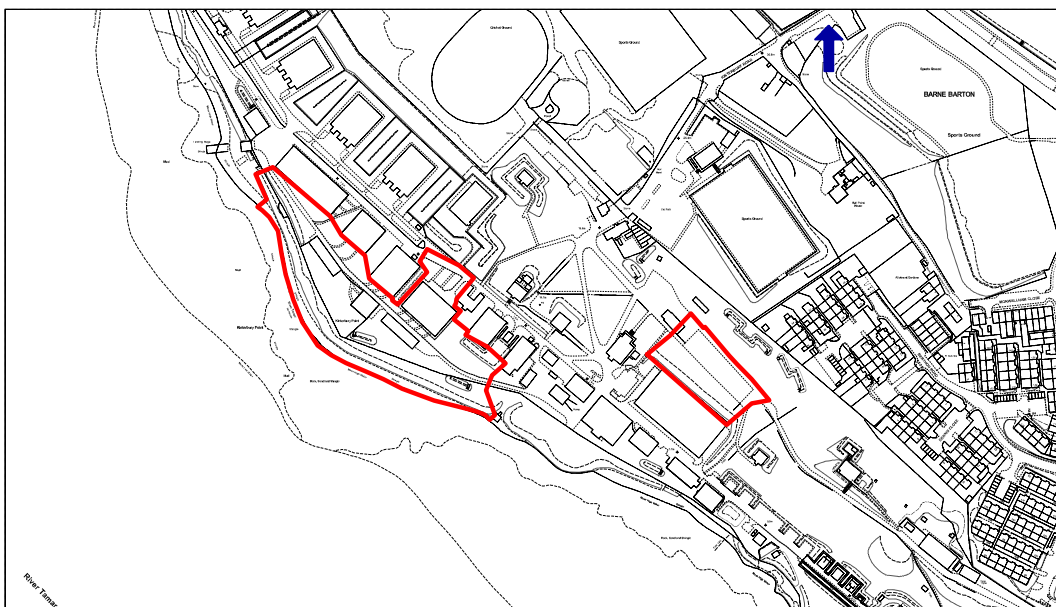
Christopher King

Recommendation

Grant Conditionally

Click for documents

www.plymouth.gov.uk



This application has been referred to planning committee by virtue of receiving more than more 5 or more Letters of Representation. The application has also been referred to planning committee by Cllr George Wheeler.

1. Description of site

The application site is known as Kinterbury Point, situated within northern part of the Royal Naval Dockyard which is located closest to the Barne Barton area of the city. The site sits adjacent to the River Tamar, and is currently occupied by a number of buildings, primarily used for storage ancillary to the docking and maintenance of naval vessels.

The applicant site is adjacent to the 'Bull Point Gunpowder Magazine and Camber' Scheduled Ancient Monument (PY 1022; HA 1003059), which includes a number of listed buildings. The ground is relatively level and is a few meters above high tide water level. The estuary bank forms the western boundary which is currently fenced with a mix of small trees running outside the fence line. There are a couple of larger trees within the application site, but east of the Helipad location.

The site sits 350m west of the Berthon Road, where the closest residential dwellings are located, and approximately 650m from Riverside Community Primary School. The site cannot be accessed by foot or vehicle by members of the public.

2. Glossary of Terms

AONB – Area of Outstanding Natural Beauty

DIO – Defence Infrastructure Organisation

FHSU – Fleet Helicopter Support Unit

FOB – Forward Operating Base

FOST – Flag Officer Sea Training

HRA – Habitats Regulations Assessment

LPA – Local Planning Authority

MOB – Main Operating Base

MOD – Ministry of Defence

SMC – Scheduled Monument Clearance

SSSI – Site of Special Scientific Interest

3. Proposal Description

This planning application is for a proposed helipad and forward operating base to service the Fleet Helicopter Support Unit (FHSU), comprising construction of helicopter landing site, demolition of three existing buildings, modification of part of an existing building, relocation of security fencing, construction of a new building to replace those demolished, and construction of a fuel bowser park.

The primary purpose of the planning application is to provide the Ministry of Defence (MOD) with a single-spot touchdown and Lift-Off Helipad suitable for rotary aircraft for the Forwarding Operating Base (FOB) of the Flag Officer Sea Training (FOST). The proposed works to facilitate the helipad are as follows:-

- Demolition of three unlisted buildings, identified as BP003, BP004 and BP044 as well as the removal of a former WWII brick bunker to create sufficient space for the helipad to be constructed close to the bank of the Tamar estuary as shown on plan P071-ACM-XX-00-DR-EN-00002-RevA-Proposed-Helipad-and-FOB-Site-Plan-Area-A. None of these structures are listed, and Scheduled Monument Clearance has been given by Historic England. A photographic record of has been provided, as well as drawings of the three buildings to be demolished have also been provided.
- To allow safe landing and take-off, 160m of the existing security fence along the western edge of the site will need to be removed. To retain site security, a new 3.0m high fence along the frontage of the buildings to the rear of the site. Existing doors and windows will be altered internally to enable them to form part of the new security line. The fences will comprise steel railings with barbed wire top and are to be supported by posts rather than being attracted to the buildings.
- Building BP47 was a former WWII storage building and will now be internally modified to handle up to 30 passengers at once, and to accommodate operator facilities for the ground staff. One external modification is proposed, creating an opening on the eastern side elevation to provide storage for essential firefighting equipment, replacement doors and security bars. The majority of the Building will remain untouched and continue to provide storage.
- Due to the required demolition of buildings as BP003, BP004 and BP044, the application proposes the erection of a new single storey storage facility on an existing area of hardstand adjacent to the old schoolhouse (BP60). The building will provide 850m² of general storage on a redundant hardstand area, and is to be constructed from steel. The external wall cladding will be Olive Green (BS-12B27) in colour; the external roof cladding will be Merlin Grey (BS-18B25); and the doors will be Blue (RAL 5010). Further details/dimensions are shown in plan 'I392/I – General Arrangement drawing'.
- A new fuel bowser park is proposed and will be built at an existing fuel facility located 325m away from the helipad. It is proposed to add to the existing bunded hard standing which will drain to a Class I fuel retention oil/fuel separator an emergency cut-off valve. Equivalent pollution prevention measures for refuelling the helicopters will be provided at the helipad landing site (HLS).
- Lighting is proposed to conform to the Manual of Aerodrome Design and Safeguarding and the Civil Aviation Authority Class I Helo Performance Standard. The will feature green and white inset omnidirectional Touchdown and Lift-off lights around the helipad itself. Column mounted street lighting is also proposed along the footpath which runs in front of Building BP47.
- A total of 7 trees will be removed, as well as areas of shrubs located on the southern boundary of the site to ensure an obstruction-free flight path as shown on Dwg P071-ACM-XX-DR-EN-00003. The planting of 14 new trees have been proposed as mitigation, however due to security reasons, no shrubs can be planted. The landscaping proposals are shown on Dwg P071-ACM-XX-DR-EN-00004, which also includes a planting schedule planting specification.

4. Pre-application enquiry

Prior to the submission of the planning application, and following the withdrawal of the previous application, officers met with the applicant and agent to discuss the amendment's that were being proposed, and to present the outcomes of the public consultation (11 attendees) that was held following the decision to withdraw the previous application. Officers advised that reduced flying

hours would be looked upon more favourably, as would a reduced number of total flights and details on the aircraft being used. Officers also requested details of flying programmes however were advised that this change son a weekly basis. Further justification and analysis of alternatives sites would be needed.

The submitted application was relatively consistent with what was presented during this meeting; however the Public Protection Service and planning officers raised concerns about the way in which information had been presented. Following discussion with the applicant, the submission of the information to the required standard; including correct dates, removal of confusing reference to the previous application and expansion of the justification and evaluation of alternative sites the application was submitted and then re-advertised. Due to the number of LORs, another consultation event was held in Barne Barton (46 attendees), and another in Wilcove (8 attendees) prior to the submission of the revised documents.

There was a formal DES pre-application (14/00747/MAJ) which provided advice on the proposal of a similar nature to what has been hereby submitted, however the meetings held early 2015 supersede those discussions.

5. Relevant planning history

14/01653/FUL – Construction of helicopter landing pad, demolition of 3 buildings, construction of a new building and modifications of 1 building – Application Withdrawn

14/00972/ESR10 – Request for screen opinion for the formation of a landing site for rotary aircraft and ancillary work – ESRI (Screening Opinion Given)

6. Consultation responses

Barne Barton Neighbourhood Forum – No comments received

Cornwall Council – No Objections

Economic Development Department – No Objections, and supports the Proposal

Environment Agency – No Objections however recommend conditions relating to contamination

Health and Safety Executive (HSE) – No Comments received

Historic England – No Comments received, however the application has been submitted with Scheduled Ancient Monument Clearance, and as such Listed Building consent is not required.

Local Highways Authority – No Objections

Lead Local Flood Authority – No Objections however recommends conditions for further details

Marine Management Organisation (MMO) – No Comments

MOD / DIO Safeguarding – No Objections

Office for Nuclear Regulation – No Objections

Natural England – No Objections

Public Protection Service (Land Contamination) – No objections on contamination grounds and is in agreement with Environment Agency response

Public Protection Service (Noise) – No objection following changes made following initial concerns, and are recommending conditional approval, in accordance with officers condition relating to flight numbers and frequency

Saltash Town Council – No Objections

Secretary of State in Lieu of application being accompanied by an Environmental Statement – No Objections

Tamar AONB – No Objections

7. Representations

Prior to submitting the planning application the LPA was informed that a community event had been held on the 19th May 2015 at the Tamar View Community Complex Resource Centre in St Budeaux. The event was held between 3.45pm and 8.00pm and a total of 16 members of the public attended the meeting. Only 7 people completed the feedback forms provided which considered insufficient to derive any form of statistical analysis.

Following the submission of the planning application, numerous letters of objection were received by the LPA; the applicant was advised that a further public event should be held to inform the public of the proposal, and discuss any concerns.

A total of 41 letters of representation have been received, of which 37 object to the proposal and 4 are observations. Below is a summary of the key issues outlined in the letters of representation:-

- Impact towards shift workers living in the area
- Distracting to school children in the nearby Riverside Community Primary School
- Severe loss of residential amenity
- Issues surrounding process of community notification and consultation
- Loss of amenity due to noise
- Health implications of noise – Low frequency Intrusion
- Harmful to wildlife and the environment
- MOD could reopen Plymouth Airport, or utilise Exeter Airport
- Will increase pollution
- Safety concerns for residents living near the site
- Likely to compound traffic, noise and air pollution in the area
- Likely to be harmful to wildlife

The following comments are not considered objections, and were extracted from the four letters of observation that were submitted:-

- Great addition to the growing service base
- Design should be respectful and discrete
- Lighting needs to be designed accordingly to prevent pollution

Following discussions with the applicant, the LPA requested additional information. Following the submission of revised documents and further supporting information; the application was re-advertised for an additional 14 days.

A leaflet drop of over 2000 properties in the area, (as demonstrated by appendix 5 of the Statement of Community Involvement document), was undertaken inviting members of the community to attend a further event on the 24th September 2015, held once again at the Tamar View Community Complex Resource Centre in St Budeaux between 3.00pm and 7.00pm. In addition to the leaflet drop, the applicant erected some public notices, published a press advert, notified MPs and Local

Councillors by letter and the Barne Barton Neighbourhood Forum. This event was attended by 46 people, of which 25 completed the feedback forms.

Officers have also been made aware of another meeting in Wilcove, Cornwall following residents' concerns regarding the proposal. This was attended by 8 members of the public; however only 2 feedback forms were completed.

The submitted document demonstrates the results of all the feedback forms, and has concluded that as the events were widely advertised through various means but were only attended by 62 people. The applicant has concluded that this indicates that the 'silent majority' of local residents are not interested in or concerned by the proposals and that there is a small 'vocal minority'.

The summary states that there was a balance of opinion on the necessity of the development, however, according to the figures, a majority of those who provided feedback believed that the helicopter flights are a necessary activity of the Naval Base to support training of defence personnel and that the exhibition made them better informed.

Officers are satisfied with the efforts of the applicant to present the proposals to the community; however notes that the applicant has not made any changes to the proposal following the review of the feedback forms. The 'flyer drop' area as shown in appendix 5 of the SCI covers a suitable area for notifying residents of the public events, and other means of advertisement were also appropriate methods to notify residents and other interested parties.

Since the re-advertisement, the LPA has received five (5) further Letters of Representations, have been received by the local planning authority. Most issues contained within the letters have previously been raised; however the following concerns/comments have been highlighted in one of the letters:-

- Noise monitoring equipment should be placed at Riverside school as it was not designed to protect children from noise from the west.
- Noise levels must not exceed should not exceed 55db in playground if permission is granted.
- Perceived as an undesirable place to live already

Members will note that there is a significant reduction in letters of representation following the re-advertisement, which in officer's view indicates that, the additional and public events held in Barne Barton and Wilcove were able to explain the application better in a way which has reduced residents' concerns.

8. 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 development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One was approved by the City Council in September 2015. The Plan, which incorporates draft

development plan policy, has been prepared following a consultation process. As such it is a material consideration for the purposes of planning decisions.

The policies contained in National Planning Policy Framework (the Framework) and guidance in National Planning Practice Guidance (NPPG) are also material considerations which should be taken into account in the determination of planning applications. Due weight should be given to relevant policies in existing and emerging plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Framework provides that the weight to be given to an emerging draft plan is also to be determined according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at a relatively early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).

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.

Additionally, the following planning documents are also material considerations in the determination of the application:

- *Sustainable Design Supplementary Planning Document*
- *Development Guidelines Supplementary Planning Document*

9. Analysis

This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7.

1. This application turns on the following strategic objectives and policies of the Local Development Framework Core Strategy:-
SO1 (Delivering Plymouths Strategic Role), SO6 (Delivering the Economic Strategy), SO11 (Delivering a Sustainable Environment), CS01 (Sustainable Linked Communities), CS02 (Design), CS03 (Historic Environment), CS04 (Future Employment provision), CS05 (Development of Existing Sites), CS18 (Plymouths Greenspace), CS19 (Wildlife), CS21 (Flood Risk), CS22 (Pollution) and CS34 (Planning Application Considerations)
2. This application also considers the following strategic objectives and policies of the Emerging Plymouth Plan Part One:-

SO3 (Strengthening Plymouth's role in the region), SO5 (Creating a more prosperous city for all), Policy 5 (Protecting and strengthening Devonport Naval Base and Dockyards Strategic Role), Policy 6 (Enhancing Plymouth's role in maintaining the south west's special natural environment) and Policy 30 (Safeguarding environmental quality, function and amenity)

3. The principal issues relating to this application are considered to be impact on residential amenity through noise pollution, harm to the natural environment and wildlife, and impact towards the historic environment. For these significant reasons, the application has been accompanied by an Environmental Statement.

Existing operations and MOD requirements

4. Due to the closure of the Plymouth's Airport, Newquay airport provides a base for the Fleet Helicopter Support Unit (FHSU), which currently relies on HMS Raleigh in Cornwall as a temporary Forward Operating Base (FOST) since the closure of the Weston Mill landing pad.
5. Current operations involve transporting officers to HMS Raleigh from Devonport, where they will be met by an aircraft that has either arrived from sea or Newquay. Following the completion of any training exercises, officers will disembark at HMS Raleigh, where they will be transported back to the Devonport base. The helicopters will then return to Newquay as this the closest place for hangering since Plymouth Airport closed in 2011.
6. The MOD has identified this as highly inefficient and costly, inhibiting the FHSU FOST programme, which attracts interest from international forces. The current use of HMS Raleigh involves the significant loss of valuable training time, and results in significant expense of maintain and running HMS Raleigh for this purpose. The Design and Access Statement (para 2.59) states that FOST loses approximately 350 hours (23%) of 1500 hour working programme in simply transiting to HMS Raleigh twice a day.
7. Furthermore, HMS Raleigh provides significant ecological concerns with the operations of FOST due to its proximity to Special Protection Areas at St Johns Lake and the Tamar and Lynher Estuary Complex, which further limits the sites operational capacity.
8. The application has identified Kinterbury Point as a suitable location for a new FOB; however the LPA requested detailed justification and evidence that alternative sites have been reviewed. This information was submitted to LPA and was a reason for re-advertisement.

Site Evaluations

9. Paragraphs 2.70 and 2.71 of the Design and Access statement have evaluated Devon based sites and Cornwall based sites. The MOD has stated that preference was to be able to site both a Main Operating Base (MOB) and a FOB within 5 miles of Devonport. Newquay currently provides the MOB, and previously this was supplied by Plymouth, and essentially is a place where aircraft can be hangered and maintained.
10. The application states that Devon based sites are more desirable as FOST training staffs are based at HMS Drake. The six alternative Devon based sites that were considered and evaluated are:-
 - Defence Munitions Ernesettle;
 - Bull Point Sports Pitches;
 - The Citadel
 - Royal Marines 42 Commando base at Bickleigh;

- Naval Base (South Yard)
 - Plymouth City Airport
11. Three Cornish based sites have been evaluated, however it is acknowledge that sites on this side of the estuary are less efficient, and fewer in availability:-
- HMS Raleigh
 - Scraesdon Fort, Anthony
 - Tregantle Fort
12. It is noted that Kinterbury Point has been primarily selected due its 'on base' location, and therefore the significant travel time reductions. Kinterbury Point does not have the site capacity to hanger aircraft as well as provide adequate space for the helipad, meaning aircraft will still need to travel to Newquay as this will remain as the Main Operating Base. Should Plymouth airport reopen, then there could be scope to relocate back to this location.
13. Officers have reviewed the site evaluation section within The Design and Access statement provides detailed evaluation of the nine sites above. It is clear to officers that each of these sites has at least one specific issue or restriction that means it either cannot be used for the purposes hereby applied for; or would not improve on the current operations provided by HMS Raleigh.
14. Policy CS05 refers to the development of existing sites, and officers are of the view that the proposal accords with both criteria 1 and 2. The application site is in an appropriate location for, and suited to the needs of the MOD which is considered one of the city's priority economic sectors; and would not result in the loss of viable employment land for other economic needs of the area. Furthermore, CS34 (2) states that applications should 'make efficient use of land', and it is the view of officers that this proposal accords with this policy requirement.
15. Officers also consider that the location of the application site will result in a significant reduction of traffic movements between Devonport and HMS Raleigh, and as such the proposal accords with policy CS28 of the Core Strategy.
16. The Local Highways Authority has stated that on the basis of the information submitted it would appear that the creation of the proposed helipad will have little impact in terms of traffic movements as most trips will be self-contained within the Dockyard and in some cases may result in an overall reduction in trips as Flag Officer Sea Training (FOST) personnel would no longer have to travel between the Naval Base and HMS Raleigh in Cornwall (the current location of the FOB). Whilst there may be some traffic movements generated by the proposal (deliveries of aviation fuel etc.) these are likely to be relatively small in terms of number of trips and would not lead to any operational issues on the local highway network.
17. A key aspect of the proposed site location for the helipad, relates to the flight paths during landing and take-off. Figure 4 of the Design and Access Statement demonstrates that the proposed flight paths have been arranged to minimise disturbance to people of either side of the estuary, such as Barne Barton and Wilcove. It clearly shows that at the aircraft will not fly over residential areas during decent or accent on either side of the estuary, and furthermore, the flight paths avoid flying below 1000ft over the most important bird habitats therefore showing consideration of policy CS19 of the Core Strategy.
18. Officers are satisfied that appropriate site analysis and evaluation has been carried out, and consider that Kinterbury Point is a suitable location to meet the specific needs of the

applicant. Furthermore, officers consider that this is the only evaluated site will result in no flying over residential dwellings and therefore accords more reasonably with CS34 (6) which seeks to protect the amenity of the area. The full impacts of noise are considered in the next section of the report.

Proposed Operation Hours and Number of Flights

19. Table 4.1 of the Planning Application Supporting Statement outlines the hours that MOD are seeking permission for flights to and from the proposed helipad, and have been summarised as follows:-
- 7.30am to 9.00pm Monday to Thursday
 - i. An average of only 2 flights per week between 7pm and 9pm has been indicated
 - 7.30am to 4.00pm Fridays
 - No flights on Saturdays and Sundays, Christmas Day or Boxing Day
20. Members are advised the term flight in this report refers as a Landing and a Take-Off, i.e. two movements. Paragraph 4.2 highlights the volume of movements; and are summarised as follows:-
- There shall be no more than 100 flights per month using this development hereby applied for
 - In practice, it is expected that there will be an average of 3 flights per working, equating to an average of flights 60 per month. This number will depend on the training programme, which varies week by week.
 - The application states that there will be a maximum of 100 flights per month.
 - The statement indicates that this number of flights is consistent with FHSU activities and will result in a significant reduction in flights immediately adjacent to Torpoint due to only occasional flights from HMS Raleigh.
21. Members will note there was an application (withdrawn) made to the council earlier this year for the same proposal which proposed longer permitted hours for flights, and a greater volume of flights. The application hereby submitted proposes reduced flying hours, and significantly reduced number of flights per week and annum. In fact, the statement suggests a reduction of 200 flights per annum, totalling 1000 per annum down from 1200 per annum.
22. The maximum monthly flights remain the same as the previous planning application that was withdrawn; however the total annual figures have been reduced following consideration of the LPAs comments.
23. Table 1.2 within the Noise Addendum demonstrates that during a period of 7 months in 2014 (April to October) at HMS Raleigh, the average number of flights a day over this period was just 2 (1.96), identifying that the average flight figures in normal practice are likely to be less than what is being applied for.

Public Protection Service – Noise

24. The application refers to flights, and as noted above indicate two movements (Landing and Take-off). Officers requested further information on the duration of a flight, which has been provided and has been available for public consideration. The document extracts information relating to three typical flight scenarios which have been considered as part of the submitted noise assessment.

- Scenario 1 – Normal Helicopter pick-up/drop-off with a total audible time of 11 minutes. This scenario is the more common scenario; as experience at HMS Raleigh has shown that there is an average of 1 refuel every 3 ½ days.
 - Scenario 2 – Non-Powered Refuelling (Engine Off) with a total audible time of 21 minutes
 - Scenario 2 – Powered Refuelling (Engine On) with a total audible time of 21 minutes
25. Based on this information, on days where only the average of 3 flights are required or take place and with no requirement for refuelling, helicopters will be audible for 33 minutes total during the day. When refuelling is required, and the average number of flights in a day is required, this would jump to 44 minutes of audible time, which is still considered low by officers during throughout the permitted period in a day.
26. In discussion with the applicant and their agents, officers are of the understanding that this is a commuter service as part of normal military activity. Their activity is very much related to taking officers out in the morning and returning them in the evening, and as such, disruption in the day time or during school hours for example is likely to be limited. Helicopters that do return outside of the permitted hours will be automatically directed to Newquay unless there is an emergency situation where it would be unreasonable and irresponsible of the LPA to refuse landing.
27. In addition, the number of flights that have been applied for will capture any increased need, i.e. in 2017, when the new Aircraft carriers enter service; the required flights will still not exceed what has been applied for. For the first couple of years of the developments use, flight numbers are anticipated to be relatively lower than the averages that quoted in the submitted documents, reducing the impact on amenity during the early stages of operations.
28. Paragraph 7.3 of the Planning Statement states that through the adoption of mitigation measures it would be possible to reduce the potential impact of the proposed Helicopter Landing Site at Kinterbury Point so that it achieves the PPG 30 (2014) noise exposure criteria of 'noticeable and not intrusive', and that the proposals are in accordance with the MOD Leaflet 4.1 Environmental Noise and the DEFRA Report 2008.
29. The applicant adds further that the vicinity is a long established strategic military area which is intensely used, where ambient background noise levels from this and other activities in the area are already elevated. Inhabitants already associate the base with current helicopter movements and similar helicopter movements occurred previously from the facility operated at HMNB Devonport Dockyard adjacent to Weston Mill Lake until April 2012, and hence the perceived impact will be less.
30. Public Protection Service (PPS) officers have reviewed the submitted documents and noise data, stating that this application has the potential to cause disturbance, due to the nature of helicopters, however the revised iteration of the proposal is much improved on the previous application and the first version of this application.
31. Officers agree with PPS view that the noise element of this development viewed in isolation is not ideal. From a purely Plymouth City noise perspective the ideal situation would be for operations to continue in the current location a HMS Raleigh as this prevents disturbance to residents of Plymouth as there is the potential to cause some degree of disturbance by locating a helicopter facility in relative proximity to residents.

32. PPS officers however recognise that the alternative sites analysis evidences a lack of suitable alternative sites and this site is as described part of the wider military base. The reduction in flying time applied for in this version of the application and the numbers of flights coupled with the suggested conditions, should afford suitable levels of protection to prevent this site creating a significant detriment to the noise climate of the area.
33. Officers have taken this advice from Public Protection, who do not dispute the comments made in the Planning Statement, and are therefore of the view that if this development were approved by the LPA, with appropriate conditions and monitoring, it will not cause significant harm to residential amenity with regards noise impact.
34. Furthermore, the LPA has not received any objections with regards to noise amenity from Saltash Town Council or Cornwall Council, Local Highways Authority, Barne Barton Neighbourhood Forum, or Public Health. The Natural Infrastructure team has also identified that the noise is unlikely to cause significant harm to wildlife in the adjacent protected areas.

Scheduled Monument and Historic Environment

35. Paragraph 9.1 within the Planning Statement indicates that the northern part of Kinterbury Point is a Scheduled Monument; and of the three buildings scheduled to be demolished, two lie within the extent of the Scheduled Monument.
36. Historic England was consulted, and a copy of the Ancient Monuments and Archaeological Areas Act 1979 (as amended); Section 2 control of works Application for Scheduled Monument Clearance (SMC) has accompanied the planning application.
37. Paragraph 1 to 3 of the SMC confirms that Historic England has no objection to the demolition of these buildings, and has subsequently granted Scheduled Monument Clearance on the bases that these buildings are not central to the heritage interest of the Scheduled Monument and as SMC has been given, an application for Listed Building consent is not required for the works being proposed to the building BP47.
38. The Scheduled Monument Clearance does outline that the proposed works be carried out in strict accordance with relevant and specific conditions imposed by Historic England. A planning condition will capture the need for the works to be carried out in accordance with Historic England's requirements.
39. Notwithstanding the Scheduled Monument Clearance, officers have reviewed the proposals, and likely impact of the development towards the historic environment. The application does not propose any works or alterations to Listed Buildings; however the application documents include a full register of Listed Buildings within 1km of the site.
40. The alterations to BP47 will make use of a disused building within the monument which is considered positive, and the nature of the proposal is not considered out of character in terms of the function and purpose of the buildings.
41. The new storage building located near the old school building is not of particularly high standard; however is reflective of commonly found buildings in the Dockyard in terms of massing and material. Officers also consider that the proposed new security fence is sympathetic to its location, and will not be directly fixed to any listed structure within the site. Furthermore, officers recognise the need for the security measures given the location

and nature of the site. The impact of these structures are not considered harmful to the setting of the Scheduled Monument or Listed Buildings

42. Officers concur with the view of Historic England which states that the works will be detrimental to the setting of the monument; however the impact can be managed by conditions to reduce the overall impact and ensure protective measures are undertaken during and post development. The proposal is therefore considered acceptable by officers and will not be in conflict with policy CS03 of the Core Strategy. Relevant conditions will be added to the decision notice.

Natural Environment and Wildlife

43. The application has been accompanied by an Environmental Statement which has carried out significant work in relation to the impacts of the proposed development on the environment. The site is located in close proximity to Plymouth Sound and Estuaries Special Areas of Conservation, and Tamar Estuaries Complex SPA (which includes the Lynher Estuary SSSI, St Johns Lake SSSI and the Tamar-Tavy Estuary)
44. Officers have carried out a Habitats Regulation Assessment (HRA), which identified two main issues relating to noise impacts towards birds and pollution
45. Tamar Estuaries Complex SPA: Noise impacts on Overwintering birds. Due to the nature of the proposed works there is potential for noise to impact on areas designated for overwintering avocets and little egrets (both Annex 1 species). It is considered however that there will be no significant effects ringing from this development with regards to Noise impacts on Overwintering birds for the following reasons:
- BTO WeBS low tide count dot maps and Core Count data and the surveys conducted by Ecologic on behalf of the MOD, do not record avocet or little egret feeding or roosting in the vicinity of Kinterbury Point.
 - The Helicopter flight paths (FHSU and other users) will not cross the SPA mudflat areas below 1000 feet.
 - Helicopter movement enforcement and monitoring by FHSU Site Air Traffic Controller (SATCO) will be reported to regulators via TECF. Any failure will be addressed by liaison between FHSU, DIO and Natural England.
 - The relocation of the bulk of FHSU flights from HMS Raleigh to Kinterbury Point will significantly reduce the potential for disturbance to overwintering birds on St John's Lake.
46. Plymouth Sound and Estuaries SAC: Pollution. Due to the nature of the proposed works, there is potential for pollution from the release of fuels, oils and chemicals associated with refuelling or accidents into the marine environment. It is considered however that there will be no significant effects ringing from this development with regards to noise impacts on Overwintering birds for the following reasons:
- Risk of accidental spill during refuelling and maintenance will be minimised, and any accidental spill would be contained and prevented from impacting on the SPA / SAC habitats through the MOD/DIO design process, Planning and environmental Permit Applications, and internal Royal Navy and Military Aviation Authority regulations and processes.
 - The surface water from the helipad site and the temporary bowser parking will pass through a class 1 full retention forecourt oil/fuel separator with a fuel storage capacity of 7,500 litres, well in excess of the S61 capacity (2,475 l), and will be fitted with an automatic emergency cut-off valve before discharging via existing surface water outfall

in to the River Tamar. The maximum size fuel bowser is 9000 litres, but these are compartmentalised and hence 7,500 litres capacity combined with surface storage is adequate for the unlikely event that all compartments are compromised.

- The helicopter pad is graded away from the estuary so the risk of failure of the drainage system causing leakage to the estuary is deemed to be negligible.
- Should the helicopter develop a leakage or have an incident there is an emergency fire truck on standby during operations and emergency spill kits, although the best defence is the proposed drainage system and the positive fall away from the estuary.
- For the proposed store site, rain water from the roof of the new store will be piped to the existing system. There will be no foul water discharge from the proposed store.
- The foul drainage for the helipad accommodation will be via a mini treatment plant with discharge via existing surface water outfall into the River Tamar. The treatment plant will be designed to meet Environment Agency discharge limits for the estuary.
- There will be continual monitoring of maintenance and refuelling processes by FHSU contractor and site environmental protection staff, and subject to MOD and EA audit and assurance processes.

47. From the foregoing assessment, it can be concluded that the Proposed Helipad would not lead to significant effects on any internationally designated sites either alone or in combination with other projects or plans. No Appropriate Assessment is therefore necessary. Members should note that both Natural England and the Environment Agency have been consulted and have no objections to the proposal subject to conditions. The proposal is therefore considered acceptable, and will not cause conflict with policy CS19 of the Core Strategy.

Bats and Birds

48. To ascertain whether any bats are likely to be affected, a bat habitat suitability assessment was carried out on the 3 buildings proposed to be demolished as well as the building which is due to be modified. No evidence of roosting bats was recorded during the survey, however mitigation is recommended to ensure no bats are adversely affected by the proposed development, this includes erection of bat boxes, as well as: the maintenance of darkness elsewhere; planting of night scented flowers; and landscape management measures.
49. The HRA has identified that protected birds (Egrets and Avocets) will not be impacted by this proposal, however very few birds numbers were identified in the surveys at Kinterbury Point. Mitigation to ensure no birds are adversely affected by the proposed development will be to only remove vegetation outside of the bird nesting seasons.

Landscaping

50. The demolition of the new buildings will undoubtedly change the visual appearance of the site when looking from the estuary, especially with the clearing of many shrubs and trees along the shoreline. Notwithstanding this however, the impact is considered minimal from this aspect which isn't a particular overlooked site, and furthermore, due to the topography of the site, and its relationship with surrounding areas, it will not have an impact on the visual amenity of the area.

51. Within the site itself, the proposed landscaping measures, such as new trees, turfed areas, pathways and parking spaces are not considered out of character or intrusive on the landscape and will not cause detriment to the Scheduled Monument or Listed Buildings and is therefore in accordance with the Core Strategy, specifically policies CS03 and CS34. Furthermore, the landscaping proposals will not cause harm to the adjacent protected sites, such as the Tamar AONB, and is therefore considered to accord with policy CS18 of the Core Strategy.
52. In addition, the lighting proposals are required in accordance with Manual of Aerodrome Design and Safeguarding and the Civil Aviation Authority Class I Helo Performance Standard, and having reviewed the layout will not cause significant harm to amenity due to the considerable distance from dwellings.

Drainage

53. The site lies almost entirely within the Environment Agency's Flood Zone 1, whereby flooding from rivers and the sea is very unlikely. Due to the site's flood zone category minimal flood risks are anticipated. Nonetheless, the new helipad will create an area that is likely increase surface run off, however the demolition of the three buildings will add to the permeable surface of the site.
54. Specific measures have been proposed to prevent contaminants entering the watercourses, such as interceptors, emergency spill kits and mini treatment plant. The helipad itself will also be graded away from the estuary into a drainage system taking contaminants and contaminated water away from the estuary. The Lead Local Flood Authority is satisfied with the proposal, however further specific details on design are required and will be dealt with by of condition to improve the overall drainage situation on the site to ensure that the proposal accords with policy CS21 of the Core strategy.

Economic Benefit of the Proposal

55. Plymouth benefits greatly from having the Royal Navy presence and whilst the Helicopter operations are only a small part they employ a number of local people in well paid and highly skilled jobs. It has been demonstrated through the closure of Plymouth Airport and the relocation of much of the operation to Newquay that the Royal Navy will move operations out of the city where we cannot accommodate their needs. Plymouth City Council seeks to assist all organisations with rising to the productivity challenge, both public and private sector, and this is an important impediment to be removed. Economic Development has indicated that they are highly supportive of this proposal.
56. Officers consider that Kinterbury point as a location means that proposal has greater degree of affinity with Policy CS04 (6) by supporting the future expansion and redevelopment of military establishments for operational purposes.
57. Strategic Objective 6 (S06) of the Core Strategy aims to deliver the economic strategy, and it is the view of officers that elements of this objective could be compromised should the FHSU need to move away from the Plymouth and the region, to another part of the UK such as Southampton.
58. Furthermore, officers consider that the location the Helipad within the Dockyard at Kinterbury Point accords with Policy 5 of the Emerging Plymouth Plan Part One. Policy 5 seeks to strengthen the Devonport Naval Base and Dockyard's strategic role, stating the City

will support and actively promote the safeguarding and strengthening of Her Majesty's Naval Base (HMNB) Devonport, and the Dockyard as a major component of the UK's strategic defence capability.

Addressing Residents' Concerns

59. As identified in section 7 of this report, the LPA has received a significant number of objections and comments. Officers have listened to these residents, and as such, have imposed very specific conditions relating to hours of flights and the number of flights that are permitted each month and year.
60. In response to the residents' concerns, these planning conditions will require the applicants to submit quarterly flight log books for officers to review, to ensure that conditions are being adhered to, and to see if any further restrictions may be required in relation to the operations.
61. This will be most important for the flights between 7pm and 9pm, which will be on an 18month temporary basis due to its sensitive nature. Should the applicant seek to make these later hours permanent then they would need to demonstrate to the LPA that they are compliant with the condition, and that there have been no, or very little disturbance to residents that has warranted formal complaints to the LPA or PPS.
62. The LPA must also be notified within 7 days of an Emergency flights occurrence to ensure that the was not a normal flight departing or returning late, and was in fact an emergency whereby the aircraft, or a person's life is at risk.
63. Officers have discussed the flight patterns with the applicant and are satisfied that whilst there is likely to be flights during the idle of the down, normally the flights are more likely to occur in the morning, or afternoon, much like a commuter vehicle. This will reduce the impact towards shift workers sleeping in the day, and will also have a lesser impact on school children at Riverside which is a concern of residents.
64. The second community event was held due to the poor attendance of the first event, and in lieu of the submission of revised documents at the LPAs request. A further event would not be beneficial in the view of officers as all relevant information has now been explained to those who turned up.
65. The revised documents have not been significantly modified in terms of content; however all the appendices for example are now contained in the one document. Officers agree that the appearance on the website is different; however the information has only slightly altered to remove reference of the old application, and provide additional justification on the alternative sites.
66. Residents are of the view that there are better alternative sites, however as officers have demonstrated in paragraphs 9-18 of the report Kinterbury Point is considered the most appropriate site for the proposal.
67. The noise emanating from the helipad operations and its impact towards Riverside School could be classed as noticeable and intrusive as identified in the submitted documents, however this will be for very short periods of time. As the report has already identified, a normal landing and take-off can be heard for no more than 11 minutes. With the helipad site being significantly lower than the helipad, the noise will be somewhat retained by the sites natural topography and physical barriers (buildings), therefore periods of noticeable and

intrusive noise may well in fact be less than this, and likely limited to just a few minutes at a time.

10. 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.

11. Local Finance Considerations

Not Applicable

12. Planning Obligations

Not Applicable

13. Equalities and Diversities

There are no equality or diversity issues to be considered

14. Conclusions

The National Planning Policy Framework (NPPF) advises officers to promote sustainable development, whereby economic gain does not come at the cost to the natural environment or social cohesion. There is clear and sound evidence to suggest that this proposal will not have a significant detrimental impact on the residential amenity of neighbouring communities, and poses little impact, as identified in the through the HRA, to the sensitive and important natural environments. The MOD is of significant City and Regional importance, and this proposal will strengthen its operations but not to the detriment of the local people and environment.

Having 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 the identified policies of the Local Development Framework Core Strategy and the Emerging Plymouth Plan Part One officers are satisfied to recommended the application for conditional approval.

13. Recommendation

In respect of the application dated **09/07/2015** and the submitted drawings General Arrangement Drawing - 1392/1; Floor Plan - 1392/2; Typical Section - 1392/3; FOB FOST Proposed Security Fence - 5116453 AA (90) 07; Proposed Overview Site Plan - 5116453 AL (90) 06; FOB FOST, Building BP047 Existing Ground Floor Plan Demolitions and Elevations - 5116453 AL (20) 05; Proposed

Storage Building Site Plan - Area B - 5116453 - AL (20) 02; FOB FOST, Building BP047 Existing High level Plan Demolitions and Sections - 5116453 AL (20) 06; FOB FOST, Building BP047 GA High Level Plan and Sections - 5116453 AL (20) 08; FOST FOB - Area B Proposed Building Drainage Layout - 5116453 CL (90) 04; FOB FOST, Building BP047 GA Ground Floor Plan and Elevations - 5116453 AL (20) 07; Building BP004 Record Drawing - 5116453 BP004; FOST FOB - Area A Proposed Drainage Layout - 5116453 CL (90) 03; Building BP044 Record Drawing - 5116453 BP044; Building BP003 Record Drawing - 5116453 BP003; Location Plan - P071-ACM-XX-00-DR-EN-00001; Proposed Tanker Stand Area C - Vehicle Tracking Analysis - P071-ACM-XX-XX-DR-CE-00004; Proposed Tanker Stand Area C - Site Plan - P071-ACM-XX-XX-DR-CE-00001; Proposed Tanker Stand Area C - General Arrangement - P071-ACM-XX-XX-DR-CE-00002; Proposed Tanker Stand Area C - Drainage Plan - P071-ACM-XX-XX-DR-CE-00003; Proposed Helipad and FOB Existing Landscape Proposal - P071-ACM-XX-00-DR-EN-00003; Proposed Helipad and FOB Landscape Proposal - P071-ACM-XX-00-DR-EN-00004-RevB

FOB FOST External Lighting Layout - 5116453 AEL (63) 03; Proposed Helipad and FOB Site Plan - Area A - P071-ACM-XX-00-DR-EN-00002 RevA; Record of Existing Buildings BP003, BP004, BP044 and Underground Air Raid Shelter adjacent to Bull Point Gunpowder Magazine and Camber - Scheduled Monument No PY 1022: HA 1003059 - Debut Services (South West) Limited - 9 MAY 2014 DE Project No: Z9N0076Y11; Scheduled Monument Clearance - Ref S00037320 - AA075943/2-IPT4 - 8 Nov 2013; Design and Access Statement - Nov 2015 - Atkins; Planning Application Supporting Statement - Nov 2015 - AECOM; Statement of Community Involvement - Nov 2015 - AECOM; Environmental Statement - Nov 2015 - Atkins; Operational Hours Email from Agent dated 3rd November 2015, it is recommended to: **Grant Conditionally**

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: General Arrangement Drawing - 1392/1; Floor Plan - 1392/2; Typical Section - 1392/3; FOB FOST Proposed Security Fence - 5116453 AA (90) 07; Proposed Overview Site Plan - 5116453 AL (90) 06; FOB FOST, Building BP047 Existing Ground Floor Plan Demolitions and Elevations - 5116453 AL (20) 05; Proposed Storage Building Site Plan - Area B - 5116453 - AL (20) 02; FOB FOST, Building BP047 Existing High level Plan Demolitions and Sections - 5116453 AL (20) 06; FOB FOST, Building BP047 GA High Level Plan and Sections - 5116453 AL (20) 08; FOST FOB - Area B Proposed Building Drainage Layout - 5116453 CL (90) 04; FOB FOST, Building BP047 GA Ground Floor Plan and Elevations - 5116453 AL (20) 07; Building BP004 Record Drawing - 5116453 BP004; FOST FOB - Area A Proposed Drainage Layout - 5116453 CL (90) 03; Building BP044 Record Drawing - 5116453 BP044; Building BP003 Record Drawing - 5116453 BP003; Location Plan - P071-ACM-XX-00-DR-EN-00001; Proposed Tanker Stand Area C - Vehicle Tracking Analysis - P071-ACM-XX-XX-DR-CE-00004; Proposed Tanker Stand Area C - Site Plan - P071-ACM-XX-XX-DR-CE-00001; Proposed Tanker Stand Area C - General Arrangement - P071-ACM-XX-XX-DR-

CE-00002; Proposed Tanker Stand Area C - Drainage Plan - P071-ACM-XX-XX-DR-CE-00003;
Proposed Helipad and FOB Existing Landscape Proposal - P071-ACM-XX-00-DR-EN-00003;
Proposed Helipad and FOB Landscape Proposal - P071-ACM-XX-00-DR-EN-00004-RevB

FOB FOST External Lighting Layout - 5116453 AEL (63) 03; Proposed Helipad and FOB Site Plan - Area A - P071-ACM-XX-00-DR-EN-00002 RevA; Record of Existing Buildings BP003, BP004, BP044 and Underground Air Raid Shelter adjacent to Bull Point Gunpowder Magazine and Camber - Scheduled Monument No PY 1022: HA 1003059 - Debut Services (South West) Limited - 9 MAY 2014 DE Project No: Z9N0076Y11; Scheduled Monument Clearance - Ref S00037320 - AA075943/2-IPT4 - 8 Nov 2013; Design and Access Statement - Nov 2015 - Atkins; Planning Application Supporting Statement - Nov 2015 - AECOM; Statement of Community Involvement - Nov 2015 - AECOM; Environmental Statement - Nov 2015 - Atkins; Operational Hours Email from Agent dated 3rd November 2015

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: SURFACE WATER DISPOSAL

(3) No development shall take place until details of the proposals for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby permitted is first brought into use.

Disposal of surface water details shall include, but not be limited to:-

- A Flood Risk Assessment for the site should provide evidence that the proposed drainage system including attenuation, can provide a 100 year return period (1% AEP) standard of protection plus a 30% allowance for climate change. Calculations and modelling data should be produced in support of any drainage design showing that the drainage system is designed to the required standard
- As a brownfield site, the PCC LFRMS requires that rate of discharge from the site is limited to greenfield rates for a 1 % AEP (1 in 100 year return period) event with a 30% allowance for climate change. An unattenuated surface water discharge to tidal waters maybe considered subject to controls and EA approval.
- The owner/manager(I would highlight that this maybe a public sewer and SWW will need to be consulted)of the existing surface water and combined sewerage system should be consulted regarding any final proposal to connect surface water into the existing surface water/combined system. Evidence of agreement to connect to the existing surface water system should be submitted before the drainage proposals are accepted.
- A CCTV condition survey of the existing drainage system should be undertaken where it is being utilised.

Details are required of exceedance flow routes and how these flows are to be intercepted and contained on site within the proposed system. Exceedance flows should be directed away from public access areas.

- Opportunities to eliminate pollution from surface water run off should be taken. To minimise pollution being discharged into the sewer network, separate systems for roof and highway drainage is recommended. Surface water run off from areas exposed to vehicles and fuel storage should be discharged via an interceptor or other method to remove potential pollutants.
- A construction environment management plan incorporating method statements should be submitted to demonstrate how the new drainage system and water environment is protected during the demolition and construction phases.
- The surface water drainage system including manholes and pipes should be designed in accordance with Sewers for Adoption 7th Edition (WRc 2012) where appropriate.
- A drainage pipe and manhole schedule will be required confirming pipes and materials.
- Details should be provided of the proposed silt traps and interceptors and the interconnecting drainage pipe material.
- As built record information will be required for the proposed drainage system including attenuation and interceptor systems.

Reason:

To enable consideration to be given to any effects of changes in the drainage regime on landscape features in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 94 and 100-103 of the National Planning Policy Framework 2012.

Justification: To ensure the drainage provisions within the development are adequately provided for before development commences and does not cause undue problems to the wider drainage infrastructure.

PRE-COMMENCEMENT: EXTERNAL MATERIALS

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

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

Justification: To ensure that the development can reasonably accommodate external materials that are acceptable to the local planning authority.

PRE-COMMENCEMENT: PROGRAMME OF ARCHAEOLOGICAL WORK

(5) No part of the development allowed by this permission shall be commenced until the applicant (or their agent or successors in title) has completed a programme of archaeological work, in accordance with a written scheme of investigation that has been submitted to and approved in

writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme.

Reason: The site is considered likely to contain archaeological deposits that warrant appropriate investigation and/or recording in accordance with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012.

Justification: To ensure that important archaeological features are properly protected / recorded before construction commences.

PRE-COMMENCEMENT: CONTAMINATION

(6) Prior to each phase of development approved by this planning permission no development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason:

To protect controlled waters. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by

preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Justification: To ensure that risks to health through contamination are properly considered and addressed before building works commence.

Other Conditions

CONDITION: ARBORICULTURAL METHOD STATEMENT

(7) All tree works shall be carried out in accordance with the details contained within submitted Proposed Helipad and FOB Landscape Proposal - P071-ACM-XX-00-DR-EN-0004 RevB. The measures contained in the approved statement shall be fully implemented and shall remain in place until construction work has ceased.

Reason:

To ensure that the trees on site are protected during construction work in accordance with Policy CS18 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

CONDITION: HOURS OF OPERATION (FLIGHTS)

(8) Helicopter landings and take-offs shall only take place between 07:30 and 19:00 Monday to Thursday and 07:30 to 16:00 on Friday. There shall be no flights on Christmas Day or Boxing Day. Helicopter flights outside the permitted operational days and times will only be permitted in emergency circumstances and following an emergency event the applicant will notify the Local Planning Authority within 7 days detailing the nature of the emergency flight.

An emergency is defined when there is significant risk to the safety of a military helicopter, or if there is a significant risk to someone's life that is being transported by military helicopter that cannot safely land elsewhere. Fully functioning Military Helicopters, and where no life is at risk that is returning late from deployment as part of the Fleet Helicopter Support Unit/Flag Officer Sea Training programme is not considered an emergency, and shall be diverted to Newquay when it cannot land and then take off again within the times hereby permitted. Emergency Flight definitions shall be defined and included in the complaints procedure to be submitted to and approved by the Local Planning Authority for clarity as requested by condition 12 of this permission

Reason:

To reduce the impact towards residential amenity, and protect the general amenity from any harmfully polluting effects at unsociable hours and avoid conflict with Policy CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 17 and 123 of the National Planning Policy Framework 2012.

CONDITION: TEMPORARY HOURS OF OPERATION (FLIGHTS)

(9) For a trial period of 18 months commencing from the first helicopter flight (the start date to be confirmed in writing to the Local Planning Authority) helicopter landings and take-offs will be permitted to take place between 19.00 and 21:00 Monday to Thursday and the number of flights shall not exceed an average of 2 flights per week between these temporary permitted hours.

The applicant should supply quarterly (3 months) flight records to the Local Planning Authority for monitoring purposes which will indicate whether or not the permanency of these temporary hours are acceptable should they be applied for in the future.

At the end of the 18 months trial period from the date of the decision notice, flights will only be permitted between 07:30 and 19:00 Monday to Thursday and 07:30 to 16:00 on Friday as approved by condition 8 of this consent unless otherwise agreed in writing by the Local Planning Authority through the submission of a Section 73 application.

Reason:

To reduce the impact towards residential amenity, and protect the general amenity from any harmfully polluting effects and avoid conflict with Policy CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 17 and 123 of the National Planning Policy Framework 2012.

CONDITION: MAXIMUM FLIGHT NUMBERS

(10) There shall be no more than 100 helicopter flights per month and no more than 1000 flights in a calendar year using the development hereby permitted. A flight is defined as one landing and one take off. The applicant shall provide quarterly (3 months) flight records to the Local Planning Authority for monitoring purposes to ensure that these limits are not exceeded.

Reason:

To reduce the impact towards residential amenity, and protect the general amenity from any harmfully polluting effects and avoid conflict with Policy CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 17 and 123 of the National Planning Policy Framework 2012.

CONDITION: AIRCRAFT TYPE (MILITARY)

(11) Only military helicopters or commercial helicopters working under contract to the military shall be permitted to use the Helipad hereby approved.

Reason:

To ensure that the facility is strictly used for military purposes only and to ensure that the development hereby approved protects residential amenity and general amenity from any harmfully polluting effects and avoid conflict with Policy CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 17 and 123 of the National Planning Policy Framework 2012.

CONDITION: PRE-OPERATION: COMPLAINTS PROCEDURE

(12) Before the development hereby approved becomes fully operational (i.e. prior to the first flight), a complaints procedure (which will include contact details for the base's community liaison officer or the MOD complaints telephone line) will be submitted to the Local Planning Authority for consideration. All complaints generated as a result of the operations of the development hereby approved shall be dealt with in accordance with the approved complaints procedure unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect residential and general amenity by providing a method for dealing with adverse issues of the development in accordance with Policy CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CONDITION: BIODIVERSITY

(13) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Environmental Statement (dated November 2015) for the site which shall include measures in Table 5.1 including provision of 5 bird and 5 bat boxes, maintenance of dark corridors, planting of night scented flowers and leaving longer edge grassland zones.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in the NPPF paragraphs 109, 118

CONDITION: UNSUSPECTED CONTAMINATION

(14) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons:

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 CS21 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 120 -123 of the National Planning Policy Framework 2012.

CONDITION: SCHEDULED MONUMENT CONSENT

(15) The works hereby permitted shall be carried out in strict accordance with all conditions contained within the Schedule Monument Clearance for Scheduled Monument No. PY 122; HA

1003059 - BULL POINT GUNPOWDER MAGAZINE AND CAMBER, PLYMOUTH (Ref: S00067320).

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012.

CONDITION: HIDDEN FEATURES

(16) If, during the course of the works, presently hidden archaeological features are revealed, the applicant shall immediately stop work and inform the Local Planning Authority, and shall not continue with the works until agreement has been reached as to the retention or recording of those features.

Reason:

To ensure that any hidden features are recorded and/or retained, as deemed appropriate, in accordance with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012.

CONDITION: EXISTING TREE/HEDGEROWS TO BE RETAINED/PROTECTED

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

A: No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with BS 3998: 2010 Tree Work Recommendations.

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

C: The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with the approved plans and particulars [plan no. ^IN] (or in accordance with Section 6.2 of BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations) before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

To ensure that trees or hedgerows retained are protected during construction work and thereafter are properly maintained, if necessary by replacement, 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.

CONDITION: TREE REPLACEMENT

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

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and are subsequently properly maintained, if necessary by replacement.

Informatives

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

INFORMATIVE: ENVIRONMENTAL PERMITTING

(3) Any non-mains foul drainage system associated with this development will require an Environmental Permit from the Environment Agency under the Environmental Permitting Regulations 2010, unless it satisfies the General Binding Rules for small sewage discharges in England. The General Binding Rules can be found online at

<https://www.gov.uk/government/publications/small-sewage-discharges-in-englandgeneral-binding-rules>. If the proposed foul discharge will not satisfy the General Binding Rules the applicant is advised to contact our National Permitting Service on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that the permit may not be granted. Additional 'Environmental Permitting Guidance' can be accessed online

at <https://www.gov.uk/permits-you-need-for-septic-tanks>. All new and existing fuel storage should have appropriate bunds/ secondary containment with spill kits and other protection measures as appropriate.

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If the proposed foul discharge will not satisfy the General Binding Rules the applicant is advised to contact our National Permitting Service on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that the permit may not be granted. Additional 'Environmental Permitting Guidance' can be accessed online at <https://www.gov.uk/permits-you-need-for-septic-tanks>.

All new and existing fuel storage should have appropriate bunds/ secondary containment with spill kits and other protection measures as appropriate

INFORMATIVE: NESTING SEASON

(5) It is an offence under the Wildlife and Countryside Act to damage to destroy the nest of any wild bird while it is in use or being built and it is also an offence to disturb many species of wild bird while nesting.

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PLANNING APPLICATION REPORT



Application Number 15/01896/FUL

Date Valid 15/10/2015

Item 07

Ward Plympton St Mary

Site Address

UNIT 1 SEYMOUR STORES, 1 SEYMOUR ROAD PLYMPTON
PLYMOUTH

Proposal

Change of use from A1 (shops) to A5 (hot food takeaway) and associated alterations

Applicant

Marazion Developments Ltd

Application Type

Full Application

Target Date

10/12/2015

Committee Date

**Planning Committee: 17
December 2015**

Decision Category

Assistant Director of Development Referral

Case Officer

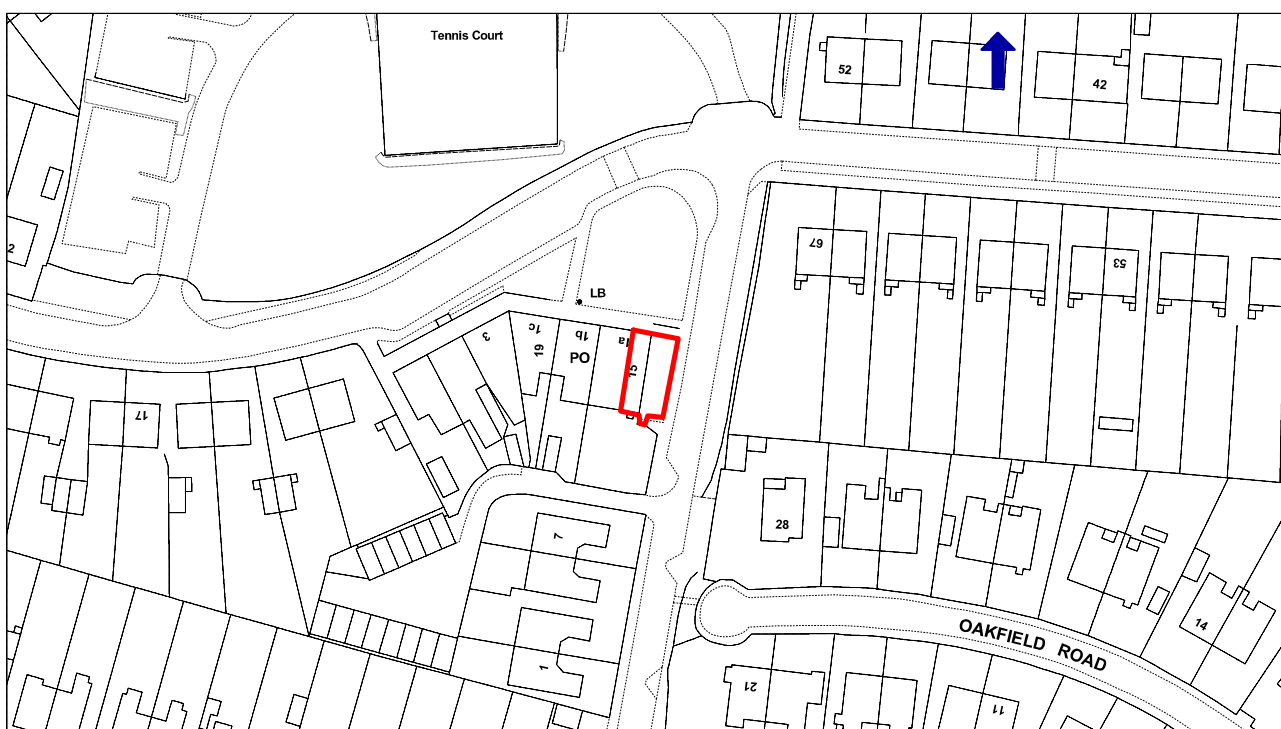
Aidan Murray

Recommendation

Refuse

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This planning application has been referred to Planning Committee by the Assistant Director for Strategic Planning and Infrastructure because:

- There are finely balance policy/precedent issues
- There are public interest reasons for the matter to be determined by the Committee
-

1. Description of site

1 Seymour Stores is an empty retail unit located directly opposite and within 400m of the entrance to Hele School in Plympton. The area is predominately residential with a small row of shops which include a hairdressers, bakery and Chinese take away. The row of shops is not classified as a local or district centre.

2. Proposal description

The proposal seeks to change the use from A1 (Retail) to A5 to create a hot food take away

3. Pre-application enquiry

None

4. Relevant planning history

15/02106/FUL – Change of use from Retail (A1) to a Physiotherapy Practice (D1 with ancillary B1 use) – Pending determination

15/00198/FUL - External alterations to provide new entrance in association with subdivision of the premises into 3 separate A1 units – Permitted

08/00782/ADV – Signage for ATM – Permitted

08/00783/ADV – Signage for ATM – Permitted

07/02006/FUL – Change of use of premises from post office (A1) to a hot food takeaway (A5) including new shop front and ramped access with associated handrails- Permitted

07/02007/ADV – New externally illuminated fascia sign – Permitted

05/01162/ADV – Illuminated fascia sign – Permitted

05/01163/FUL – Replacement shop front and alterations to ramped access – Permitted

98/01189/FUL – Alterations to shop premises including provision of pedestrian ramp – Permitted

98/00490/FUL – Extension to Shop – Permitted

98/00087/FUL – Extension to Shop – Refused

96/00110/FUL – Change of Use and Conversion of First Floor Flat into Two Self-contained Flats – Permitted

95/00695/FUL – Side extension at first floor level above existing store - Permitted

94/00005/FUL – Extension to shop to provide store – Permitted

84/00800/FUL- 3 Seymour Road – Change of use from shop to hot food takeaway – Refused (Permitted on appeal)

5. Consultation responses

Local Highway Authority – No Objections

Public Health – have raised serious concerns relating to the Hot Food Takeaway being located in such close proximity to the school as well as having concerns over the odour and noise of the proposal.

Economic Development Department – No objections

6. Representations

No Letters of Representation have been received for this application.

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 is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One was approved by the City Council in September 2015. The Plan, which incorporates draft development plan policy, has been prepared following a consultation process. As such it is a material consideration for the purposes of planning decisions.

The policies contained in National Planning Policy Framework (the Framework) and guidance in National Planning Practice Guidance (NPPG) are also material considerations which should be taken into account in the determination of planning applications. Due weight should be given to relevant policies in existing and emerging plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Framework provides that the weight to be given to an emerging draft plan is also to be determined according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at a relatively early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).

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.

Members should be aware that the Plymouth Plan has introduced a new approach to tackling strategic citywide issues through the development of an innovative of a single citywide plan. This includes working with the Health and Wellbeing Board and the Office of Public Health to identify and respond to public health issues and concerns.

One such issue is healthy weight and childhood obesity is identified as a key public health issue by Thrive Plymouth. The Council has developed a citywide strategy to tackle this issue and in order to address the objectives identified under Strategic Objective 4 of the Plymouth Plan. Policy 8 of the Plymouth Plan uses land use planning powers to restrict new A5 takeaways opening within 400m of a secondary school. This policy is designed to help regulate the food environment around schools and support the wider objectives of the Plymouth Plan.

Members are advised that this innovative approach to tackling citywide public health issues has not been independently examined and therefore the full weight of the development plan cannot be relied on. Nonetheless this policy has been based on a collaborative evidence base with the Office of Public Health and officers are confident that this policy is robust, justified, and proportionate and will be effective. Furthermore this approach aligns with similar approaches adopted by other Council's across the Country including the London Borough of Waltham Forest and St Helen's Council. It is also noted that the paragraph 69 of the NPPF clearly identifies a role for the planning system in creating healthy, inclusive communities.

Officers are therefore confident that the Council have a defensible position should a planning appeal be lodged, although members should take into consideration that the Plymouth Plan has not progressed through Public Examination to adoption.

8. Analysis

1. This application has been considered in the context of the NPPF 2012, the Plymouth Plan, the Local Development Framework Core Strategy 2007 and other material policy documents as set out in Section 7. The main policies which are to be considered here are Strategy Objective 4 Delivering a Healthy City - Policy 8 (Addressing health inequalities and supporting healthy lifestyles) of the Plymouth Plan as well as CS22 (Pollution) CS28 (Local Transport Considerations) CS34 (Planning Application Considerations) of the Local Development Framework.

Noise and Nuisance

2. The control and prevention of odour and noise pollution is given high priority due to the negative impact it can have on human health, quality of life and the natural environment. The potential for odour nuisance to be caused to local residents from a premises of this type located in a residential area is very high given this type of application and it would be expected that a very high level odour neutralisation to be installed at the premises. The Public Protection Service has suggested a condition which would mitigate the concerns raised. It suggests a condition which relates to the installation of ventilation machinery which would control the release of odours into the residential area.

3. In order to ensure noise nuisance from deliveries is not caused to local residents, the Public Protection Service has suggested a condition to restrict these times which would be added to the granting of any subsequent granting of permission.
4. Officers feel that with these conditions, odour controls, noise and delivery noise concerns would be in place which would make the application compliant with CS22 (Pollution)

Local Highway Authority

5. The local highway authority have no objections to the proposal given that on street parking is available close by and considers to be sufficient capacity exists within the local streets to accommodate the associated parking demand. Further there is a parking layby in Seymour Road, and a loading bay in Dingle Road, providing parking capacity that is intended to serve the local shops. The proposal is therefore compliant with CS28 (Local Transport Considerations)

Economic Development

6. The Economic Development Department have expressed their support for this application given it will create jobs and see an empty unit being put to good use.

Health and Wellbeing

7. Members should be aware that the Plymouth Plan has introduced a new approach to tackling strategic citywide issues through the development of an innovative of a single citywide plan. This includes working with the Health and Wellbeing Board and the Office of Public Health to identify and respond to public health issues and concerns. Therefore the main concern in relation to this application is the Policy within the Plymouth Plan which relates to restricting new A5 takeaways opening within 400m of a secondary school. (Policy 8 of Strategic Objective 4) and this needs to be weighed against the support being expressed by the Economic Development Department regarding job creation and reuse of an empty shop.
8. An integral part of the plan is to identify, respond to, and address health and wellbeing issues that Plymouth is facing. In this regard the Office for Public Health and the Health and Wellbeing Board has developed Thrive Plymouth, a coordinated strategy which seeks to improve the health and wellbeing of the community of Plymouth. Thrive Plymouth identifies 4 lifestyle behaviours that result in 4 diseases and illnesses that result in 54% of premature deaths in the City.
9. One of these behaviours/lifestyle choices is diet, as poor diet is a contributing component of chronic disease. This is particularly prevalent in children and young people, evidenced through the Plymouth Report 2014 which identified that nearly 25% of children having excess weight or being obese.
10. Strategic Objective 4 of the Plymouth Plan; (Delivering a healthy city), has amongst other objectives, the ambition of: creating environments which address the wider determinates of health; delivering the best health, wellbeing, and social outcomes for children, young people and families; and building strong and safe communities with health promoting natural and built environments.

11. In responding to this Strategic Objective 4 Policy 8 of the Plymouth Plan has been developed. This policy seeks to regulate and control the food environment around secondary schools through restricting new A5 takeaways from opening. This policy contributes to the wider Council strategy of promoting healthy eating and education in schools, as part of the Healthy Child Quality Mark.
12. This application seeks planning permission for a new A5 takeaway that will be located within 400m of the entrance to Hele's School. This will provide a choice of hot food to be consumed off of the premises. Takeaway foods are typically high in saturated fats, sugars and carbohydrates. This could potentially undermine the coordinated strategy the Council has invested in across the City in tackling the childhood obesity through providing the opportunity to consume a diet that can be harmful to health and wellbeing of the community.
13. Therefore Officers have concluded that this application through introducing a new A5 takeaway within 400m of Hele's Secondary School would be contrary to Policy 8 of the emerging Plymouth Plan.

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

This application is not liable for CIL

11. Planning Obligations

None

12. Equalities and Diversities

Disabled access to the shop is accessed from a ramp to the front of the property

13. Conclusions

Officers have taken account of the S38(6) of the Planning and Compulsory Purchase Act 2004 as well as the Plymouth Plan and concluded that the proposal does not accord with policy and national guidance and specifically Strategic Objective 4 (Delivering a healthy city) Policy 8 (addressing health inequalities and supporting healthy lifestyles) as well as section 8 para 69 of the NPPF which requires new development to promote healthy living and wellbeing and is therefore recommended for refusal.

13. Recommendation

In respect of the application dated **15/10/2015** and the submitted drawings ,it is recommended to:
Refuse

14. Reasons

REFUSAL: LOCATION TO SECONDARY EDUCATION PROVIDERS

(1) The Local Planning Authority considers the proposed Hot Food Takeaway (Use Class A5) given its location to Hele's school is contrary to Policy 8 of the Plymouth Plan which addresses health inequalities and supporting health lifestyles and in particular seeks to protect the food environment within a 400metre radius of providers of secondary education. The proposal is also considered to be contrary to the National Planning Policy Framework 2012 - Paragraph 69, with regard to creating healthy communities.

Informatives

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

Relevant Policies

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

NPPF - National Planning Policy Framework March 2012

PP8 - Addressing health inequalities and supporting healthy lifestyles

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PLANNING APPLICATION REPORT



Application Number 15/01630/FUL

Date Valid 01/09/2015

Item 07

Ward St Budeaux

Site Address LAND ADJACENT (EAST) TO 790 WOLSELEY ROAD PLYMOUTH

Proposal Erection of 6 terrace dwellings with off road parking

Applicant HSK Developments Ltd

Application Type Full Application

Target Date 27/10/2015

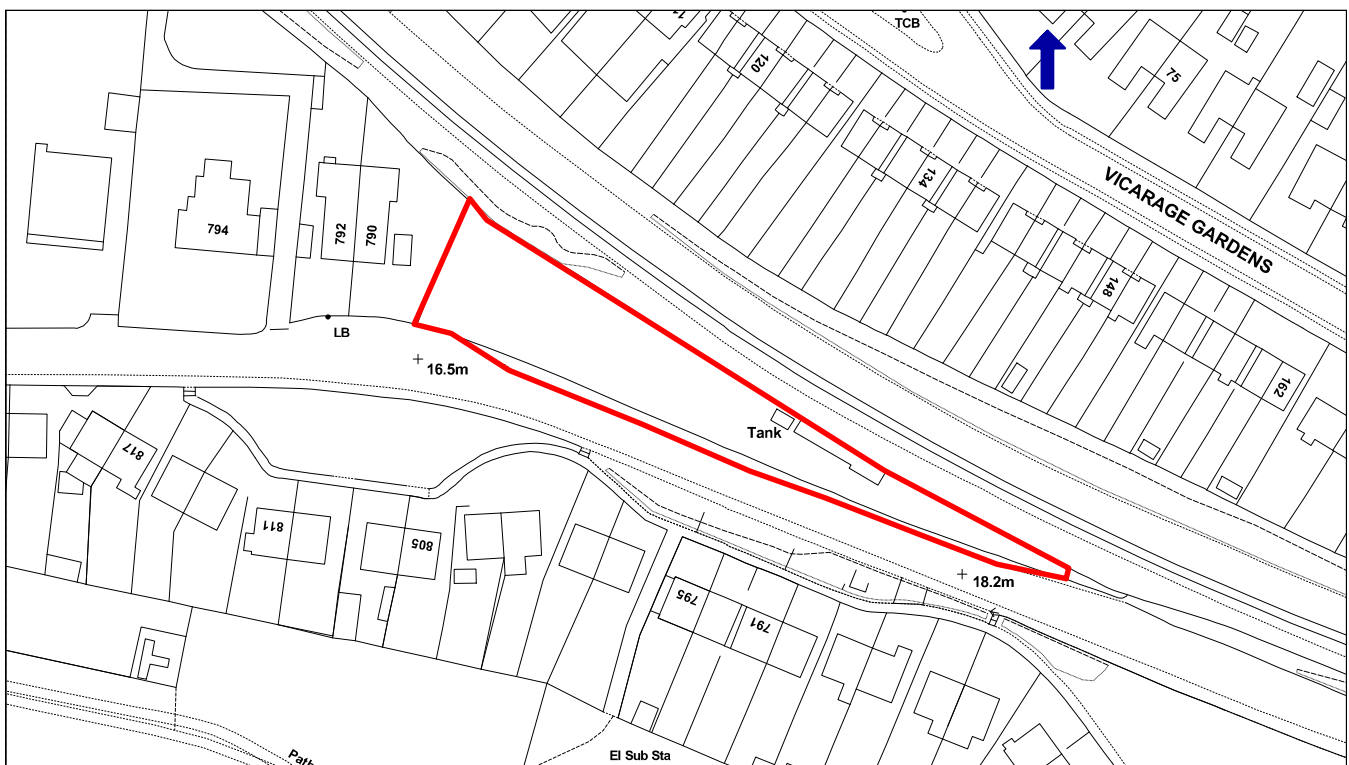
Committee Date Planning Committee: 19 November 2015

Decision Category Member Referral

Case Officer Rebecca Boyde

Recommendation Grant Conditionally

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This application has been called into committee by Councillor Wheeler

1. Description of site

The site is located adjacent to 790 Wolseley Road. The site was previously used as allotments however the site has been vacant for three years and is currently in private ownership. The site is bounded by residential properties and is sandwiched between a classified road and a rail way track.

2. Proposal description

Erection of 6 terrace dwellings with off road parking

3. Pre-application enquiry

None

4. Relevant planning history

15/01144/FUL-Erection of 8 no. terrace dwellings with off road parking, Refused

14/01845/FUL- Erection of single dwelling with integral garage, Permitted

14/00375/FUL- Erection of 2 dormer style dwellings with integral garage. Associated alterations to footpaths, Permitted

5. Consultation responses

Local Highway Authority recommends approval

Network Rail has no objections but has advised that the applicant should contact them direct to discuss.

Public Protection initially recommended refusal however after discussions it is accepted that conditions can be added to a decision to overcome their noise concerns.

Natural Infrastructure team have recommended conditions to be attached to a decision

6. Representations

16 Letters of objection have been received. The main reasons for objections are:-

- Transport concerns
- Removal of hedge
- Privacy
- Overlooking

- Out of character
- Over-development
- Wildlife concerns

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 development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One was approved by the City Council in September 2015. The Plan, which incorporates draft development plan policy, has been prepared following a consultation process. As such it is a material consideration for the purposes of planning decisions.

The policies contained in National Planning Policy Framework (the Framework) and guidance in National Planning Practice Guidance (NPPG) are also material considerations which should be taken into account in the determination of planning applications. Due weight should be given to relevant policies in existing and emerging plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Framework provides that the weight to be given to an emerging draft plan is also to be determined according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at a relatively early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).

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.

Additionally, the following planning documents are also material considerations in the determination of the application:

- *Sustainable Design Supplementary Planning Document*
- *Development Guidelines Supplementary Planning Document*

8. Analysis

(1) This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7. The application has also been considered in the context of the Council's adopted planning policy in the form of the Local Development Framework Core Strategy 2007 CS01 (Development of Sustainable Linked Communities), CS02 (Design), CS15 (Overall Housing Provision), CS22 (Pollution), CS28 (Local Transport Considerations), and CS34 (Planning Application Considerations) the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021 and the aims of the Council's Development Guidelines Supplementary Planning Document 'First Review' (2013) and is considered to be compliant with National Planning Policy Framework guidance.

(2) The proposal seeks to erect 6 three bedroom dwellings. Each property will accommodate off street car parking and have amenity space located to the rear of the properties. The site has been subject to several planning applications in which two dwellings were permitted and most recently eight dwellings refused based only on inadequate access and out of character in terms of amenity space. The previous permissions have not been implemented. It is officer's opinion that this proposal achieves adequate amount of access and amenity space for the occupiers whilst not being detrimental to the character of the area.

Principle of development

(3) The proposal seeks to build on previously used allotments. The principle of development has been deemed as acceptable by the Local Planning Authority through the grant of planning permission for the erection of one dwelling (14/00375/FUL) and for the erection of two dwellings (14/01845/FUL) neither of these planning permissions have been implemented. It should be noted that whilst at present these permissions have not been carried out the applicant has three years to implement and may still wish to use these permissions.

(4) It is not considered that the loss of the allotments will have a negative impact upon the character of the area as the site has not been used for allotments for three years. It is considered by officers that the site would be able to accommodate the six dwellings without having a negative impact in terms of transport, privacy or character of the area.

Design

(5) Policy CS34 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) 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 in the main by residential development that comprises of a mix of terraced, semi-detached and detached properties.

(6) In terms of style, the character of the surrounding townscape has become more varied over the years as new development has been delivered within the vicinity. The proposal seeks to erect six terraced style dwellings. The dwellings will provide a kitchen, lounge/ dining area at ground floor level and three bedrooms and a bathroom at first floor level.

(7) The dwellings proposed all meet minimum internal standards as set out within the Supplementary Planning Document. It is noted that the application is considered to comply with the requirements of

Policy CS01 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) by providing family housing and by contributing to the provision of a sustainable linked community.

(8) The house designs have been finished externally with a limited palette of similar materials to provide continuity of design across the entire site. It is noted that the house designs are different compared to the older houses within the vicinity and will use render and weatherboard. It is not considered that the change in materials will have a significant impact on the area as there are many different designs and materials used within Wolseley Road. It is officer opinion that the terrace will not appear out of character as immediately to the South East lays a large terrace.

(9) The Development Guidelines Supplementary Planning Document (SPD) states that all habitable rooms should receive adequate amounts of natural daylight and be of a minimum size to accommodate standard sized furniture for its occupants. It is considered that the proposal complies with this guidance. The SPD states that each occupier should have adequate access to amenity space and terraced properties should be approximately 50m². It is noted that the plots vary in size and the amenity space for each plot is:-

- Plot 1 – 109.0
- Plot 2 -51.4
- Plot 3- 67.0
- Plot 4 – 52.9
- Plot 5- 51.1
- Plot 6- 69.9

(10) The properties all meet or exceed the minimum standards and the officer therefore deem's the proposal acceptable.

(11) A number of the letters of objection refer to the loss of a hedge and habitats. The applicant has submitted a habitat survey and the Local Planning Authority is happy that conditions can be attached to decision to ensure there will be no detrimental impact to the habitat within the area.

(12) Other objections state there will be an impact upon privacy. The properties to the north of the site are separated by the train line and large gardens. It is therefore considered that there will be no overlooking or impact on the dwellings located off Vicarage Road. The properties located opposite the site are separated by Wolseley Road and are located lower than those proposed due to the topography. It is therefore considered that there will be no impact upon these properties either.

Public Protection comments

(13) The Council's Public Protection service recommended refusal based on the lack of a noise survey being submitted. However after negotiations and discussions it is considered acceptable for the proposal to be conditioned putting onus on the application that the dwellings are constructed in accordance with noise regulations and evidence is submitted to confirm this prior to occupation.

Local Highway Authority comments

(14) Further to the highway consultation response made in respect of the previous application (no

15/01144/FUL) which recommended refusal on the basis of sub-standard access and inadequate cycle storage and car parking provision, the applicant has now amended the layout plan to address those concerns.

(15) A reduction in the number of units proposed on the site (from 8 to 6) along with a widening of the car parking spaces has helped address previous concerns raised regarding the ability for vehicles to be able to reverse out of the spaces and turn (taking into account existing on-street kerbside car parking on the opposite side of the road).

(16) In addition cycle storage has been shown within the curtilage of each of the properties which addresses the previous concerns raised in this respect.

(17) One point that still remains outstanding is the need to provide a sufficient level of inter-visibility looking to the east for vehicles exiting the car parking area. It would appear that this could be achieved by cutting back the existing hedge bank and it's acknowledged that this area falls within the red line boundary of the application site (and could therefore be subject to condition).

(18) Including the driveways and garages serving plots 3 and 4, a total of 11 off-street car parking spaces are proposed which equates to a car parking standard of 1.83 spaces per unit which is considered acceptable.

5 year housing supply

(19) When determining applications for residential development it is important to give consideration to housing supply.

(20) 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”*

(21) 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.”*

(22) 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.

(23) 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.

(24) 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...”

(25) 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:
- 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
 - specific policies in this Framework indicate development should be restricted”

(26) 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.

(27) Due to the need to accelerate housing delivery a 2 year consent rather than a 3 year consent has been secured by condition. This is in accordance with Strategic Objective 10(8) (Delivering Adequate Housing Supply), paragraphs 10.34, 17.1 and 7.13 of the Core Strategy and Policy 46 of the Plymouth Plan.

(28) In summary, it is officers’ view that the proposals will provide an adequate sustainable development. The proposal does not appear out of character with the area and the layout and design is therefore in line with the Core Strategy policy CS02, CS34 of the SPD and NPPF section 7 (Requiring Good Design).

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

The provisional Community Infrastructure Levy liability (CIL) for this development is £21,447.32 (index-linking applied, but subject to change before final liability confirmed).

A breakdown of the final calculation will be shown in the liability notice once planning permission first permits the development (including all pre-commencement conditions details being agreed).

The liable party(s) will be given the opportunity to apply for social housing relief or ask for a review of the calculation at that stage. There is no negotiation of CIL. The Levy is subject to change and will be index-linked. The applicant should check the current rates at the time planning permission first permits development, see www.plymouth.gov.uk/cil for guidance.

11. Planning Obligations

None

12. Equalities and Diversities

The application proposes 6 new residential units that on completion should 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.

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 policies CS01 (Development of Sustainable Linked Communities), CS02 (Design), CS15 (Overall Housing Provision), CS22 (Pollution), CS28 (Local Transport Considerations), and CS34 (Planning Application Considerations) the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021 and the aims of the Council's Development Guidelines Supplementary Planning Document 'First Review' (2013) and is considered to be compliant with National Planning Policy Framework guidance.

13. Recommendation

In respect of the application dated **01/09/2015** and the submitted drawings P738-01,P738-02B,P738-03A , P738-04A, P738-005A, P738-50, P738-51,it is recommended to: **Grant Conditionally**

14. Conditions

CONDITION: DEVELOPMENT TO COMMENCE WITHIN 2 YEARS

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

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004 and in accordance with Core Strategy Strategic Objective 10(8) (Delivering Adequate Housing Supply) and Plymouth Plan Policy 46

CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: P738-01,P738-02A,P738-03A , P738-04A, P738-005A, P738-50, P738-51

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 1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - adjoining land
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Section 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The

scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Section 3. Implementation of Approved Remediation Scheme

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

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

Section 4. Reporting of Unexpected Contamination

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

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 120 – 123 of the National Planning Policy Framework 2012.

To ensure that risks to health through contamination are properly considered and addressed before building works commence.

PRE-COMMENCEMENT: PROVISION OF SIGHT LINES

(4) No development shall take place until details of the sight lines to be provided between the off-road car parking area and Wolseley Road have been submitted to and approved in writing by the Local Planning Authority and the approved sight lines shall be provided before any of the units hereby proposed are first occupied.

Reason:

To provide adequate visibility for drivers of vehicles at the road junction in the interests of public safety 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.

To ensure that the development can ensure the safety of road users and pedestrians can be maintained.

PRE-COMMENCEMENT: BIODIVERSITY

(5) Prior to commencement the applicant will need to provide details of how net biodiversity gain can be achieved on site in accordance with Policy CS19 and NPPF paragraph 109 and 118, including full details of existing and proposed habitats (usually displayed in a 'biodiversity budget' table). Enhancement measures might include provision of bat roosting and bird nesting opportunities, native tree, shrub and wildflower planting, etc.

Reason

In the interests of the enhancement of wildlife and features of biological interest, in accordance with Core Strategy policy CS19 and Government advice contained in the NPPF paragraphs 109 and 118.

To ensure that the development can ensure the safety of road users and pedestrians can be maintained.

Pre-occupation Conditions

PRE-OCCUPATION: NOISE VERIFICATION

(6) All dwellings shall be constructed in accordance with BS8233:2014 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 bedrooms (2300 to 0700 night-time), and no more than 35 Db Laeq for living rooms and bedrooms (0700 to 2300 daytime) with windows shut and other means of ventilation provided. Levels of 45 Db Laf.max shall not be exceeded in bedrooms (2300 to 0700 night-time). 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 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

PRE-OCCUPATION: PEDESTRIAN/CYCLE ACCESS

(7) None of the units hereby proposed shall be occupied until a means of access for pedestrians (in the form of a new dropped kerb crossing point on Wolseley Road) 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: CAR PARKING PROVISION

(8) None of the units hereby proposed shall be occupied until the car parking area shown on the approved plans has been drained and surfaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and that area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason:

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

PRE-OCCUPATION: CYCLE PROVISION

(9) None of the units hereby proposed shall be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for a minimum of 6 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.

Other Conditions

CONDITION: HABITAT

(10) All works should be carried out in accordance with the Extended Phase I Habitat Survey (Reports 4 Planning, July 2015).

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.

Informatives

INFORMATIVE: KERB LOWERING

(1) Before the access hereby approved are first brought into use it will be necessary to secure dropped kerbs and footway crossings with the consent of the Local Highway Authority. The applicant should contact Plymouth Transport and Highways for the necessary approval. Precise details of all works within the public highway must be agreed with the Highway Authority.

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: (CIL LIABLE) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION

(3) 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 "planning permission first permits development" as defined by the CIL Regulations. You must ensure that you submit any relevant forms and get any pre-commencement details agreed before commencing work. Failure to do so may result in surcharges or enforcement action.

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PLANNING APPLICATION REPORT



Application Number 15/01626/FUL

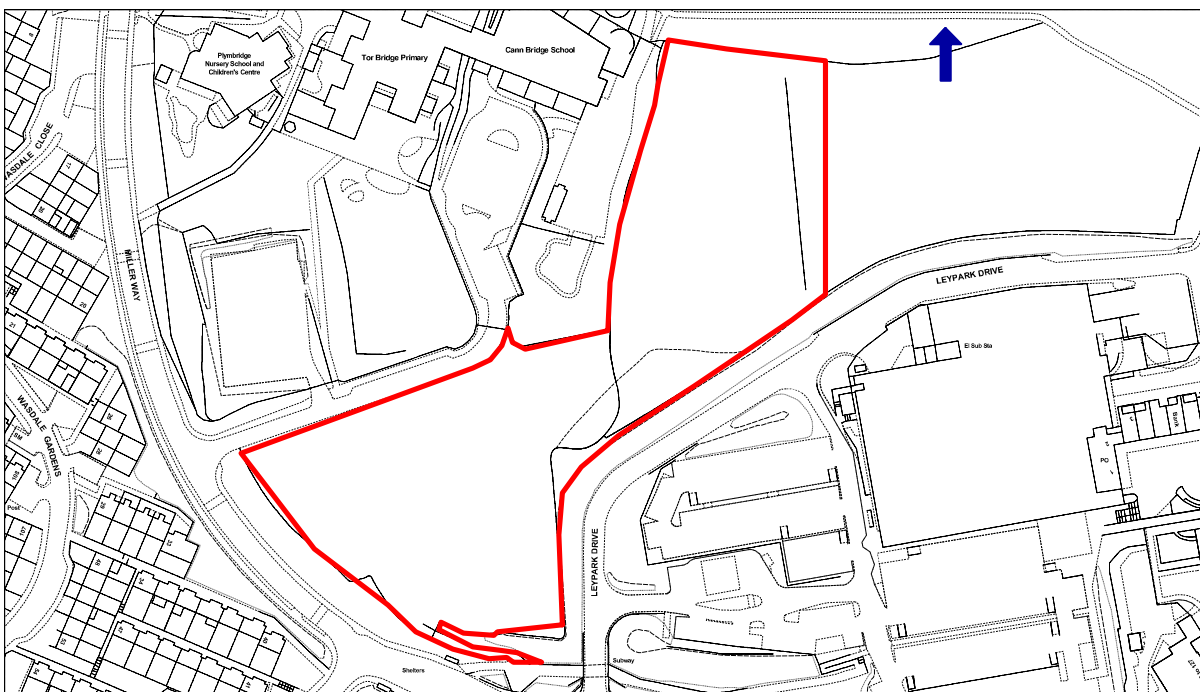
Date Valid 09/09/2015

Item 08

Ward Moor View

Site Address	LAND OFF MILLER WAY PLYMOUTH		
Proposal	Construction of 68 dwellings together with associated access, car parking, landscaping and drainage infrastructure.		
Applicant	Taylor Wimpey Homes		
Application Type	Full Application		
Target Date	09/12/2015	Committee Date	Planning Committee: 19 November 2015
Decision Category	Major - more than 5 Letters of Representation received		
Case Officer	Simon Osborne		
Recommendation	Minded to grant subject to S106 obligation delegated to Assistant Director of Strategic Planning and Infrastructure in consultation with joint chairs. If Sport England's objection is not removed the decision is subject to referral to the National Planning Casework Unit.		

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1. Description of site

The site is the former site of Estover Primary School located to the north of the city and sits between the recently redeveloped education campus (containing Tor Bridge Primary) located to the north west and ASDA to the south east. The site has good views over Forder Valley and is one of the higher points within Plymouth.

The site comprises two fields with connected hedgerows and woodland. The site has a gentle topography but drops suddenly at the boundary into Leypark Drive and Miller Way.

2. Proposal description

Construction of 68 dwellings including 20 affordable homes together with associated access, car parking, landscaping and drainage infrastructure.

The access would be located on the southern side of the new access road serving Tor Bridge Primary School.

3. Pre-application enquiry

This site was the subject of a Site Planning Statement as part of the Plan for Homes initiative. An extensive pre-application enquiry took place over a number of months where consideration was given to the proposed layout, access and highway issues, quality of the accommodation, design, ecological mitigation and landscaping proposals. The Local Planning Authority adopted a positive, collaborative approach and a number of meetings were held with the applicant. Overall, officers considered the principle of the development was acceptable although further information and details would be required to support a formal application.

4. Relevant planning history

There is various planning history relating to the former school none of which is considered relevant.

The Adjacent Land

08/01698/FUL- Redevelopment of site (involving retention of specific buildings) to provide new community college including youth centre, nursery, primary school, and ancillary playing fields, car parks and amenity spaces (revised scheme) – Permitted.

5. Consultation responses

Local Highway Authority – no objections subject to conditions

Public Protection Service – No objections subject to conditions.

Sport England – Object – see section 8.

Local Lead Flooding Authority - No objections subject to drainage condition.

Economic Development – No objections

Police Architectural Liaison Officer – No longer any objections.

Environment Agency – refer to Lead Local Flood Authority advice.

6. Representations

6 letters of objection and 1 observation has been received regarding the application. The nearby schools have not formally objected in writing. The issues raised are:

1. Traffic Problems/dangerous junction
2. There should be heavy goods restrictions on Miller Way
3. The existing access road needs to be improved.
4. The new development should not use the same access road as the school.
5. Crossings are needed. These should have been put in when the school was built.

A petition signed by 256 people has also been submitted requesting metal barriers on both sides of the road at the bottom, an extended pavement on the development side with a crossing and funding towards a crossing control person.

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 development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One was approved by the City Council in September 2015. The Plan, which incorporates draft development plan policy, has been prepared following a consultation process. As such it is a material consideration for the purposes of planning decisions.

The policies contained in National Planning Policy Framework (the Framework) and guidance in National Planning Practice Guidance (NPPG) are also material considerations which should be taken into account in the determination of planning applications. Due weight should be given to relevant policies in existing and emerging plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Framework provides that the weight to be given to an emerging draft plan is also to be determined according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at a relatively early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).

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.

Additionally, the following planning documents are also material considerations in the determination of the application:

- Sustainable Design Supplementary Planning Document
- Development Guidelines Supplementary Planning Document
- Planning Obligations & Affordable Housing 2nd Review Supplementary Planning Document

8. Analysis

1. This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7.
2. The policies of most relevance to this application are CS01 (Sustainable Linked Communities), CS02 (Design), CS15 (Overall Housing Provision), CS18 (Plymouth's Green Space), CS19 (Wildlife), CS20 (Sustainable Resource Use), CS21 (Flood Risk), CS22 (Pollution), CS28 (Local Transport Considerations), CS30 (Sport, Recreation and Children's Play Facilities), CS32 (Designing Out Crime), CS33 (Community Benefits/Planning Obligations) and CS34 (Planning Application Considerations) SO10(8), and Plymouth Plan policy 46.
3. The main planning considerations in this case are considered to be highway safety; parking provision; biodiversity; housing provision, impact on residential amenity, loss of playing fields and sustainability. These issues will be discussed in full below.

Principle of Development and Playing Pitches

4. The site is the former location of the Estover Primary School and accommodated the school building and associated infrastructure including sports pitches. The school and sports pitches mitigation have now been delivered on the adjacent site by Tor Bridge Primary School.
5. This rationalisation process recognised that ultimately this would lead to the subject site being released for other forms of development that would no longer be required for educational purposes. Prior to disposal of the site the Council had to submit a Section 77 application under the School Standards and Framework Act 1998 (as amended) to allow for the playing field land to be released. The Secretary of State for Education agreed the application.

6. Sport England has been consulted and have objected to the proposal on grounds of loss of a playing pitch. Sport England note the improvements to the playing pitches at the adjoining Tor Bridge High Campus which now includes community use and a new cricket square for community teams funded by the ECB. However NPPF paragraph 74 states amongst others that playing fields should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. The resulting development would appear to result in the loss of a site that is capable of accommodating a playing pitch for football in a city where there is a recognised shortfall in provision and therefore Sport England are objecting.
7. It should be noted that should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application would need to be referred to the Secretary of State, via the National Planning Casework Unit for potential call in.
8. There are options available to remove the Sport England objection including the possibility of re-providing the lost pitch on land to the north of the site. Sport England have indicated that they would be agreeable to such an approach. However this requires further negotiation with the landowner and leaseholder who would need to agree and be able to deliver this solution. Other options are still being explored by officers.
9. Due to the constraints of the site it was envisaged that any development on the site would share the school access road. The site is in a predominantly residential area and the principle of residential development is considered acceptable subject to the issues discussed below.

Housing Provision

10. When determining applications for residential development it is important to give consideration to housing supply. It should be noted that this does include student accommodation developments that result in additional dwellings to the dwelling stock i.e. cluster flats).
11. 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"
12. 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."

13. For the reasons set out in the Authority's Annual Monitoring Report (January 2015) Plymouth cannot demonstrate at present a deliverable 5 year land supply for the period 2015-20 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 5,599 dwellings which equates to a supply of 3.1 years when set against the housing requirement as determined by the requirements of the NPPF or 2.5 years supply when a 20% buffer is also applied.
14. 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.
- 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:
 - 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
 - specific policies in this Framework indicate development should be restricted"
15. 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.
16. Due to the need to accelerate housing delivery a 2 year consent rather than a 3 year consent has been secured by condition. This is in accordance with Strategic Objective 10(8) (Delivering Adequate Housing Supply) and paragraphs 10.34, 17.1 and 7.13 of the Core Strategy and Policy 46 of the Plymouth Plan.

Design and Layout.

17. The NPPF attaches great importance to the design of the built environment. Core Strategy policy CS02 promotes well designed developments to promote the image of the city. It is important that the layout, massing and design of the proposal is acceptable.
18. The dwellings would be served by a central spine road which takes the form of a blockpaved shared surface arrangement with build outs provided throughout the layout to further lessen the dominance of the highway and create a residential environment. From the access point the internal road layout splits broadly northwards and southwards. To the north the road

serves the majority of the units and terminates at the northern end of the site. To the south the road serves the remainder of the units and terminates in a turning area at the southern end of the site.

19. In general the proposed layout has been designed to ensure that safe and overlooked streets and spaces are created by having dwellings facing public areas. The proposed layout at the site presents a clear street hierarchy which will be easily legible and is reinforced by building height and form, continuity of facades and the structure of landscaping and surfacing treatments. The layout of the proposed development is thus in accordance with the general policies CS02 and CS34 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).
20. Buildings would range in height from 1 to 3 storeys. The house and apartment designs are simple but positively address the key routes and spaces. Facades contain appropriate levels of fenestration (windows) and cladding adds interest to the elevations. The building designs are considered to comply with policy CS02 and CS34.

Standard of accommodation and neighbouring amenity

21. The surrounding residential dwellings are located away from the site on the south-eastern side of Miller Way and would not be directly impacted by the proposal in terms of privacy outlook or light. Likewise the neighbouring school and supermarket would not be adversely affected by the development in this respect.
22. The proposed layout ensures that all proposed dwellings would have adequate privacy light and outlook. A condition has been added to ensure the windows on the north-western elevation of the southernmost apartment block (which are secondary windows) are obscured glazed to protect the privacy of the adjacent dwellings.
23. A schedule of the proposed garden sizes has been supplied and this indicates that 11 of the 68 proposed dwellings will have gardens that fall below the recommended size guidance in the Development Guidelines SPD. Whilst officers accept that this is not ideal, it is recognised that the constraints including retention of important hedgerows and the awkward shape and nature of the site has largely dictated this. The gardens are still considered to be a reasonable size and the site is also located within easy reach of accessible greenspace.
24. All but 2 (one housetype) of the dwellings would meet or exceed the space guidance found within the SPD. The housetype which falls below would be 68 sqm, only 4 sqm below the 72 sqm guidance in the SPD. Given that it is only 2 dwellings (under 3% of the total) and that 4 square metres would be relatively unnoticeable in terms of living space it is not considered that this should warrant refusal of the application.

Highways

25. As previously mentioned it was always envisaged that some form of development could come forward on this site of the former primary school and that access to it would be derived from the new access road that has been constructed which serves Tor Bridge Primary School and Cann Bridge School

Trip Generation

26. Based upon a trip rate of around 0.5 movements per unit (rather than the figure of 0.72 used in the Transport Statement which would seem to be overly robust), the development of 68 units would generate in the region of 35 two-way trips during the am and pm peak traffic hours.
27. Some concerns have been raised by the adjoining school sites regarding the impact that the additional development-related trips will have upon the operation of the site access road during the am peak due to this route serving the adjacent schools as well as the development.
28. Whilst it is accepted that the development will lead to an increase in vehicular movements taking place on the access road that is shared with the school, in terms of the NPPF those impacts (just 8 arrivals and 27 departures between 8 and 9am) could not be considered as being 'severe' as they total less than 1 vehicle per minute. When combined with the existing school trips number of arrivals increase from 112 to 120 between 8 and 9am whilst departures increase from 51 to 78. Such small increases would not lead to any capacity issues on the local road network.
29. It is also acknowledged that when fully occupied the development itself will generate demand for child placements at the school which would therefore reduce some of the car-borne trips associated with the schools.
30. In view of the scale of growth planned within the Derriford area, it is the view of the Highway Authority that the development would lead to a cumulative impact on the operation of the wider highway network. It is therefore considered justified that a Section 106 Contribution be sought from this development towards strategic transport improvements which in this case would be the Derriford Transport Scheme (DTS).

Car Parking

31. An overall car parking standard of almost 2.0 spaces per unit (1.98) has been proposed to serve the development which is considered acceptable in view of all of the units having 2 or more bedrooms. Although the apartments only have access to 1 dedicated car parking space the applicant has sought to provide an additional 4 visitor spaces (2 per block). It is accepted that the limited space available means that it is not possible to provide more visitor spaces.
32. Cycle Parking – Each of the apartment blocks are served by a secure cycle parking area which provides spaces for a minimum of 6 spaces (12 in total). This is considered to be acceptable and as the details of the cycle storage areas are considered acceptable there is no need for any further planning conditions relating to such.

Layout

33. Following the submission of initial comments, the applicant has now provided a pedestrian route from the development through to Asda via Leypark Walk. Unfortunately due to the difference in levels the use of steps is unavoidable although an alternative pedestrian route

(which does not require steps) is provided through to Miller Way to the south of the site. The final location of the crossing point on Leypark Drive will need to be agreed with the Highway Authority in order to avoid an existing parking bay and service covers. This will be covered by condition.

34. The applicant is required to provide a new footway of a minimum of 2m in width along the southern side of the existing access road. The provision of such will help to address the current lack of inter-visibility for pedestrians at the tactile paving crossing point where the access road meets Miller Way (this being raised as an issue by the existing schools).
35. The proposal also includes a pedestrian crossing point across the access road to the school. It is noted that its location currently to the rear of plot 67 will be determined on-site depending on the location which provides the greatest level of visibility.
36. In order to prevent parents dropping-off/collecting their children from parking within the development (particularly around the junction of the internal site access road with the existing access road), a shared space area has been created along with the introduction of bollards which should help deter parents from parking in this location. Final details of the layout of this area will need to be subject to a Section 38 Agreement.
37. With regard to the issue raised in the letters of representation and petition regarding improvements to the existing access road, as mentioned the proposal would include a new crossing and a new footway on the southern side of the road. Officers consider that the barriers and a school crossing patrol mentioned would not be required to make the subject development acceptable and therefore it would be unreasonable to secure this. However the applicant has indicated that they will consider sponsoring a school crossing patrol in the area.
38. It is worth noting that at present the access road serving both the site and adjoining schools is not adopted highway. Whilst the applicant was under the impression that the road built by PCC was to an adoptable standard it would appear that this is not the case. It should be noted that whilst failure to bring the existing access road up to adoptable standards would result in the roads within the development remaining in private ownership this is not in itself a planning issue and is a separate issue between the applicant and Plymouth City Council. An informative has been added to this affect.

Travel Plan

39. Although the applicant has confirmed that a Residential Travel Plan will be implemented across the site in order to encourage the use of sustainable modes of transport as an alternative to the private car, few details have been included regarding the actual measures/initiatives that form part of the RTP that will deliver a modal shift. A condition has therefore been added to secure the required details.

Section 106 Agreement

40. In view of the cumulative impact that the development-generated trips will have on the operation of the wider highway network taking into account future growth within the area and based upon the quantum of development proposed, it is recommended that a final

contribution of £149,000 be secured from this development towards the Derriford Transport Scheme. The Derriford Transport scheme will provide new and enhanced transport infrastructure in the form of two major junction upgrades in the Derriford area on the Northern Corridor at Derriford Roundabout and the Tavistock Road / William Prance Road junction and the associated approach roads. Localised widening to William Prance Road will also be undertaken to support the future Forder Valley Link Road project. The Scheme will provide new highway capacity, public transport priority and provides new and upgraded pedestrian and cycling facilities.

Affordable Housing

41. The delivery of affordable housing development is one of the top corporate priorities for Plymouth City Council. The policy context for its provision and delivery is set out in paras.10.17-10.24 of the Core Strategy and policy CS15 (Overall Housing Provision). Consistent delivery of affordable housing units can cumulatively make a big difference to catering for the City's overall housing need.
42. The proposal includes 20 (30%) affordable housing units. It would be made up of 12 affordable rented apartments and 8 shared ownership houses. This is a 60/40% split which complies with affordable housing policy found within the Planning Obligations and Affordable Housing SPD First Review. The mix, house types and their locations are considered acceptable. In Respect to Affordable housing the proposal is welcomed and is considered to comply with CS15.

Sustainable Resource Use

43. 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 offset at least 15% of predicted carbon emissions for the period 2010 – 2016. An amended Energy Strategy has been submitted which proposes installing a combined PV array of 30.4 kWp across the development meeting 15.1% carbon reductions required by Policy CS22. This will be secured by condition.

Surface water drainage

44. A Flood Risk Assessment and Drainage Strategy was submitted with the application. Further information has been received following discussions with officers which is now considered acceptable subject to further details being secured by a condition.

Public Protection Issues

45. The site is located in a residential area and is near to existing houses, the occupiers of which are likely to be sensitive to development. Public Protection is therefore recommending a pre-commencement condition requiring submission of a code of practice. Public Protection has also recommended an Hours of deliveries and collections condition however this can be covered in the Code of Practice.

46. The proposed site is in close proximity to existing schools and a large supermarket. To safeguard future occupants of the proposed development, Public Protection are recommending a condition requiring all dwellings to be suitably soundproofed and constructed in accordance with BS8233:2014 (Good Room Criteria) so as to provide sound insulation against externally generated noise.

Land quality

47. Combined Phase 1 and Phase 2 investigation reports plus supplementary investigation reports have been submitted in support of the application. The consultant conclusion is that either further site characterisation involving further sampling and analysis for Arsenic is required, or that installation of a clean soil cover system across the site is necessary.
48. Public Protection agrees with the consultant recommendations and as such, conditions have been added to support the further site characterisation work option, plus any other necessary remediation and verification works.

Biodiversity

49. The site is partially located within a Biodiversity Network Feature and is identified in the Green Space Strategy where it is listed as being of District importance for visual amenity and sports as well as Neighbourhood importance for informal recreation, natural habitats/biodiversity, separation/buffer, and access corridors/links. Development on this site must ensure that the site continues to perform its function as a biodiversity network feature. The relevant ecological surveys have been submitted with the application and the proposed layout secures the retention of the sites important 's shaped' vegetation, trees and hedgerows linking the sites biodiversity features with the surrounding area. Biodiversity conditions will ensure the proposal will have an acceptable impact on ecology and delivers net-biodiversity gain required by policy CS19.

50. Other Issues

The Police Architectural Liaison Officer has assessed the development and although there are some concerns regarding potential anti-social associated with the footpath at the south of the site they are satisfied that with appropriate lighting the proposal will create a safe and secure environment for future occupiers. A condition to secure lighting has been added.

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

The provisional Community Infrastructure Levy liability (CIL) for this development is £213,004.69 (index-linking applied, but subject to change before final liability confirmed).

A breakdown of the final calculation will be shown in the liability notice once planning permission first permits the development (including all pre-commencement conditions details being agreed). The liable party(s) will be given the opportunity to apply for social housing relief or ask for a review of the calculation at that stage. There is no negotiation of CIL. The Levy is subject to change and will be index-linked.

The applicant has indicated that they intend to apply for Social Housing Relief, if agreed, the provisional liability will be reduced to £165,670.31.

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:

- £25,000 towards access improvements to connect Bircham Valley Local Nature Reserve with land adjacent to Poole Farm.
- £149,000 towards the Derriford Transport Scheme
- £1,000 S106 management fee

These contributions have been secured following the submission of viability information and officers are confident that this level of mitigation is the maximum that could be achieved on this site without affecting delivery.

12. Equalities and Diversities

There are no further equality and diversity issues specifically related to this application although approving this proposal will facilitate the delivery of 68 dwellings. A percentage of these dwellings are being provided as affordable housing and will be available to people on the Council's Housing Register through a Registered Social Landlord and 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 has been added requiring details of how 20% of dwellings will comply with Part M4(2) (Accessible and Adaptable Dwellings) which has effectively replaced Lifetime Homes.

13. Conclusions

The quality of the development being provided is appropriate in scale, form and design for the area. Appropriate mitigation has also been secured to benefit other local green spaces and highway infrastructure improvements.

Officers consider, taking in to account the lack of a 5-year housing land supply, that the proposal will provide much needed market and affordable housing for the City. Careful consideration has been given to the potential impacts of the development including the highways issues and officers are working with Sport England to overcome their objections prior to approving this application. However should the objection from Sport England remain and Planning Committee are minded to approve the application it will require referral to the Nation Planning Case Work Unit.

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 therefore the recommendation is minded to grant subject to S106 obligation delegated to Assistant Director of Strategic Planning and Infrastructure in consultation with joint chairs, If Sport Englands objection is not removed the decision is subject to referral to the National Planning Casework Unit.

13. Recommendation

In respect of the application dated **09/09/2015** and the submitted drawings Phase I Desk Study and Phase 2 Preliminary Ground Investigation Report: GCE00462/R1 August 2014, Flood Risk Assessment and Drainage Strategy (and subsequent information received on 09/11/15), Ecological Impact Assessment Nov 2015, Transport Statement Ref: 14.247 Revision: A August 2015, Statement of Community Involvement, Arboricultural Impact Assessement and Method Statement 3rd June (with drawing JBA.14.111.TS01/B), Tree Survey Schdule Rev A, Planning Statement, Lifetime Homes Statement, Landscape and Ecological Management Plan Nov 2015, Landscape Management Plan Nov 2015, Energy Statement (ref. Version 3, November 2015), and accompanying Design and Access Statement (June 2015 v3), it is recommended to: **Grant conditionally subject to S106 Obligation**

14. Conditions

CONDITION: DEVELOPMENT TO COMMENCE WITHIN 2 YEARS

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

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004 and in accordance with Core Strategy Objective 10(8) (Delivering Adequate Housing Supply) and Plymouth Plan Policy 46.

CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 7735-PL01 Rev B Site Location Plan, 7735-PL02 Rev B Existing Site Plan, 7735-PL03 Rev E Proposed Site Plan, 7735-PL04 Rev D Proposed Boundaries Plan, 7735-PL05 Rev C Proposed Materials Plan, 7735-PL06 Rev C Proposed Affordable Housing Plan, 7735-PL07 Rev C Proposed Heights Plan, 7735-PL08 Rev C Proposed Tree Plan, 7735-PL09 Rev C Proposed Phasing Plan, 7735-PL12 Rev B Street Elevations, 7735-PL13 Rev A Bin & Cycle Store, 7735-PL14 Rev C Garage Plans &

Elevations, 7735-PL15 Rev C Proposed Garden Conformity Plan, 7735-PL16 Rev A Proposed Access Steps to Leypark Drive, 1643 02 Rev F (received 09/11/15) Detailed planting proposal 1 of 2, 1643 03 Rev F Detailed planting proposal 2 of 2, 7735-PL21 Rev B House type AA31, 7735-PL23 Rev D House type PA340, 7735-PL26 Rev C House type PA44, 7735-PL27 Rev C House type PB30, 7735-PL29 Rev B House type PT210, 7735-PL20A-AA22 House Type AA22, 7735-PL22A-AA41 House Type AA41, 7735-PL24B-PA220 House Type PA220, 7735-PL25C-PA330 House Type PA330, 7735-PL28A-PT36 House Type PT36, 7735-PL30B Apartments Block, 7735-PL31B-PA250 House Type PA250, 7735-PL32B-PT37 House Type PT37, 7735-PL33A_PT41 House Type PT41, 7735-PL36_PA440 House Type PA440, 1643 01 Rev E Outline Masterplan, 1643 04 Rev E Ecological enhancement

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: STREET DETAILS

(3) No development shall take place 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

(Pre-commencement justification: To ensure that the development can reasonably accommodate the external design / layout / levels / gradients / and materials of the streets/ highway that are acceptable to the local planning authority.)

PRE-COMMENCEMENT: ACCESS (CONTRACTORS)

(4) 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.

(Pre-commencement Justification: To ensure the contractors access is safe for road uses and pedestrians).

PRE-COMMENCEMENT: DETAILS OF NEW JUNCTION

(5) No development other than the construction of the contractors access shall take place until details of the junction between the proposed service road and the existing school access road have been approved in writing by the Local Planning Authority; and the building shall not be occupied until that junction has been constructed in accordance with the approved details.

Reason:

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

(Pre-commencement justification: To ensure that the development can ensure the safety of road users and pedestrians is maintained).

PRE-COMMENCEMENT: EMPLOYMENT AND SKILLS STRATEGY

6) No development shall take place until an Employment and Skills Strategy has been submitted to and approved in writing by the Local Planning Authority. The Employment and Skills Strategy should demonstrate how local people

and local businesses will benefit from the development in terms of job opportunities, apprenticeship placements, work experience opportunities, business supply chain opportunities and other employment and skills priorities. The Employment and Skills Strategy should cover the construction of the development. The development shall thereafter be carried out in accordance with the approved Employment and Skills Strategy unless a variation to the strategy is agreed in writing in advance by the Local Planning Authority.

Reason:

To ensure that local people and businesses benefit from development within the City in accordance with the Council's growth agenda and Strategic Objective 6 and Policy CS04 of the Plymouth Local Development Framework

Core Strategy (2006-2021) 2007.

(Pre-commencement justification: To ensure that the employment and skills strategy incorporates the whole construction phase.)

PRE-COMMENCEMENT: CONTAMINATED LAND

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

Section 1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - adjoining land
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Section 2. Submission of Remediation Scheme

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

Section 3. Implementation of Approved Remediation Scheme

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

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

Section 4. Reporting of Unexpected Contamination

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

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 120 – 123 of the National Planning Policy Framework 2012.

(Pre commencement justification: To ensure that risks to health through contamination are properly considered and addressed before building works commence).

PRE-COMMENCEMENT: SURFACE WATER DISPOSAL

(8) No development shall take place until further details of the proposals for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby permitted is first occupation.

Reason:

To enable consideration to be given to any effects of changes in the drainage regime on landscape features in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 94 and 100-103 of the National Planning Policy Framework 2012.

Pre-commencement justification: To ensure the drainage provisions within the development are adequately provided for before development commences and does not cause undue problems to the wider drainage infrastructure).

PRE-COMMENCEMENT: CODE OF PRACTICE DURING CONSTRUCTION

(9) No development shall take place, including any works of demolition and/or construction, until a Code of Practice has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. Noise and vibration from equipment and activities associated with construction including piling
- ii. Hours of work
- iii. Lighting
- iv. Measures to control the emission of dust and dirt during construction including wheel washing facilities
- v. A scheme for recycling/disposing of waste resulting from demolition and construction works
- vi. Pest control
- vii. Contamination where applicable

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, such as noise, vibration and dust and to comply with

policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

(Pre-commencement justification: To ensure that the construction phase does not unduly impact on local amenity such as disturbance to local residents or disruption to traffic and parking).

PRE-SLAB LEVEL: EXTERNAL MATERIALS

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

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

Pre-occupation Conditions

PRE- OCCUPATION: SUSTAINABILITY

(11) The development hereby approved shall be carried out in accordance with the approved Energy Statement (ref. Version 3, November 2015), or a subsequently approved Energy Statement, and the on-site renewable energy methods installed prior to occupation of the dwellings.

Reason:

To deliver on-site renewable energy in accordance with policy CS20 of the Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in the NPPF

PRE-SLAB LEVEL: BIRD AND BAT BOXES

(12) No development above slab level shall take place until further details of the exact locations of the proposed bird and bat boxes have been submitted and approved in writing by the Local Planning Authority. The development shall accord with the approved details.

Reason:

To ensure that the ecological mitigation is acceptable in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in the NPPF paragraphs 109, 118.

PRE-OCCUPATION: PEDESTRIAN ACCESS

(13) The development shall not be occupied until a means of access for pedestrians has been constructed in accordance with the approved plans which includes the provision of a new footway on the southern side of the school access road along with a new pedestrian link through to Leypark Walk as shown on the approved site layout plan referenced 7735-PL03 Rev E.

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.

PRE-OCCUPATION: CAR PARKING PROVISION

(14) No dwelling shall be occupied until the associated car parking provision has been laid out within the site in accordance with the approved plans for an overall maximum of 135 cars to be parked.

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.

PRE-OCCUPATION: RESIDENTIAL TRAVEL PLAN

(15) The development hereby permitted shall not be occupied until a Residential Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The said Residential Travel Plan shall seek to encourage residents and visitors to use modes of transport other than the private car to get to and from the site. It shall also include measures to control the use of the 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 occupation the developer shall operate the approved Travel Plan.

Reason:

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

PRE-OCCUPATION: LANDSCAPING

(16) All hard and soft landscape works shall be carried out in accordance with the Landscape and Ecological Management Plan November 2015, Landscape Management Plan Nov 2015, drawings 1643 02 F (received 9/11/15), 1643 03 F, PL05/C, 1643 01/E, and approved plans. 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: NOISE

(17) Unless otherwise agreed in writing all dwellings shall be constructed in accordance with BS8233:2014 so as to provide sound insulation against externally generated noise. The good room criteria shall be applied, meaning there must be no more than 35 dB Laeq for living rooms (0700 to 2300 daytime) and 30 dB Laeq for bedrooms (2300 to 0700 night-time), with windows shut and other means of ventilation provided. 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 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.

PRE-OCCUPATION: LIGHTING OF PEDESTRIAN PATH

(18) The development shall not be occupied until a lighting scheme for the footpath at the south of the site has been implemented in accordance with details previously submitted and approved in writing by the Local Planning Authority. The lighting scheme will thereafter be retained.

Reason:

To ensure that satisfactory measures are put in place to help design out crime, in accordance with Policy CS32 of the Plymouth Local Development framework Core Strategy and Government advice contained in the NPPF.

Other Conditions

CONDITION: BIODIVERSITY

(19) Unless otherwise previously agreed in writing by the Local Planning Authority, the development shall be carried out in accordance with the Ecological Impact Assessment November 2015 and drawing 1643 04 Rev E. Notwithstanding the submitted details ecological supervision shall take place during works to tree G4 and the works shall take reasonable avoidance measures to avoid disturbance to any bat roosts.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in the NPPF paragraphs 109, 118.

CONDITION: EXISTING TREE/HEDGEROWS TO BE RETAINED/PROTECTED

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

A: No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with BS 3998: 2010 Tree Work Recommendations.

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

C: The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with the approved plans and particulars drawing JBA.14.111.TS0101/B before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

To ensure that trees or hedgerows retained are protected during construction work and thereafter are properly maintained, if necessary by replacement, 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.

CONDITION: OBSCURE GLAZING

(21) The windows in the northwest elevation of the southern most apartment block(labelled as 22-27), shall at all times be obscure glazed (the glass of which shall have an obscurity rating of not less than level 5) and non-opening unless the parts of the window which can opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason:

In order to protect the privacy enjoyed by the occupiers of the adjacent dwelling in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 61 of the National Planning Policy Framework 2012.

CONDITION: PART M (ACCESSIBLE AND ADAPTABLE DWELLINGS)

(22) Unless otherwise agreed in writing 20% of the dwellings hereby approved shall be Part M4(2) compliant in accordance with details previously submitted and approved in writing by the Local Planning Authority.

Reason:

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

CONDITION: SENSITIVE LIGHTING

(23) A sensitive lighting scheme shall be adopted which ensures that the light levels are minimised along the hedgerows and trees within and adjacent to the site and on any bat boxes which are installed. Any external lighting required should be directed away from these areas with light levels as low as guidelines permit. Where lighting is required, in order to minimise the impact of lighting on bats, accessories such as hoods, cowls, shields or louvers must be used on all external lighting to ensure these features are not lit beyond 0.5 lux unless agreed in writing by the LPA. In areas where lighting shall be installed timers should be used to reduce the hours lit.

N.B. The use of low or high pressure sodium lamps instead of mercury or metal halide lamps is preferred due to the UV filtration characteristics or modern lighting solutions such as LED, highly directional, and/or light on demand.

Reason

To minimise disturbance to bats, which are species protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) in accordance with in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in the NPPF paragraphs 109, 118.

Informatives

INFORMATIVE: CONDITIONAL APPROVAL (WITH NEGOTIATION)

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

INFORMATIVE: (CIL LIABLE) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION

(2) 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 "planning permission first permits development" as defined by the CIL Regulations. You must ensure that you submit any relevant forms and get any pre-commencement details agreed before commencing work. Failure to do so may result in surcharges or enforcement action.

INFORMATIVE: ROADWORKS

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

INFORMATIVE: CODE OF PRACTICE

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

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

INFORMATIVE: CONDITION 8 DRAINAGE DETAILS

(5) With regard to condition 8 the details should include further information regarding :
-Exceedance flows.

- Detailed design of the adoptable drainage system-
- Flow control mechanism details
- The microdrainage calculations- Additional evidence should be provided that confirms that the system including storage is designed for a 1% AEP event with a 30% allowance for climate change.
- catch pit manholes and interceptors
- The maintenance programme and cleaning regime/methodology for the attenuation system

INFORMATIVE: ROAD ADOPTION

6) The developer is advised that it will not be possible for the proposed roads to be adopted until the existing school access road is adopted.

PLYMOUTH CITY COUNCIL

Subject: Modification Order Application to record three lengths of public right of way in St Budeaux.

Committee: Planning Committee

Date: 17th December 2015

Cabinet Member: Cllr Mark Coker

CMT Member: Anthony Payne (Director for Place)

Author: Liz Wells

Contact details: Tel: 01752 305521
Email: liz.wells@plymouth.gov.uk

Ref: WCA.009

Key Decision: No

Part: 1

Purpose of the report:

To determine an application for an Order under section 53 of the Wildlife and Countryside Act 1981 to modify the definitive map and statement of public rights of way by the addition of three lengths of public footpath in St Budeaux.

The Brilliant Co-operative Council Corporate Plan 2013-14-2016/17:

The report is considered in the context of the priorities set out in the Local Transport Plan 2011-2016 for addressing the Council's requirement to comply with relevant legislation.

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

None

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

None

Equality and Diversity:

Has an Equality Impact Assessment been undertaken? No

Recommendations and Reasons for recommended action:

It is recommended that the Committee agree to make a Modification Order for a part of the route applied for.

The evidence submitted by the Applicant is robust enough to support the view that public rights subsist or can be reasonably alleged to subsist over those parts. However in relation to the remaining parts, the use by the public was with the permission or licence of the owner, or the owner has demonstrated a sufficient lack of intention to dedicate, and no public rights have arisen.

Alternative options considered and rejected:

To make an Order recording a public right of way over the northern section and/or whole of the southern section if the Committee considers the legal tests have been met.

Not to make an Order recording a public right of way over the middle section and northernmost part of the southern section if the Committee considers the legal tests have not been met.

Published work / information:

All papers relevant to this report and as detailed can be found online at

<http://www.plymouth.gov.uk/wca.009>

Background papers:

Title	Part I	Part II	Exemption Paragraph Number						
			1	2	3	4	5	6	7
Appendix 1 – A copy of the application form, plan and certificate of service of notice (available online)	1								
Appendices 2 – 42 – Copies of the user evidence relied upon by the applicant (available online)	1								
Appendix 43 – Evidence relied on by the Owners(s)/Occupier(s) of land over which the claimed route is alleged to subsist (available online)	1								
Appendix 44 - Documentary evidence discovered by the local Authority - (available online)	1								

Sign off:

Fin		Leg	LS/JP/24526/ Dec15	Mon Off	HR	Assets	IT	Strat Proc
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1.0 Introduction

- 1.1 This is a report of an application for an Order to be made under section 53 of the Wildlife and Countryside Act 1981 to modify the definitive map and statement of public rights of way by the addition of a public footpath. The definitive map and statement is a legal record held and maintained by the City Council in its capacity as surveying authority under the 1981 Act.
- 1.2 The test that applies to such an application is whether or not the evidence shows that a public right of way exists, or is reasonably alleged to exist: the Committee's role is therefore a quasi-judicial one. Factors such as the desirability of the route being a public footpath or the impact on landowners and occupiers are not relevant to the decision on the application.
- 1.3 If the Committee decides to make an order, it has to be publicised: if any objections are received, the order and objections have to be referred to the Secretary of State for Environment, Food and Rural Affairs on whose behalf the Planning Inspectorate makes the final decision on the order.
- 1.4 If the Committee decides not to make an order, the applicant has a right of appeal to the Secretary of State for Environment, Food and Rural Affairs on whose behalf the Planning Inspectorate decides whether or not to allow the appeal. If the appeal is allowed the City Council will be directed to make an order, although it is not then obliged to support such an order if there are objections.

2.0 Background Papers

- 2.1 Attention is drawn to the accompanying background papers which should be read in conjunction with, and are deemed to form part of, this report. Due to the size of those papers they are available online at <http://www.plymouth.gov.uk/wca.009>.

3.0 The Application

- 3.1 An application was received on 13 September 2010 from a member of the public for the making of a Modification Order under section 53 of the Wildlife and Countryside Act 1981. The application sought to record three sections of path those being: -
 - a. the addition of a footpath between Wolseley Road and a war memorial (the "Northern Section");

- b. the addition of a public footpath between Normandy Hill and Wolseley Road (the “Middle Section”); and
- c. the addition of a footpath from Wolseley Road to Fegan Road over Kinterbury Creek with a spur.

3.2 At the time the application was made the applicant certified that the requirements of paragraph 2 of Schedule 14 of the Wildlife and Countryside Act 1981 had been complied with in that a copy of the statutory notice had been served by the applicant on each and every owner and occupier of land over which the route being claimed subsists, those being (according to the certificate): -

- a. Leverton Trust, Lower Town House, Landrake, PL12 5EA

3.3 A copy of the application form and a map showing the route of the alleged footpaths are set out in Appendix 1 to this report.

3.4 The applicant submitted evidence forms from himself and 11 other users of the claimed routes whose evidence is set out in Appendices 2 - 13 of this report. An additional 30 user evidence forms were received subsequently. The applicant also submitted copies of three old Ordnance Survey maps in support of the application.

3.5 The application has been opposed by:

- a. the City Council (Head of Operations and Finance), as owner of the land crossed by the northern section, and part of the southern section
- b. the Secretary of State for Defence as owner of the land crossed by part of the southern section
- c. three owners (Mrs Ware, Mrs Price, Mr Treeby), who between them own land crossed by the middle section

4.0 **Topography of the route subject to the application**

4.1 The northern section This follows a paved route through the American War Memorial at the riverside, starting at the southern end and ending at the south-western side of the Memorial.

4.2 The middle section This follows a defined route mainly on the western side of the railway line. The initial section passes through recent development. The section through the property known as 'The Kloof' has been the location of notices and gates.

- 4.3 The southern section This runs down a flight of steps from Wolseley Road into the Kinterbury Creek Nature Reserve. The main route follows a surfaced track south-east through the reserve to end on Fegen Road. A spur runs a short distance west from the bottom of the steps to the waterside at Kinterbury Creek.
- 4.4 The application appears to have been prompted by the erection of signs at 'The Kloof' in 2010 and proposals for development of the adjacent land known as Little Ash Farm. User evidence forms submitted in 2014 indicate that further signs and a gate may have been erected since.
- 4.5 The lengths of the route are :
- a. Northern section : approximately 55 metres.
 - b. Middle section : approximately 300 metres.
 - c. Southern section (including spur to the creek) : approximately 250 metres.
- 5.0 **Summary of the evidence relied upon by the applicant**
- 5.1 The user evidence relied upon by the applicant shows use of some or all of the three routes to a varying extent by 42 users over a period starting in the 1930s. Some of the users claim not only to have used the route all their life, but also to have used it frequently.
- 5.2 The three Ordnance Survey plans supplied by the applicant show the middle section as a physical feature. They do not show either the northern or southern sections as existing at the time.
- 6.0 **Summary of the landowners views and any evidence they provided**
- 6.1 Northern section: The City Council accepts that the route has been used, but is of the opinion that as the land is public open space, there is a licence for public use. Accordingly any use of the route by the public has been by virtue of this licence, and not 'as of right'.
- 6.2 Middle section: Mr Treeby, who has owned his land since 2009, claims to have stopped people, and has also erected signs. Mrs Ware, in whose family the land has been since 1912, claims that signs were erected in 1960, and that the way has always been private. Mrs Price, who has owned her land since 1975 but whose grandfather bought the farm in the early 1900s, claims that dog users have been stopped, and that signs indicating that it was private property were erected between 1965 and 1975, and gates between 2000-2004. She claims to have contacted both the City Council and the police about flytippers using the route.

- 6.3 Southern section: The City Council accepts that the route has been used by the public, but is of the opinion that the land was purchased specifically for public use as public open space and that use is by licence. Accordingly any use of the route by the public has been by virtue of this licence, and not 'as of right'. The Secretary of State of Defence, whose land has been licensed to the City Council since 1976 for use as a public park, has made a number of deposits and declarations under section 31 of the Highways Act 1980 to the effect that there are no public rights of way over the land.
- 6.4 The City Council and the Secretary of State for Defence between them own the land from the bottom of the steps to the southern end of the route at Fegen Road, including the spur. The owner on the eastern side (South West Water) has not responded.
- 7.0 **Summary and outline of any documentary evidence discovered not submitted by interested parties**
- 7.1 Archive research was undertaken on behalf of the Council in the Parliamentary Archives, the National Archives and the Plymouth and West Devon Record Office.
- 7.2 This showed that a track as a physical feature approximately on the alignment of the middle section was marked on the St Budeaux Tithe Map (1840s), but with no indication of public status. The research also showed that the authorisation of the railway line in 1883 involved the realignment of that track to its present route. The records of land ownership related to the railway line gave no indication that there was a public right of way over the track.
- 7.3 The records compiled of land and property ownership for valuation purposes under the Finance Act 1910 were also examined: none of them record any deduction by the landowners for public rights of way over their land.
- 7.4 Historic Ordnance Survey maps were also examined. The earliest also show the middle section on its pre-railway alignment: others show the middle section as a physical feature, mostly as a through route. None show either the northern or southern sections.
- 7.5 The evidence from the archive research, which encompasses the map evidence supplied by the applicant, is not considered by officers to provide documentary evidence of the existence of a public right of way,

8.0 Summary of the views of those consulted as part of informal consultation

8.1 The required informal consultations have been undertaken but no comments or further evidence have been received.

9.0 The date that public rights were brought into question

9.1 If section 31 of the Highways Act 1980 is to be used for the grounds of the application it is necessary to establish a date that public rights were first challenged so that retrospective evidence of 20 or more years use, as of right and without interruption, may be considered to determine whether or not public rights have accrued and become established by presumed dedication.

9.2 In this case there is no evidence of any action that could be said to have brought rights into question on either the northern or southern sections. For those the alternative provision, also in section 31, is that the date of the application (2010) for the modification order is used as the date on which the 20-year period ended.

9.3 For the middle section, although there are claims by two landowner that signs had been in the 1960s and 1970s, this is not supported by the evidence of the applicant or users. There is evidence that signs were erected in 2010: as that appears to have prompted the submission of the application, it is considered that their erection brought into question the right to use the way.

9.4 It is considered, therefore, that the date on which the right of the public to use the way was brought into question was, for all parts of the route, albeit for different reasons, 2010, and the relevant period (which, under section 31 of the Highways Act 1980, has to be counted back from the date of challenge) is 1990 - 2010. Evidence of use prior to the earlier date, although not directly relevant for the purposes of section 31, is relevant to the extent that it provides evidence of the reputation of a way used over a long period of time, with the use during the relevant period being seen as a continuation of that use.

10.0 Officer Interpretation of the evidence in support of the application

10.1 The applicant relies on the evidence of users of the claimed route to support their case. Therefore the relevant tests for consideration by Members are set out under section 31(1) Highways Act 1980. If an Order were to be made it would be made under section 53(3)(b) Wildlife and Countryside Act 1981.

10.2 The test under section 31(1) Highways Act 1980 is a two part test. Firstly it is necessary for the applicant to provide evidence that the claimed route, which must be a way of such

a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years. If the applicant can meet that test the rebuttal applies which is a matter for the owners and occupiers of the land over which the alleged route subsists to engage. This is a section of the Highways Act which has helpfully been tested by the courts and so we can offer the committee clear guidance on how they should interpret the evidence before them.

- 10.3 Firstly the applicant must satisfy the committee that the claimed route has been actually *enjoyed*. This simply means that there must have been sufficient use of the claimed route and will vary depending on the circumstances of each case. What might constitute sufficient use in remote Dartmoor might not be considered sufficient use in urban Plymouth.
- 10.4 Secondly use must have been 'by the public' which is to say the public at large rather than a particular class of the public such as employees of a particular company or customers of a particular shop.
- 10.5 Thirdly use must have been 'as of right' the meaning of which was helpfully clarified by the House of Lords in *R v Oxfordshire County Council ex parte Sunningwell Parish Council*¹ (Sunningwell). Before Sunningwell it was held that use which was as of right was use which was open, not by force and without permission and in addition users were required to hold an honest belief that they had a right to use the way in question. It was therefore necessary to prove the state of mind of the user. The principle established by Sunningwell is that the state of mind of the user is an irrelevant consideration.
- 10.6 Finally it is necessary for the applicant to prove that use of the claimed route occurred over a full period of 20 years without any interruption in that use. An interruption can be nothing more than the closing of the claimed route for a single day but may also include isolated acts of turning users back etc.
- 10.7 Taking the above into account we aid committee by offering our assessment of each of the users evidence in turn (the forms from users from Mr Hammond down to Miss Jennings were submitted in 2010, the remainder in 2014): -

Mr E Hammond, 1987-2010, 200+ times a year

Mrs J M Williams, 1999-2010, every week

Ms S Short, 2003-2010, weekly

¹ [1999] UKHL 28; [2000] 1 AC 335

Mrs G Marner, 1957-2010, approx once a month

Mr J Slater, about 1980-2010, weekly

Mrs J Kelcey, 1964-2010, every day

Mr P Sargent, 1947-2010, 2-3 times a week

Mr G J Jennings, 1936-2006, 30 times a year

Mr A Lang, 1989-2010, 100 times a year

Mr B L Brown, 1989-2010, twice daily

Mr Peter Clarke (senior), 1984-2010, 2-300 times/yr

Miss R Jennings, 1980-2010, approx 400 times a year

Ms T-J Lowe, 1972-2014, up to 3 times a week

Mr E Bark, 1992-2014, approx 250 times a year

Ms J E Pollard, 1992-2011, twice a year

Mr L Pollard, 1992-2011, twice a year

Mr I P Williams, 1999-2014, 3 times a year

Ms C Lond, 1971-2014, sometimes daily

Mr R W Floyd, 1962-2014, "various" times a year

Ms F Johnson, 2010-2014, at least 3 times a week

Mr N Gigg, 1989-2014, 250 times a year

Mr M Gigg, 1996-2014, 100+ times a year

Ms M Harrison, 2010-2014, 60+ times a year

Ms J Sargent, 1998-2014, 25+ times a year

Mr G Ivey, 2000-2010, 30 times a year

Ms A Cook, 1983-2014, 60-70 times a year

Mr T Kelly, 1951-2008, approx 200 times a year

Mr L E Raspison, 1956-2014, between 1982 and 1989 250 times a year

Ms C Clarke, 1988-2014, 150 times a year

Mr Peter Clarke junior, 1988-2014, 150 times a year

Mr M Clarke, 1988-2014, 100 times a year

Mr K Gibbons, 1994-2014, 50 times a year

Ms A Gibbons, 1986-2014, 50 times a year

Ms B J Howett, 1981-2014, many times a year

Mr R Howett, 1997-2014, at least 20 times a year

Mr K Hitchens, 2009-2014, 20 times a year

Ms J M Hitchens, 2009-2014, 20 times a year

Mr S Elvin, 2009-2014, 10-20 times a year

Ms S Elvin, 1993-2014, most evenings and mornings

Mrs S J H Elvin, 1983-2014, up to once a week

Ms J Cook, 1983-2014, most evenings Monday to Friday and for pleasure at weekends

Ms M Shaw, 1976-2014, approx 4 times a week

- 10.8 For the middle section (between Point C – D) there was significant public use throughout the relevant period of 1990-2010, together with other less frequent users. This is considered to be sufficient evidence to give rise to a presumption of dedication.
- 10.9 However, in the case of the northern section (between Points A – B), and part the southern section (between Points E-F-G and F-H) use by the public was by licence or permission and thus not as of right.
- 11.0 **Officer interpretation of the evidence against the application**
- 11.1 Each owner of land over which the claimed route subsists was invited to submit evidence to support their view. Their evidence is set out in section 6 above and appendix 43 to this report.
- 11.2 Officers consider that in the case of the middle section, the evidence submitted by Mrs Ware and Mrs Price runs counter to the evidence of users that over many years their use

of the way on foot was known to the then owners and not objected to. Mr Treeby's actions took place only after he acquired his property, and as officers have concluded that his actions contributed towards bringing public use into question that set an end date for the 20-year period, his actions do not show any intention not to dedicate during the relevant period.

- 11.3 Part of the southern section is owned by the Secretary of State for Defence. Section 31 does not apply to Crown land, including land owned by the Secretary of State for Defence, unless an agreement has been entered into between the relevant government department and the City Council, or its predecessor highway authority prior to 1996, Devon County Council. Officers have seen no evidence of any such agreement. The conclusion is that Section 31 cannot apply to the MOD land. The deposits and declarations made by the Secretary of State for Defence therefore have no effect for the purposes of section 31. However, as section 31 does not apply to that land in its entirety, the statutory test for dedication in section 31 does not apply either. Instead the question whether a right of way has been dedicated over the land owned by the Secretary of State for Defence has to be considered at common law. Officers consider that the deposits and declarations made by the Secretary of State for Defence demonstrate a sufficient intention by the Secretary of State for Defence, as landowner, not to dedicate a right of way over the land.

12.0 **Officer Recommendation**

- 12.1 Members must be satisfied that two tests have been met. The first relates to the case made out by the applicant in establishing use, by the public, as of right and without interruption for a full period of 20 years. The second is that the landowner has taken sufficient steps to prevent a public right of way accruing and that the application also succeeds in respect of this test.
- 12.2 Officers' conclusions are as follows:-
- 12.3 Northern section Use by the public was by licence or permission, and thus 'by right' not 'as of right'. No public right of way has come into being, and no order should be made.
- 12.4 Middle section There has been sufficient use by the public, and insufficient evidence of a lack of intention to dedicate on the part of the landowners. A public right of way has come into being, and an order should be made for this route.
- 12.5 Southern section The use of the route over the land owned by the City Council was by licence or permission, and thus not as of right. Section 31 either does not apply to MOD land and therefore there can no route recorded over the land or if by the landowners

conduct (that of submitting statutory declarations as if Section 31 did apply) those statutory declarations serve to defeat the claim

- 12.6 The officer recommendation to Committee is thus that an Order be made to add to the definitive map a public footpath along the middle section between Points C – D.

PLANNING COMMITTEE

Decisions issued for the following period: 8 November 2015 to 6 December 2015

Note - This list includes:

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

Item No 1

Application Number: 14/02401/OUT **Applicant:** Linden Limited

Application Type: Outline Application

Description of Development: Proposed residential development of up to 280 dwellings with principal access off Plymbridge Road and emergency access off Meadow Way

Site Address LAND AT PLYMBRIDGE ROAD, BORINGDON PLYMOUTH

Case Officer: Alan Hartridge

Decision Date: 23/11/2015

Decision: Refuse

Item No 2

Application Number: 15/00997/FUL **Applicant:** Babcock International

Application Type: Full Application

Description of Development: Retrospective application for demolition of existing building N140 and erection of portacabin

Site Address N140, DEVONPORT DOCKYARD, DEVONPORT KEYHAM
PLYMOUTH

Case Officer: Kate Price

Decision Date: 13/11/2015

Decision: Grant Conditionally

Item No 3

Application Number: 15/01073/FUL **Applicant:** Redrow Homes (West Country)
Application Type: Full Application
Description of Development: Erection of 18 residential units, landscaping, access and associated parking
Site Address VISION ZONE G, CHAPEL STREET PLYMOUTH
Case Officer: Katherine Graham
Decision Date: 12/11/2015
Decision: Grant Subject to S106 Obligation - Full

Item No 4

Application Number: 15/01256/FUL **Applicant:** Mr Paul Nicholson
Application Type: Full Application
Description of Development: Single storey rear extension
Site Address 14 PLYMSTOCK ROAD PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 25/11/2015
Decision: Grant Conditionally

Item No 5

Application Number: 15/01364/FUL **Applicant:** Blackrock Student Housing Unit
Application Type: Full Application
Description of Development: Variation of Condition 16 (specified use restriction: commercial premises) of planning permission 14/02130/FUL to include B1(a) use
Site Address HAMPTON COTTAGES, REGENT STREET PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 03/12/2015
Decision: Grant Subject to S106 Obligation - Full

Item No 6

Application Number: 15/01433/FUL **Applicant:** Mr M Woollorton
Application Type: Full Application
Description of Development: Creation of storage and annexe area
Site Address 52 BOWDEN PARK ROAD PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 16/11/2015
Decision: Refuse

Item No 7

Application Number: 15/01466/PRDE **Applicant:** Mr James Kenyon
Application Type: LDC Proposed Develop
Description of Development: Proposed lawful development certificate for alterations to roof and erection of rear dormer
Site Address 17 HOMER PARK PLYMOUTH
Case Officer: Aidan Murray
Decision Date: 20/11/2015
Decision: Issue Certificate - Lawful Use (Pro)

Item No 8

Application Number: 15/01500/FUL **Applicant:** Mr Phil Rump
Application Type: Full Application
Description of Development: Change of use, extensions, and conversion of public house and ancillary residential accommodation to seven flats and associated car parking
Site Address CROWN AND COLUMN, 223 KER STREET PLYMOUTH
Case Officer: Jon Fox
Decision Date: 25/11/2015
Decision: Application Withdrawn

Item No 9

Application Number: 15/01528/LBC **Applicant:** National Trust

Application Type: Listed Building

Description of Development: Heating and environmental systems renewal works within the Grade 1 listed mansion and Grade 11 listed former chapel. Works include removal of existing single wet system, and replacement with new two pipe wet system and controls.

Site Address SALTRAM, MERAFIELD ROAD PLYMOUTH

Case Officer: Kate Price

Decision Date: 18/11/2015

Decision: Grant Conditionally

Item No 10

Application Number: 15/01575/FUL **Applicant:** Poundworld Retail

Application Type: Full Application

Description of Development: Shopfront alterations and illuminated advertisements

Site Address 50 NEW GEORGE STREET PLYMOUTH

Case Officer: Amy Thompson

Decision Date: 20/11/2015

Decision: Grant Conditionally

Item No 11

Application Number: 15/01576/ADV **Applicant:** Poundworld Retail

Application Type: Advertisement

Description of Development: Illuminated advertisements

Site Address 50 NEW GEORGE STREET PLYMOUTH

Case Officer: Amy Thompson

Decision Date: 20/11/2015

Decision: Grant Conditionally

Item No 12

Application Number: 15/01595/FUL **Applicant:** Green Taverners
Application Type: Full Application
Description of Development: Use of field for 32 car boot sales per annum on a permanent basis
Site Address LOVES FIELD, CENTRAL PARK PLYMOUTH
Case Officer: Mike Stone
Decision Date: 20/11/2015
Decision: Refuse

Item No 13

Application Number: 15/01596/FUL **Applicant:** Stonehouse Action
Application Type: Full Application
Description of Development: Proposed shopfront, replacement fence and formation of garden area
Site Address 96 UNION STREET PLYMOUTH
Case Officer: Mike Stone
Decision Date: 09/11/2015
Decision: Grant Conditionally

Item No 14

Application Number: 15/01609/FUL **Applicant:** Plymstock Properties Developm
Application Type: Full Application
Description of Development: Demolition of existing care home and erection of 12 apartments
Site Address 53 HOOE ROAD PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 26/11/2015
Decision: Grant Conditionally

Item No 15

Application Number: 15/01634/TPO **Applicant:** Plymouth Garden Centre Limite
Application Type: Tree Preservation
Description of Development: 14 Lime Trees - Re-pollard / Reduce by 4 metres.
Site Address PLYMOUTH GARDEN CENTRE LIMITED , FORT AUSTIN AVENUE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 24/11/2015
Decision: Refuse

Item No 16

Application Number: 15/01646/FUL **Applicant:** Erney Ltd
Application Type: Full Application
Description of Development: Conversion of empty retail unit to a two bed flat and bedsit
Site Address 9 ERNESETTLE GREEN PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 17/11/2015
Decision: Grant Conditionally

Item No 17

Application Number: 15/01670/FUL **Applicant:** Plymstock School
Application Type: Full Application
Description of Development: Refurbishment and extension of existing sixth form building to comprise of two first floor extensions
Site Address PLYMSTOCK SCHOOL, CHURCH ROAD PLYMSTOCK PLYMOUTH
Case Officer: Jon Fox
Decision Date: 09/11/2015
Decision: Grant Conditionally

Item No 18

Application Number: 15/01675/FUL **Applicant:** Barratt David Wilson Homes
Application Type: Full Application
Description of Development: Variation of condition 2 (Plans Condition) to allow for changes to the retaining wall along Barton Road
Site Address HOOE LAKE, BARTON ROAD PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 25/11/2015
Decision: Refuse

Item No 19

Application Number: 15/01701/FUL **Applicant:** St Elizabeth House Hotel
Application Type: Full Application
Description of Development: Retrospective application for erection of timber fence and gates to part of north boundary to grounds
Site Address ST ELIZABETH HOUSE HOTEL, LONGBROOK STREET
PLYMPTON ST MAURICE PLYMOUTH
Case Officer: Kate Price
Decision Date: 11/11/2015
Decision: Refuse

Item No 20

Application Number: 15/01721/ADV **Applicant:** Vodafone UK
Application Type: Advertisement
Description of Development: 2x display units with LCD screens inside shop, 3x window vinyls
Site Address UNIT 5 & 2, 6 NEW GEORGE STREET PLYMOUTH
Case Officer: Alumecci Tuima
Decision Date: 13/11/2015
Decision: Grant Conditionally

Item No 21

Application Number: 15/01723/FUL **Applicant:** Mr Jamie McPherson
Application Type: Full Application
Description of Development: Side and rear extensions
Site Address 6 CAREW GROVE PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 19/11/2015
Decision: Grant Conditionally

Item No 22

Application Number: 15/01726/FUL **Applicant:** Mr Steven Jones
Application Type: Full Application
Description of Development: Removal of existing buildings and construction of 6 flats over adult gaming centre (existing use)
Site Address 80A, 80 AND 82 EBRINGTON STREET PLYMOUTH
Case Officer: Robert McMillan
Decision Date: 04/12/2015
Decision: Grant Conditionally

Item No 23

Application Number: 15/01727/TPO **Applicant:** Mrs Rachel Martelette
Application Type: Tree Preservation
Description of Development: 6 Oak Trees - Reduce by 2 metres and crown lift to 5/6 metres above ground level.
Site Address 1 GLENHOLT CLOSE PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 16/11/2015
Decision: Grant Conditionally

Item No 24

Application Number: 15/01734/FUL **Applicant:** Mr Paul Wooldridge
Application Type: Full Application
Description of Development: Change of use of upper floors from 3 flats to 2x one bed flats and 3x two bed flats with associated facilities in rear yard
Site Address 31 MARLBOROUGH STREET PLYMOUTH
Case Officer: Aidan Murray
Decision Date: 10/11/2015
Decision: Refuse

Item No 25

Application Number: 15/01737/TPO **Applicant:** Heidi Elliott
Application Type: Tree Preservation
Description of Development: Remove 6 Leylandii trees
Site Address 72 GREAT WOODFORD DRIVE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 12/11/2015
Decision: Grant Conditionally

Item No 26

Application Number: 15/01756/FUL **Applicant:** Mrs L Humphreys
Application Type: Full Application
Description of Development: Rear extension
Site Address 8 CRESTHILL ROAD PLYMOUTH
Case Officer: Aidan Murray
Decision Date: 13/11/2015
Decision: Grant Conditionally

Item No 27

Application Number: 15/01764/FUL **Applicant:** Mr & Mrs P Leary
Application Type: Full Application
Description of Development: Semi concealed car hard standing
Site Address 36 ST EDWARD GARDENS PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 13/11/2015
Decision: Grant Conditionally

Item No 28

Application Number: 15/01767/TCO **Applicant:** Mr Michael Lock
Application Type: Trees in Cons Area
Description of Development: Sycamore: Fell
Site Address 17 WHITEFORD ROAD MANNAMEAD PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 09/11/2015
Decision: Grant Conditionally

Item No 29

Application Number: 15/01769/FUL **Applicant:** Nicola Harrison
Application Type: Full Application
Description of Development: Rear roof dormer
Site Address 39 STURDEE ROAD PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 25/11/2015
Decision: Grant Conditionally

Item No 30

Application Number: 15/01772/TPO **Applicant:** Ms Tracey Gardner
Application Type: Tree Preservation
Description of Development: Copper Beech - reduce crown by a maximum of 1.5-2 metres to natural growth points.
Site Address 10 BEDFORD TERRACE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 10/11/2015
Decision: Grant Conditionally

Item No 31

Application Number: 15/01773/TPO **Applicant:** Mr Mike Bartrop
Application Type: Tree Preservation
Description of Development: Holm Oak: reduce branches overhanging 25 Fletcher Crescent by 1.5m to natural growth points.
Site Address 2 COACH HOUSE MEWS PLYMSTOCK PLYMOUTH
Case Officer: Jane Turner
Decision Date: 11/11/2015
Decision: Grant Conditionally

Item No 32

Application Number: 15/01781/TPO **Applicant:** Mr Mike Barclay
Application Type: Tree Preservation
Description of Development: Holm Oak: Fell
Site Address 11 KINGSLAND GARDENS CLOSE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 12/11/2015
Decision: Grant Conditionally

Item No 33

Application Number: 15/01790/ADV **Applicant:** TSB Bank Plc
Application Type: Advertisement
Description of Development: Illuminated advertisements
Site Address 162 ARMADA WAY PLYMOUTH
Case Officer: Alumecci Tuima
Decision Date: 13/11/2015
Decision: Grant Conditionally

Item No 34

Application Number: 15/01791/PRDE **Applicant:** Mr Tilson
Application Type: LDC Proposed Develop
Description of Development: Rear extension
Site Address 1 PENNYCROSS PARK ROAD PLYMOUTH
Case Officer: Alumecci Tuima
Decision Date: 23/11/2015
Decision: Issue Certificate - Lawful Use (Pro)

Item No 35

Application Number: 15/01792/FUL **Applicant:** Design Development
Application Type: Full Application
Description of Development: Two storey rear extension to existing office building (Use Class B1)
Site Address LANSDOWNE HOUSE, 9 LOWER COMPTON ROAD
 PLYMOUTH
Case Officer: Mike Stone
Decision Date: 04/12/2015
Decision: Grant Conditionally

Item No 36

Application Number: 15/01799/FUL **Applicant:** Mr A Rogers
Application Type: Full Application
Description of Development: Front Extension
Site Address 93 BICTON CLOSE PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 19/11/2015
Decision: Grant Conditionally

Item No 37

Application Number: 15/01800/FUL **Applicant:** Mr and Mrs McLaughlan
Application Type: Full Application
Description of Development: Proposed two storey and single storey rear extension and single storey side extension
Site Address 12 BERRY HEAD GARDENS PLYMOUTH
Case Officer: Alumecci Tuima
Decision Date: 17/11/2015
Decision: Grant Conditionally

Item No 38

Application Number: 15/01807/FUL **Applicant:** Western Power Distribution
Application Type: Full Application
Description of Development: Extension to existing substation to accommodate replacement transformer
Site Address 33/11kV SUBSTATION, ELIM TERRACE PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 01/12/2015
Decision: Grant Conditionally

Item No 39

Application Number: 15/01811/TPO **Applicant:** Buckingham Property Managem
Application Type: Tree Preservation
Description of Development: Various tree management works including removal of 3 trees as detailed on page 11 and 12 of the Tree Inspection Report by Arborcure Ltd dated 6th August 2015.
Site Address ADMIRALS GATE GARDENS, 1-56 RAGLAN ROAD
DEVONPORT PLYMOUTH
Case Officer: Jane Turner
Decision Date: 12/11/2015
Decision: Grant Conditionally

Item No 40

Application Number: 15/01812/TPO **Applicant:** Buckingham Property Managem
Application Type: Tree Preservation
Description of Development: 2 Lime - remove
Site Address REAR CAR PARK, ADMIRALS GATE, RAGLAN ROAD
DEVONPORT PLYMOUTH
Case Officer: Jane Turner
Decision Date: 12/11/2015
Decision: Grant Conditionally

Item No 41

Application Number: 15/01815/LBC **Applicant:** Woodside Animal Trust

Application Type: Listed Building

Description of Development: Revised scheme for conversion and alterations of barn to two-storey dwelling with garden space and car parking.

Site Address BARN, R/O 111 THE RIDGEWAY PLYMOUTH

Case Officer: Jon Fox

Decision Date: 13/11/2015

Decision: Grant Conditionally

Item No 42

Application Number: 15/01819/TPO **Applicant:** Mr Kenneth Ringwood

Application Type: Tree Preservation

Description of Development: T1 Turkey Oak - Crown raise to 5.2 metres over Hartley Avenue for highway clearance.
T2 Turkey Oak - Crown raise by 3-4 metres maximum and reduce laterals adjacent neighbouring property only by 2-3 metres maximum.

Site Address CORNERWAYS, 5 WELLSBOURNE PARK PLYMOUTH

Case Officer: Chris Knapman

Decision Date: 13/11/2015

Decision: Grant Conditionally

Item No 43

Application Number: 15/01821/TPO **Applicant:** Mr Steve Giles

Application Type: Tree Preservation

Description of Development: Oak - reduce upper crown branches on eastern side of tree by no more than 1m to balance crown; reduce upper branch over cable in lane to main side fork; reduce low branch over garage and crown clean by removing deadwood.

Site Address 5 LYNMOUTH CLOSE PLYMOUTH

Case Officer: Jane Turner

Decision Date: 19/11/2015

Decision: Grant Conditionally

Item No 44

Application Number: 15/01822/FUL **Applicant:** Peter Cameron & Kerry Warren
Application Type: Full Application
Description of Development: Two storey side extension
Site Address 14 WOODLAND DRIVE PLYMPTON PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 03/12/2015
Decision: Grant Conditionally

Item No 45

Application Number: 15/01835/FUL **Applicant:** Quickstore (Plymouth) Ltd
Application Type: Full Application
Description of Development: Full height entrance extension and cladding/windows alterations
Site Address 24 GEORGE PLACE PLYMOUTH
Case Officer: Aidan Murray
Decision Date: 13/11/2015
Decision: Grant Conditionally

Item No 46

Application Number: 15/01838/TPO **Applicant:** Mr Paul Jarvis
Application Type: Tree Preservation
Description of Development: 14 Poplar trees - Fell and replace
Site Address 6 HARRIET GARDENS PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 26/11/2015
Decision: Grant Conditionally

Item No 47

Application Number: 15/01841/TPO **Applicant:** Mr Steven Carter
Application Type: Tree Preservation
Description of Development: Beech tree - Selective pruning of longest branches in upper crown by 2-3 metres. Crown thin by 10% removing smaller crossing and rubbing branches up to 75 mm. diameter.
Site Address 29 KIMBERLY DRIVE PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 13/11/2015
Decision: Grant Conditionally

Item No 48

Application Number: 15/01842/FUL **Applicant:** Mrs Susan Pullen
Application Type: Full Application
Description of Development: Side extension and removal of existing porch
Site Address 101 RIGDALE CLOSE PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 20/11/2015
Decision: Grant Conditionally

Item No 49

Application Number: 15/01843/FUL **Applicant:** QGM Development Services
Application Type: Full Application
Description of Development: Roof and chimney alterations
Site Address 15 ST ANDREW STREET PLYMOUTH
Case Officer: Aidan Murray
Decision Date: 19/11/2015
Decision: Grant Conditionally

Item No 50

Application Number: 15/01845/FUL **Applicant:** Barbican Theatre Plymouth
Application Type: Full Application
Description of Development: Change of use from Café/Restaurant (Class A3) to Rehearsal Studios (Class D2 Assembly & Leisure)
Site Address 16 BILBURY STREET PLYMOUTH
Case Officer: Aidan Murray
Decision Date: 24/11/2015
Decision: Grant Conditionally

Item No 51

Application Number: 15/01846/PRDE **Applicant:** Miss Julie Baber
Application Type: LDC Proposed Develop
Description of Development: Rear extension
Site Address 17 WIDEY COURT PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 23/11/2015
Decision: Issue Certificate - Lawful Use (Pro)

Item No 52

Application Number: 15/01847/PRDE **Applicant:** Mr & Mrs Gollop
Application Type: LDC Proposed Develop
Description of Development: Rear extension and roof dormer
Site Address 7 GLENBURN CLOSE HARTLEY PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 27/11/2015
Decision: Issue Certificate - Lawful Use (Pro)

Item No 53

Application Number: 15/01848/TPO **Applicant:** Mr Jonathan Keable

Application Type: Tree Preservation

Description of Development: Lime Tree: Amendment of the application (12/11/15) to exclude the proposed 25% thinning of the Lime tree, but to include the pruning of vertical secondary branches arising from the branch at 3m. above ground level over the neighbouring property. Also, to remove epicormic growth from the tree to the height of the garage as originally applied for.

Site Address 4 KINGSLAND GARDENS CLOSE PLYMOUTH

Case Officer: Chris Knapman

Decision Date: 26/11/2015

Decision: Grant Conditionally

Item No 54

Application Number: 15/01849/FUL **Applicant:** Mr Kevin Briscoe

Application Type: Full Application

Description of Development: Erection of four semi-detached dwellings with associated refuse storage and car parking (demolition of existing dwelling)

Site Address HIGHVIEW, WILDERNESS ROAD PLYMOUTH

Case Officer: Jon Fox

Decision Date: 02/12/2015

Decision: Grant Conditionally

Item No 55

Application Number: 15/01855/FUL **Applicant:** Blue Martini Group Ltd

Application Type: Full Application

Description of Development: Ice rink and ancillary buildings

Site Address PLYMOUTH PIAZZA, ARMADA WAY PLYMOUTH

Case Officer: Aidan Murray

Decision Date: 13/11/2015

Decision: Grant Conditionally

Item No 56

Application Number: 15/01857/LBC **Applicant:** Devon and Cornwall Housing
Application Type: Listed Building
Description of Development: Installation of secondary glazing
Site Address FIRST FLOOR FLAT, 43 EMMA PLACE PLYMOUTH
Case Officer: Jess Maslen
Decision Date: 18/11/2015
Decision: Grant Conditionally

Item No 57

Application Number: 15/01861/FUL **Applicant:** Mr David Fletcher
Application Type: Full Application
Description of Development: Retention of raised deck with garden store below
Site Address 58 COOMBE WAY PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 16/11/2015
Decision: Refuse

Item No 58

Application Number: 15/01862/FUL **Applicant:** Mr Glenn Cottrell
Application Type: Full Application
Description of Development: External wall insulation
Site Address 131 GRENVILLE ROAD PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 25/11/2015
Decision: Grant Conditionally

Item No 59

Application Number: 15/01863/FUL **Applicant:** Carcheck
Application Type: Full Application
Description of Development: Creation of vehicle sales area
Site Address 11-14 BROXTON DRIVE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 26/11/2015
Decision: Grant Conditionally

Item No 60

Application Number: 15/01864/FUL **Applicant:** Miss Hayley Young
Application Type: Full Application
Description of Development: Rear extension
Site Address 45 ENDSLEIGH PARK ROAD PLYMOUTH
Case Officer: Aidan Murray
Decision Date: 18/11/2015
Decision: Grant Conditionally

Item No 61

Application Number: 15/01865/FUL **Applicant:** Mr Lee Glanville
Application Type: Full Application
Description of Development: Two storey side extension and extended garage
Site Address 8 ULLSWATER CRESCENT PLYMOUTH
Case Officer: Aiden Murray
Decision Date: 13/11/2015
Decision: Grant Conditionally

Item No 62

Application Number: 15/01866/TCO **Applicant:** Stoke Methodist Church
Application Type: Trees in Cons Area
Description of Development: Oak - reduce branches to clear roof & building by 2m to natural growth points.
Site Address STOKE METHODIST CHURCH, DEVONPORT ROAD
STOKE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 18/11/2015
Decision: Grant Conditionally

Item No 63

Application Number: 15/01868/LBC **Applicant:** Mrs Janet Anstis
Application Type: Listed Building
Description of Development: Replacement window and internal refurbishment works
Site Address 4 FORE STREET PLYMPTON ST MAURICE PLYMOUTH
Case Officer: Jess Maslen
Decision Date: 18/11/2015
Decision: Grant Conditionally

Item No 64

Application Number: 15/01873/TPO **Applicant:** Mr John Janes
Application Type: Tree Preservation
Description of Development: Ash - reduce to 4m ie.below the large cavity in main stem.
Site Address KINNAIRD HOUSE, BUCKINGHAM PLACE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 18/11/2015
Decision: Grant Conditionally

Item No 65

Application Number: 15/01881/GPD **Applicant:** Bryce Properties
Application Type: GPDO Request
Description of Development: Change of use from B1 office to C3 residential (11 dwellings)
Site Address SHERWELL HOUSE,30 NORTH HILL PLYMOUTH
Case Officer: Christopher King
Decision Date: 09/11/2015
Decision: Prior approval not req

Item No 66

Application Number: 15/01885/FUL **Applicant:** Mr & Mrs David Sparrow
Application Type: Full Application
Description of Development: Rear extension
Site Address 44 TRELAWNY ROAD PLYMPTON PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 20/11/2015
Decision: Grant Conditionally

Item No 67

Application Number: 15/01887/FUL **Applicant:** Mr & Mrs N Greaves
Application Type: Full Application
Description of Development: First floor side extension and two storey rear extension
Site Address 15 WARDLOW GARDENS WIDEY PLYMOUTH
Case Officer: Mike Stone
Decision Date: 13/11/2015
Decision: Grant Conditionally

Item No 68

Application Number: 15/01891/PRDE **Applicant:** G A Solicitors
Application Type: LDC Proposed Develop
Description of Development: Formation of disabled access ramp
Site Address GILL AKASTER HOUSE, 25 LOCKYER STREET
PLYMOUTH
Case Officer: Mike Stone
Decision Date: 23/11/2015
Decision: Issue Certificate - Lawful Use (Pro)

Item No 69

Application Number: 15/01892/TPO **Applicant:** Lady Hamilton House Managem
Application Type: Tree Preservation
Description of Development: T1 Lime - fell; T2-T4 Lime - prune by 3m; T5 Holm Oak - lift
crown to 5m above ground level
Site Address LADY HAMILTON HOUSE, 9-10 NELSON GARDENS
STOKE PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 04/12/2015
Decision: Split Decision Tree

Item No 70

Application Number: 15/01893/FUL **Applicant:** Mr Richard Allen
Application Type: Full Application
Description of Development: Rear extension to existing garage
Site Address 7 WOODLANDS LANE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 20/11/2015
Decision: Grant Conditionally

Item No 71

Application Number: 15/01894/TCO **Applicant:** Mr Robert Howard
Application Type: Trees in Cons Area
Description of Development: Acer - reduce crown by 1-2m to natural growth points.
Site Address 4 WHITEFORD ROAD MANNAMEAD PLYMOUTH
Case Officer: Jane Turner
Decision Date: 19/11/2015
Decision: Grant Conditionally

Item No 72

Application Number: 15/01899/FUL **Applicant:** Mr Colin Hearn
Application Type: Full Application
Description of Development: Rear raised decking
Site Address 132 MERAFIELD ROAD PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 25/11/2015
Decision: Grant Conditionally

Item No 73

Application Number: 15/01901/FUL **Applicant:** Mr and Mrs Barnes
Application Type: Full Application
Description of Development: Removal of conservatory and erection of rear extension
Site Address 4 WEST DOWN ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 13/11/2015
Decision: Grant Conditionally

Item No 74

Application Number: 15/01902/FUL **Applicant:** Mr & Mrs Wills
Application Type: Full Application
Description of Development: Two storey side extension for disabled access lift
Site Address 44 PLEASURE HILL CLOSE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 19/11/2015
Decision: Grant Conditionally

Item No 75

Application Number: 15/01904/FUL **Applicant:** Shaun Traynor
Application Type: Full Application
Description of Development: 2 Storey accommodation extension
Site Address 15 WHITEFIELD TERRACE, GREENBANK ROAD
Case Officer: Aidan Murray
Decision Date: 03/12/2015
Decision: Refuse

Item No 76

Application Number: 15/01905/GPD **Applicant:** Mr Alexander Coleman
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 3.5m, and has an eaves height of 3.0m
Site Address 336 ST PETERS ROAD PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 19/11/2015
Decision: Prior approval required

Item No 77

Application Number: 15/01914/ESR10 **Applicant:** Simply Planning
Application Type: Environmental Ass
Description of Development: Request for an EIA scoping opinion for a proposed new district centre
Site Address THE FORMER SEATON BARRACKS PARADE GROUND
PLYMOUTH
Case Officer: John Douglass
Decision Date: 20/11/2015
Decision: ESRI - Completed

Item No 78

Application Number: 15/01915/FUL **Applicant:** Mr R Vincent
Application Type: Full Application
Description of Development: Loft conversion with rear dormer
Site Address 170b NORTH ROAD WEST PLYMOUTH
Case Officer: Mike Stone
Decision Date: 26/11/2015
Decision: Grant Conditionally

Item No 79

Application Number: 15/01917/GPD **Applicant:** Mr Martin Tregaskes
Application Type: GPDO Request
Description of Development: A single-storey rear extension which extends beyond the rear wall of the original dwellinghouse by 5m, has a maximum height of 3.4m, and has an eaves height of 2.4m
Site Address BAMBARA, 9 WIDEWELL ROAD PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 12/11/2015
Decision: Prior approval not req

Item No 80

Application Number: 15/01918/FUL **Applicant:** Mrs Christine Auguste
Application Type: Full Application
Description of Development: Retention of two storey side extension
Site Address 28A MOORLAND ROAD PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 26/11/2015
Decision: Grant Conditionally

Item No 81

Application Number: 15/01919/FUL **Applicant:** Mrs T Wallis
Application Type: Full Application
Description of Development: Rear extension
Site Address 36 MAIDENWELL ROAD PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 25/11/2015
Decision: Grant Conditionally

Item No 82

Application Number: 15/01921/FUL **Applicant:** Mr T Cambridge
Application Type: Full Application
Description of Development: Rear extension
Site Address 43 THORNHILL ROAD MANNAMEAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 20/11/2015
Decision: Grant Conditionally

Item No 83

Application Number: 15/01923/FUL **Applicant:** Mrs Margaret Bruniges
Application Type: Full Application
Description of Development: Rear extension with external decking
Site Address 28 GOWER RIDGE ROAD PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 26/11/2015
Decision: Grant Conditionally

Item No 84

Application Number: 15/01928/ADV **Applicant:** Poundland
Application Type: Advertisement
Description of Development: Three internally illuminated fascia signs
Site Address UNIT A3, FRIARY PARK, EXETER STREET PLYMOUTH
Case Officer: Chris Cummings
Decision Date: 23/11/2015
Decision: Grant Conditionally

Item No 85

Application Number: 15/01930/FUL **Applicant:** Stonewater Housing Association
Application Type: Full Application
Description of Development: Roof covering replacement
Site Address 20-25 WYOMING CLOSE PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 27/11/2015
Decision: Grant Conditionally

Item No 86

Application Number: 15/01932/FUL **Applicant:** Mr Peter Brown
Application Type: Full Application
Description of Development: Enlarge rear top floor dormer with additional balcony
Site Address 12 GRAND PARADE PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 27/11/2015
Decision: Grant Conditionally

Item No 87

Application Number: 15/01933/FUL **Applicant:** Mrs Norma Taylor
Application Type: Full Application
Description of Development: Side extension
Site Address 26 MOORLAND VIEW DERRIFORD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 26/11/2015
Decision: Grant Conditionally

Item No 88

Application Number: 15/01934/FUL **Applicant:** Mr Phil Smith
Application Type: Full Application
Description of Development: Retention of lift shaft and replacement conservatory
Site Address 20 THE QUAY PLYMOUTH
Case Officer: Aidan Murray
Decision Date: 03/12/2015
Decision: Grant Conditionally

Item No 89

Application Number: 15/01935/FUL **Applicant:** Stonegate Pub Co.
Application Type: Full Application
Description of Development: 4 no. remote condensers for internal A/C system
Site Address 12-14 ROYAL PARADE PLYMOUTH
Case Officer: Chris Cummings
Decision Date: 12/11/2015
Decision: Application Withdrawn

Item No 90

Application Number: 15/01939/ADV **Applicant:** c/o Agent (RBC)
Application Type: Advertisement
Description of Development: 2no. Non-illuminated fixed panels
Site Address KINGDOM HALL OF JEHOVAHS WITNESSES,
ERNESETTLE LANE PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 04/12/2015
Decision: Grant Conditionally

Item No 91

Application Number: 15/01944/GPD **Applicant:** Mr & Mrs Cocker
Application Type: GPDO Request
Description of Development: A single-storey rear extension which extends beyond the rear wall of the original dwellinghouse by 5m, has a maximum height of 3.6m, and has an eaves height of 2.35m
Site Address 282 ST PETERS ROAD PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 19/11/2015
Decision: Prior approval not req

Item No 92

Application Number: 15/01946/LBC **Applicant:** Dr Sarah Prance
Application Type: Listed Building
Description of Development: Installation of solar panels
Site Address 7 PENLEE GARDENS PLYMOUTH
Case Officer: Jess Maslen
Decision Date: 19/11/2015
Decision: Grant Conditionally

Item No 93

Application Number: 15/01948/PRDE **Applicant:** Mr & Mrs T Daley
Application Type: LDC Proposed Develop
Description of Development: Proposed rear dormer
Site Address 27 GLENHURST ROAD PEVERELL PLYMOUTH
Case Officer: Chris Cummings
Decision Date: 23/11/2015
Decision: Issue Certificate - Lawful Use (Pro)

Item No 94

Application Number: 15/01950/GPD **Applicant:** PEC Renewables Ltd

Application Type: GPDO Request

Description of Development: Notification of prior approval for the installation, alteration, or replacement of solar photovoltaics equipment on the roofs of non-domestic buildings

Site Address PLYMOUTH LIFE CENTRE, MAYFLOWER DRIVE
PLYMOUTH

Case Officer: Aidan Murray

Decision Date: 19/11/2015

Decision: Prior approval not req

Item No 95

Application Number: 15/01954/ADV **Applicant:** Bestway Panacea Healthcare Li

Application Type: Advertisement

Description of Development: Retrospective application for 1no. non-illuminated fascia sign

Site Address 331 SOUTHWAY DRIVE PLYMOUTH

Case Officer: Alumeci Tuima

Decision Date: 30/11/2015

Decision: Grant Conditionally

Item No 96

Application Number: 15/01959/FUL **Applicant:** Mr John Pasco

Application Type: Full Application

Description of Development: Replacement front porch

Site Address 4 CRAMBER CLOSE PLYMOUTH

Case Officer: Alumeci Tuima

Decision Date: 03/12/2015

Decision: Grant Conditionally

Item No 97

Application Number: 15/01960/FUL **Applicant:** TEC Construction
Application Type: Full Application
Description of Development: Replacement public toilets
Site Address PUBLIC TOILETS, RICHMOND WALK PLYMOUTH
Case Officer: Aidan Murray
Decision Date: 25/11/2015
Decision: Grant Conditionally

Item No 98

Application Number: 15/01962/FUL **Applicant:** TEC Construction
Application Type: Full Application
Description of Development: Replacement public toilets
Site Address PUBLIC TOILETS, WHITLEIGH GREEN PLYMOUTH
Case Officer: Aidan Murray
Decision Date: 25/11/2015
Decision: Grant Conditionally

Item No 99

Application Number: 15/01964/FUL **Applicant:** TEC Construction
Application Type: Full Application
Description of Development: Replacement public toilets
Site Address DEVILS POINT PUBLIC TOILETS, DURNFORD STREET PLYMOUTH
Case Officer: Aidan Murray
Decision Date: 25/11/2015
Decision: Grant Conditionally

Item No 100

Application Number: 15/01965/FUL **Applicant:** TEC Construction
Application Type: Full Application
Description of Development: Replacement public toilets
Site Address PUBLIC TOILETS, SOUTHWAY DRIVE PLYMOUTH
Case Officer: Aidan Murray
Decision Date: 25/11/2015
Decision: Grant Conditionally

Item No 101

Application Number: 15/01968/FUL **Applicant:** Modus Care Ltd
Application Type: Full Application
Description of Development: Enclose existing staircase
Site Address KENNAR, COLESDOWN HILL WIXENFORD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 03/12/2015
Decision: Grant Conditionally

Item No 102

Application Number: 15/01970/GPD **Applicant:** Mr David Chapman
Application Type: GPDO Request
Description of Development: A single-storey rear extension which extends beyond the rear wall of the original dwellinghouse by 4.85m, has a maximum height of 4.00m, and has an eaves height of 2.5m
Site Address BEDFORD HOUSE, 77 PLYMSTOCK ROAD PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 23/11/2015
Decision: Prior approval not req

Item No 103

Application Number: 15/01971/FUL **Applicant:** TEC Construction
Application Type: Full Application
Description of Development: Replacement public toilets
Site Address PUBLIC TOILETS, ALEXANDRA ROAD CROWNHILL
PLYMOUTH
Case Officer: Aidan Murray
Decision Date: 25/11/2015
Decision: Grant Conditionally

Item No 104

Application Number: 15/01977/FUL **Applicant:** H3G UK Limited
Application Type: Full Application
Description of Development: Replace existing telecommunications mast and addition of new cabinet
Site Address TELECOMMUNICATIONS MAST 54270, TRELAWNEY
PLACE ST BUDEAUX PLYMOUTH
Case Officer: Mike Stone
Decision Date: 03/12/2015
Decision: Grant Conditionally

Item No 105

Application Number: 15/01987/ADV **Applicant:** Lloyds Banking Group
Application Type: Advertisement
Description of Development: 1x illuminated fascia sign and 1x illuminated projecting sign
Site Address 22 NEW GEORGE STREET PLYMOUTH
Case Officer: Mike Stone
Decision Date: 26/11/2015
Decision: Grant Conditionally

Item No 106

Application Number: 15/01990/TCO **Applicant:** Plymouth Community Homes

Application Type: Trees in Cons Area

Description of Development:

1. Cherry tree at 11, Looe Street- 15% crown thin to remove rubbing, weak, crossing branches; tip prune on house side to allow 0.5-1m. clearance.
2. Hornbeam tree at Vauxhall Street : Remove small crossing branches and tip prune on house side for 0.5-1 metre clearance.
3. 2 nearest Birch trees to flats- remove branch over thorn tree, remove crossing branch from other tree.

Site Address 11 LOOE STREET BARBICAN PLYMOUTH

Case Officer: Chris Knapman

Decision Date: 04/12/2015

Decision: Grant Conditionally

Item No 107

Application Number: 15/01992/FUL **Applicant:** Mr John Etherington

Application Type: Full Application

Description of Development: Erection of one dwelling

Site Address PLOT 2 SHIRBURN ROAD EGGBUCKLAND PLYMOUTH

Case Officer: Rebecca Boyde

Decision Date: 26/11/2015

Decision: Grant Conditionally

Item No 108

Application Number: 15/01996/FUL **Applicant:** Mr A Gardner

Application Type: Full Application

Description of Development: Rear extension

Site Address 4 LONGACRE PLYMOUTH

Case Officer: Mike Stone

Decision Date: 17/11/2015

Decision: Application Withdrawn

Item No 109

Application Number: 15/01997/FUL **Applicant:** Mr Mark Aquilina
Application Type: Full Application
Description of Development: Side extension and front porch roof
Site Address 31 FLETEMOOR ROAD PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 30/11/2015
Decision: Grant Conditionally

Item No 110

Application Number: 15/02000/FUL **Applicant:** Mr P Cottenham
Application Type: Full Application
Description of Development: Rear conservatory
Site Address 40 MEDWAY PLACE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 26/11/2015
Decision: Grant Conditionally

Item No 111

Application Number: 15/02004/ADV **Applicant:** Plymouth City Council
Application Type: Advertisement
Description of Development: Illuminated fascia signage
Site Address TAYLOR MAXWELL HOUSE, 167 TO 171 ARMADA WAY
PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 04/12/2015
Decision: Grant Conditionally

Item No 112

Application Number: 15/02005/FUL **Applicant:** CCADS
Application Type: Full Application
Description of Development: Convert house into 1 bed flat & 3 bed maisonette
Site Address 14 BRUNSWICK PLACE PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 03/12/2015
Decision: Grant Conditionally

Item No 113

Application Number: 15/02008/FUL **Applicant:** Mrs L Carder
Application Type: Full Application
Description of Development: Proposed rear extension and detached garage
Site Address 33 THORNYVILLE VILLAS PLYMSTOCK PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 03/12/2015
Decision: Grant Conditionally

Item No 114

Application Number: 15/02033/PRDE **Applicant:** Mr & Mrs Syamantak Bhattachar
Application Type: LDC Proposed Develop
Description of Development: Hip to gable conversion with rear dormer and rear extension
Site Address 180 WOODFORD AVENUE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 03/12/2015
Decision: Issue Certificate - Lawful Use (Pro)

Item No 115

Application Number: 15/02038/FUL **Applicant:** Mr Peter Thompson
Application Type: Full Application
Description of Development: Rear roof dormer
Site Address FIRST FLOOR FLAT, 4 GUILDFORD STREET PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 03/12/2015
Decision: Grant Conditionally

Item No 116

Application Number: 15/02097/GPD **Applicant:** Mr S Gribble

Application Type: GPDO Request

Description of Development: A single-storey rear extension which extends beyond the rear wall of the original dwellinghouse by 4.2m, has a maximum height of 3.85m, and has an eaves height of 2.46m.

Site Address 17 UNDERLANE PLYMSTOCK PLYMOUTH

Case Officer: Alumeci Tuima

Decision Date: 03/12/2015

Decision: Prior approval not req

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