

Planning Committee Agenda

DATE: 19/10/2006

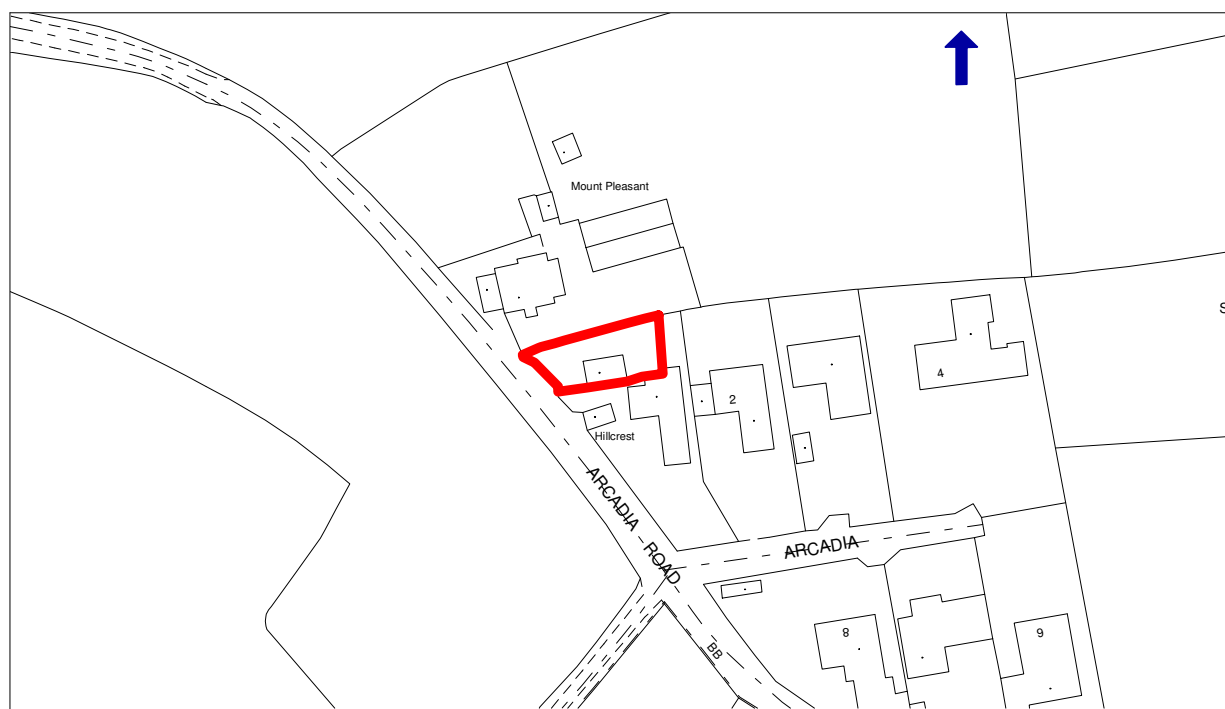
P 36 06/07

PLANNING APPLICATION REPORTS FOR CONSIDERATION

The Committee will be asked to consider the following applications, development proposals by local authorities and statutory consultations submitted under the Town & Country Planning Act 1990 and the Planning (Listed Building & Conservation Areas) Act 1990

ITEM 1

Application Number: 06/01187/FUL
Site Address: THE JAYS ARCADIA ELBURTON PLYMOUTH PL9 8EF
Description of Application: Detached two-storey dwelling (incorporating part of existing bungalow)
Type of Application: Full Planning Permission
Applicant: Sean Brownlow
Ward: Plymstock Dunstone
8 /13 Week Date: **25/09/2006**
Decision Category: City Council Employee
Case Officer: Jon Fox



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Recommendation

In respect of the application dated 31/07/2006 and the submitted drawings: TJ/01, TJ/02, TJ/03, TJ/04 it is recommended to:

Refuse

OFFICERS REPORT

Site Description

The site contains a bungalow that is adjacent to Arcadia Road and was formerly part of the curtilage of Hillcrest, which has itself recently been developed by a detached house that replaces a former bungalow. The site is within a small enclave of properties, served off Arcadia Road and Arcadia, which are separated from the main Elburton village.

Proposal Description

To erect a detached two-storey four-bedroom dwellinghouse that incorporates part of the existing bungalow at the site. The existing bungalow is a small two-bedroom timber building providing an independent unit of accommodation that benefits from a certificate of lawfulness granted in 2004.

Relevant Planning History

04/00492 - Single dwellinghouse (and its subsequent use for that purpose) - Lawful Development Certificate granted for existing development.

94/01380 - Extension to provide ancillary residential accommodation - Permitted.

94/01068 - Erection of single storey timber building to provide ancillary residential accommodation - Refused.

94/00641 - Conversion of garage to additional living accommodation - Permitted.

Consultation Responses

Highway Authority

No objection subject to condition.

Representations

One letter received from 2A Arcadia, which is to the east of the site, objecting to the loss of privacy caused by overlooking from the two first-floor bedroom windows in the eastern elevation of the proposed dwelling. The letter also points out that the position of The Jays on the submitted plans is inaccurate.

Analysis

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

The application turns on policy AHR6 of the adopted City of Plymouth Local Plan First Alteration 1996 and the main issues are the size of the site and the impact on neighbours' privacy. The history of the site has resulted in the anomalous situation whereby a small part of Hillcrest's curtilage has been hived off for the small timber building, which has over time assumed the status of a separate unit of accommodation. Its original status as ancillary accommodation is borne out by the fact that Hillcrest's curtilage still wraps around the eastern side of the site. In the circumstances, the plot is considered far too small to accommodate a dwelling of the size and scale proposed, which would appear cramped and extremely overdeveloped compared to the much more modest building that sits on the site at present. The size of the proposed building would also demand an improved level and quality of outside amenity space for future occupiers. In addition the proposed first-floor windows in the eastern elevation of the building would overlook the bedroom window and rear garden of 2A Arcadia, leading to an unreasonable loss of privacy for the occupiers of that property.

Section 106 Obligations

There is no S106 obligation in respect of this application.

Conclusions

The proposals seriously overdevelop the site to the detriment of the character of the area and would unreasonably reduce a neighbour's privacy.

Reasons for Refusal

SITE TOO SMALL

(1) The Local Planning Authority considers that the site is too small to accommodate a dwelling of the size and scale proposed, which would appear cramped and overdeveloped compared to the much more modest building occupying the site at present. As such, the proposals would be demonstrably harmful to the character and appearance of the area and would provide a sub-standard level of outside amenity space for future occupiers of the proposed larger dwelling. The proposals are therefore contrary to policy AHR6 of the adopted City of Plymouth Local Plan First Alteration 1996 and policy CS34 of the Core Strategy of Plymouth's emerging Local Development Framework 2006.

LOSS OF PRIVACY

(2) The Local Planning Authority considers that the proposed first floor windows in the eastern elevation of the building would overlook the bedroom window and rear garden of 2A Arcadia, leading to an unreasonable loss of privacy for the occupiers of that property. The proposals are therefore contrary to policy AHR6 of the adopted City of Plymouth Local Plan First Alteration 1996 and policy CS34 of the Core Strategy of Plymouth's emerging Local Development Framework 2006.

Relevant Local Plan Policies

The following policies from the Devon Structure Plan (2001 to 2016) 2004, the adopted City of Plymouth Local Plan First Alteration 1996, the City of Plymouth Local Plan (1995-2011) First Deposit 2001, Plymouth Local Development Framework and Regional Spatial Strategy (the status of these documents is set out within the City of Plymouth Local Development Scheme 2006), and relevant Planning Guidance Notes, Statements and Government Circulars were taken into account determining this application:

AHR6 - Development of Small Sites
CS34 - Planning Application Consideration
CS15 - Housing Provision

ITEM 2

Application Number: 06/01198/FUL

Site Address: HMNB DEVONPORT PLYMOUTH PL2 2BG

Description of Application: New two storey building for use as new teaching facility (north of Weston Mill Lake)

Type of Application: Full Planning Permission

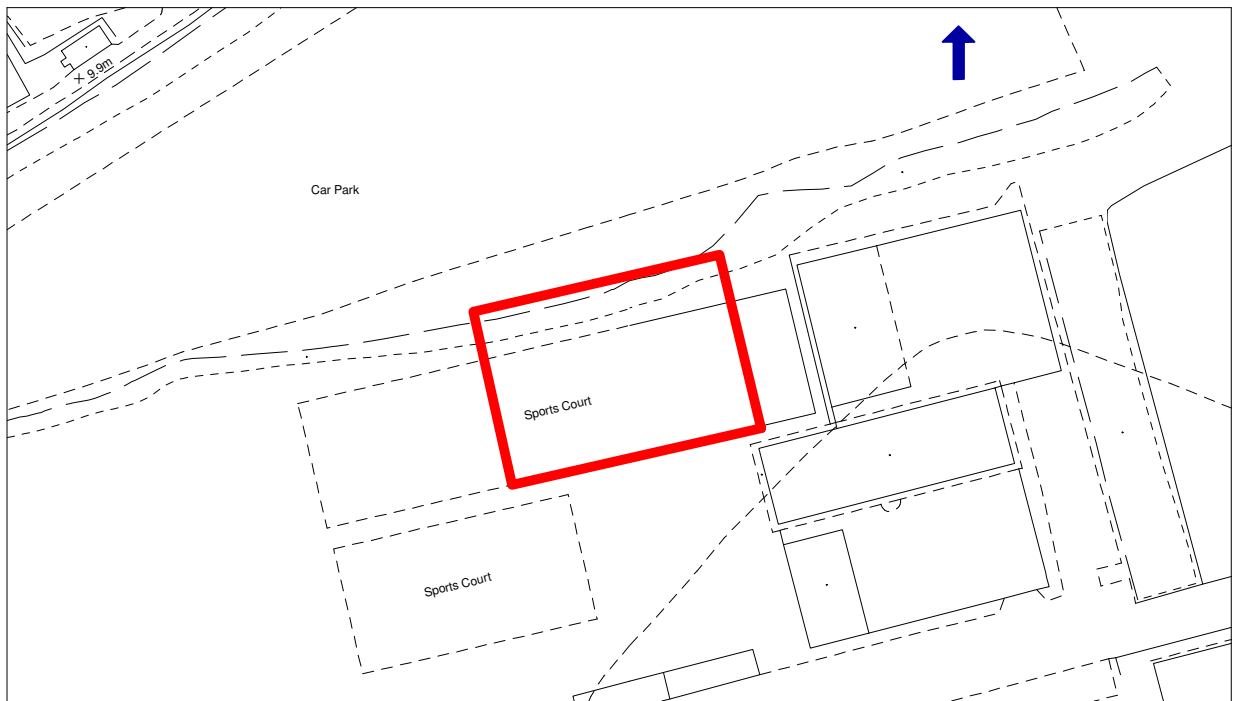
Applicant: Serco Defence and Aerospace

Ward: St Budeaux

8 /13 Week Date: 03/11/2006

Decision Category: Major Application

Case Officer: Carly Francis



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Recommendation

In respect of the application dated 04/08/2006 and the submitted drawings: 45160661/0001 A, 45160661/0002 A, 45160661/0003 A, 45160661/0004 A, 45160661/0005 A, it is recommended to:

Grant Conditionally

OFFICERS REPORT

Site Description

The site is located at the northern end of Devonport Dockyard. The site comprises a rectangular tarmac surfaced area approximately 45m x 30m. The site is level and surrounded by a 1m high concrete block wall. The site is bounded to the north by a soil bank covered in undergrowth, to the east and west by existing naval buildings and to the south by open ground containing a number of portacabins is an open area of tarmaced land located within HMNB Devonport Dockyard at Western Mill.

Proposal Description

New two storey building for use as new teaching facility (north of Weston Mill Lake). The floor space of the building proposed would be 2805m².

Relevant Planning History

06/01108 (FULL) Formation of temporary car park (for up to 5 years) providing 70 parking spaces- PERMITTED.

Consultation Responses

Environment Agency- no objections subject to sufficient evidence being provided to confirm that the land is not contaminated.

Highway Authority- no objections but recommend that a condition requesting that the code of practice for construction is complied with.

Representations

Nil.

Analysis

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

The main issues to be considered here are the design of the building, its impact on the surrounding environment and to the highway.

The proposed building would not affect any other property it would be located within the dockyard and therefore would not be visible to the general public.

The building proposed would have a curtain wall system which would be metallic silver and have double glazed anti-sun glass. It would also have metallic silver ribbon windows with anti- sun glass. The cladding would be metallic silver and the barrel roof would be aluminium with solar PV laminate panels integrated into roofing system.

The entrance lobby would have twin double doors forming an internally glazed lobby to match the curtain walling system; the outer set door would be double glazed. The fascia and soffit would be a 3mm pressed aluminium panel.

The nearby surrounding buildings are of a similar design quality and therefore this building would be appropriate to its surroundings and comply with policy AEV31 of the adopted Local Plan and CS02 of the LDF.

The sustainability of the building has been carefully considered in relation to policy AEV51 of the adopted Local Plan and policy CS20 of the LDF. The roof would be solar for hot water regeneration, have heat recovery via an air control system and have a building energy management system. There would also be embedded energy in the aluminium cladding for the wall and roof and a rain water harvesting system.

The Transport officer comments that in view of the fact that the agent has informed us that the teaching facility would be used for warfare training for personnel already located on the base or aboard naval ships, he does not believe that the proposal is contrary to policy ATR5 and therefore has no objection to the proposal in highway terms.

The Transport officer does however state that concerns have been raised with regard to the capacity of Camels Head junction at the peak hours (end/start of workers shifts). He therefore requests that a condition be attached to any grant of consent to request a code of practice during construction. Any bulky deliveries to the development site should not arrive during the peak hours. The agent advises that the materials are likely to come from elsewhere within the site; he states that the code of practice (required by a recommended planning condition) should clarify the details.

No formal response has been received from the Environmental Agency as yet, however contact has been made with this consultee and we have been informed that the main issue they need to consider is what the land was previously used for and subsequently whether the land is contaminated. The applicants have been approached with regards to this query and they have provided us with a Geotechnical and Environmental Investigation which provides evidence to confirm that the land here is not contaminated. The Environment Agency has been sent a copy of this report and their comments are awaited. An addendum report will provide an update at Planning Committee.

It is not considered that a Section 106 agreement is required in this instance.

Conclusions

It is considered that the design and quality of the building would be appropriate to its surroundings, it would not have a detrimental impact to any other building or to the highway, and this application is therefore recommended for approval.

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

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

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

CODE OF PRACTICE DURING CONSTRUCTION

(2) Before any development is commenced, a Code of Practice shall be submitted to and approved by the Local Planning Authority which shall indicate measures to mitigate against adverse effects of noise, dust and traffic generation during the construction of the proposed development. The Code of Practice shall indicate: -

- a. the proposed hours of operation of construction activities;
- b. the frequency, duration and means of operation involving demolitions, excavations, drilling, piling, concrete production and dredging operations;
- c. sound attenuation measures to be incorporated to reduce noise at source;
- d. details of measures to be taken to reduce the generation of dust;
- e. the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material;
- f. the proposed delivery times for bulky deliveries;
- g. details of where the materials are likely to come from.

The Code of Practice shall be strictly adhered to during all stages of the construction of the proposed development.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy AEV49 of the adopted City of Plymouth Local Plan First Alteration 1996.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations which in this case are considered to be: the impact on the surrounding buildings and to the highway, the proposal is not considered to be demonstrably harmful to local amenities. In the absence of any other overriding considerations, and with the imposition of the specified planning conditions, the proposed development is acceptable and complies with the following policies of the Devon Structure Plan (2001 to 2016) 2004, the adopted City of Plymouth Local Plan First Alteration 1996, Plymouth Local Development Framework, Core Strategy, Regional Spatial Strategy and North Plymstock Area Action Plan (the status of these documents is set out within the City of Plymouth Local Development Scheme 2006), and

relevant Planning Guidance Notes, Statements and Government Circulars as follows:

AEV31 - Townscape

AEV51 - Energy and Recycling

ATR5 - The Road Network

CS02 - Design

CS28 - Local Transport Consideration

CS34 - Planning Application Consideration

CS20 - Resource Use

ITEM 3

Application Number:

06/01236/FUL

Site Address:

NEW GEORGE STREET, MARKET AVENUE,
WESTERN APPROACH AND LAND AT AND
ADJOINING COLIN CAMPBELL COURT
PLYMOUTH

Description of Application:

Redevelopment to provide retail/retail related (class A1/A3), leisure (class D2), institution (class D1) and residential accommodation (159 units), together with provision for access, servicing and parking (total proposed floor space = 24,221 square metres)

Type of Application:

Full Planning Permission

Applicant:

Colesbourne Asset Management Ltd

Ward:

St Peter & The Waterfront

8 /13 Week Date:

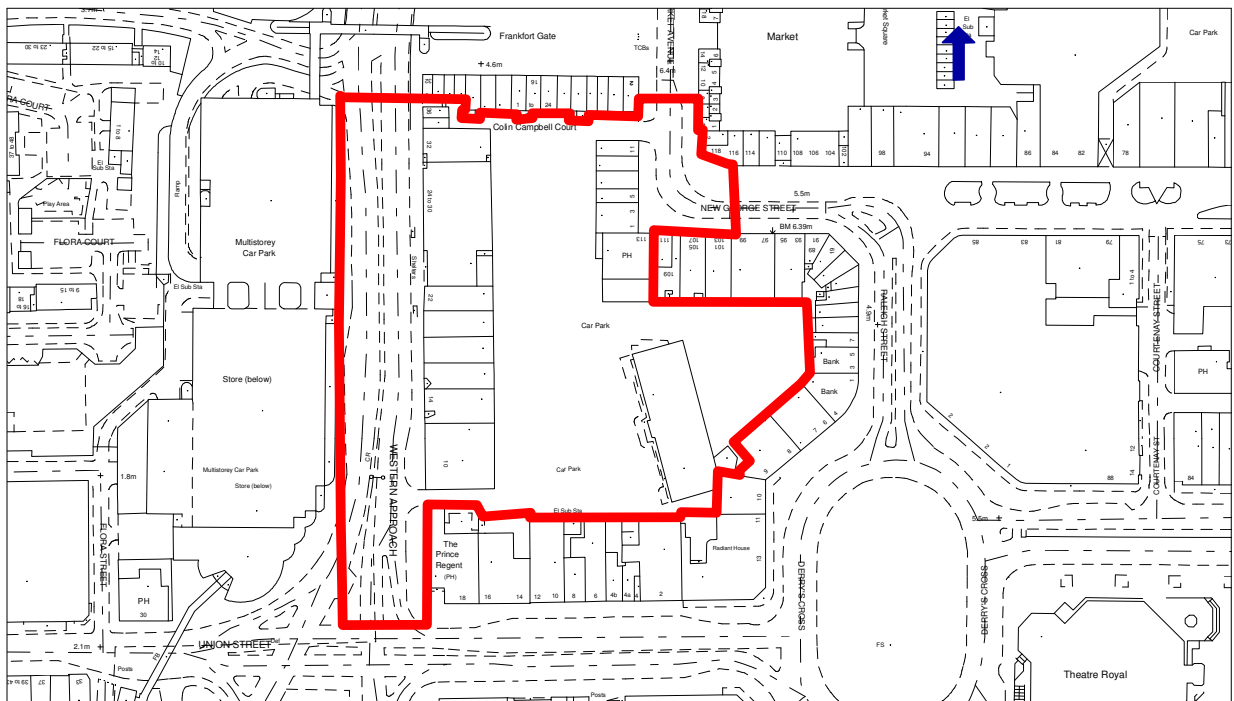
25/10/2006

Decision Category:

Major Application

Case Officer:

Mark Evans



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Recommendation

In respect of the application dated 26/07/2006 and the submitted drawings: 1. Amend highway layout to incorporate two bus lay-bys onto Western Approach and minor improvements to proposed highway layout.

2. Increase in the type and extent of uses which have active frontage onto the internal public route. This incorporates an increase in A3 floor space to 2,213 sqm (from 1,615 sqm) and a subsequent decrease in A1 floor space 20 21,578 sqm (from 22,176 sqm). A minor increase of 1sqm of D2 floor space is also proposed.

3. Repositioning of Crech, Doctor's Surgery, Community Use, Gym and upper floor A3 use to improve relationship to the internal route and aid natural surveillance.

it is recommended to:

Grant Subject to S106 Obligation - Full

OFFICERS REPORT

Site Description

This site is situated at the western end of the City Centre and is located between New George Street, Market Avenue and Raleigh Street to the East, Western Approach multi-storey car park (1,142 spaces) to the West; Frankfort Gate to the North and Union Street to the South.

The site extends to 2.2 hectares, primarily occupied by a surface level public car park (253 spaces including four taxi bays) but also comprising a number of buildings in retail, leisure and commercial uses. These include:

- Numbers 10 to 36 (evens) Western Approach - a row of two-storey properties (retail with offices/storage above) that front onto this road;
- Numbers 1 to 11 (odds) Market Avenue and 113 New George Street - three and four storey buildings, comprising shop units with offices or residential above; and
- A four-storey stand alone block within Colin Campbell Court known as Colin Campbell House which includes retailing on the ground and first floors and offices above. It is a much altered art deco style building with a metal pitched roof and metal cladding at the rear.

The two main points of existing vehicular and pedestrian access into Colin Campbell Court are off Market Avenue in the north-eastern corner of the site and Western Approach to the south-western corner. Both are two-way and are shared with pedestrians but have no separate footpaths. Pedestrian linkages from the Western Approach car park include an at grade pedestrian crossing and high level footbridge into Frankfort Gate, and an at grade pedestrian crossing at the junction of Western Approach and Union Street.

Proposal Description

This is a Full application for the redevelopment of the site, including demolition of the existing buildings within it, to provide a mixed use development totalling 24,221 sq m. Following the submission of revised plans, this now comprises:

- 21,578 square metres A1 retail,
- 2,213 square meters A3 food and drink,
- D1 Institutional floor space
- 95 sq m would be D2 leisure and assembly floor space (to include Doctor's Surgery, Crèche and Community Room).
- 159 residential apartments are proposed on the four upper levels of the building set in front of a large plant housing with Sedum roof.
- 125 private car parking spaces

The application also proposes alterations to the public highway, to include dedicated bus lay bys and a further surface level pedestrian crossing on Western Approach. Indicative plans have been included within the application to demonstrate the potential for "greening" the ring road in line with the Mackay Vision.

The building comprises 3 floors of commercial space, divided by a central open pedestrian route linking Western Approach with New George Street, with the commercial units fronting this route, New George Street and Western Approach.

On top of the commercial floor space sits four storeys of residential (159 flats) comprising two blocks, one fronting New George Street and the other Western Approach. Access to the residential development is gained from both the Northern and southern ends of the building.

Undercroft parking for 100 cars is provided for residential occupiers of the building, all public parking now provided solely in the nearby Western Approach car park. 10% of the parking spaces are suitable for disabled drivers. An additional 25 spaces will be provided for retail management car parking.

The design of the building proposes a highly glazed building with shop fronts formed from a single glazed structural wall system. In addition, an external materials palette of cast masonry, render, silver metal cladding, aluminium and coloured glass is proposed. The commercial floor-to-floor heights range from 4m to approximately 9m. The "lower ground floor" has a level 1.25m below Western Approach, the "ground floor" and the internal pedestrian route has its floor level 4.5m above the "ground" level of Western Approach from which it is approached by a flight of steps and pedestrian lift.

The elevation fronting onto Western Approach proposes a modern façade, the lower half of which, housing the commercial section is predominantly glazed. This elevation is approximately 25.2m high with the top floor being set back by approximately 2.4m. Similarly, the development proposes a highly glazed 11.6m high commercial façade onto New George Street with a stepped back 12m high residential building above.

The application is accompanied by a retail and transport assessment assessing the application's impact on the highway network and vitality and viability of the City Centre, and an Environmental Statement that examines in detail the effects of the proposed development, and mitigation measures.

Relevant Planning History

05/00910 – Reserved Matters details of design, external appearance and landscaping in connection with Outline Planning Permission 01/01346 for redevelopment to provide retail/retail related (Class A1/A3) and leisure (Class D2) accommodation, together with provision for access, servicing and parking (Total proposed floor space = 12,525 metres squared) - Approved

01/01346 – outline application to redevelop site to provide retail/retail related (Class A1/A3) and leisure (Class D2) accommodation, together with alterations to access, servicing and parking and the provision of improved bus stop facilities and an at-grade pedestrian crossing. – APPROVED.

2760/89 – Comprehensively redevelop and refurbish area for shopping/commercial/leisure/office/multi-screen cinemas and residential refurbishment of Pannier Market, highway improvements at Western Approach, Union Street, Derry's Cross, Royal Parade etc. – MINDED TO GRANT BUT APPLICATION WITHDRAWN

Consultation Responses

Environment Agency

Objects to the proposed development on the grounds that it is not accompanied by a Flood Risk Assessment.

Highway Authority

No objections subject to conditions.

Highways Agency

No objections.

Environmental Services

No objections subject to conditions.

Representations

In respect of the initial consultation, a petition of 864 signatures in support of the development proposal has been received, together with a 29 signature petition of objection and 8 individual letters of representation (including letters from the Plymouth and South West Co-operative Society Ltd).

Objections can be summarised as follows:

1. Loss of existing short stay public car parking, thereby impacting on the trade of surrounding retail units. Parking utilisation figures should be provided for all local car parks, to prove there is sufficient capacity. It is stated that Colin Campbell Court Car Park is the only car park in the city where vehicles over 1.95m can park. The adequacy of the proposed level of car parking is also queried;
2. Reduced disabled access to existing premises;
3. Reduced access to delivery vehicles servicing existing premises;
4. Disruption during construction phase;

5. Disruption to existing rights of way, rear access, servicing and loading facilities;
6. The access junction of the Western Approach car park is not considered to be a sustainable arrangement; for pedestrians, the link from the development to this car park will be to the central stair case, which will raise personal security issues.
7. A more thorough Urban design Analysis is considered necessary, particularly with regards the proposed pedestrian crossing point on Western Approach, which should line up with the proposed internal route through the development. In addition the A1/A3 uses should be more closely related;
8. Design of Southern Access Road is questionable as it is a cul-de-sac and lacks pedestrian permeability;
9. The Transport Assessment is incomplete, and there are technical weaknesses within it. As a result it is considered to be difficult to assess the impact of the development on the highway and transport network;
10. The economic viability of the scheme is questioned, particularly regarding the proposed gym which is considered to have a small floor space. ;
11. The proposed vehicle manoeuvring area for articulated delivery vehicle is questioned;
12. The design of the proposed access roads and development environs is considered to create potential conflicts between pedestrians and vehicular traffic and also increase congestion. There is considered to be insufficient detail regarding the proposed method of control to be used to control the Northern service access;
13. Concern is expressed regarding the safety of proposed accesses onto Western Approach;
14. Concern that if the existing pedestrian footbridge over Western Approach is removed that disabled users and those with prams will be forced to use the car ramps as the lifts within the Western Approach car park have not worked for some time.
15. The quality of the environment within the internal route should be raised;
16. Question is raised as to whether the mix of uses within the scheme has been adequately integrated so as to achieve the vibrancy and sustainability required. Particular concern is expressed regarding the location of A3, D1 and D2 uses on the upper level. It is thought that more adequate overlooking of the internal route would be provided by residential accommodation;
17. It is considered that conditions should be imposed to ensure that a high quality public realm and building finishes are delivered.
18. It is considered that the proposed landscape treatment (“greening”) of the public realm/highway on Western Approach should be considered as a fundamental part of the application stage.
19. The proposed development is considered to have a poor relationship to the flats on the south side of Frankfort gate where servicing and pedestrian access will mix. The public route created is considered to be un-satisfactory.

20. Concern is expressed regarding the relationship between the southern access road and the backs of properties fronting onto Union Street. The potential benefits of a positive relationship between the residential parts of the development on the upper floors are considered to be unsatisfactory. It is stated that residential cores might be better located on the main public streets.
21. The proposed link between Western Approach and New George Street is considered to create a disjointed streetscape, and it is questioned whether the potential for further residential development within these voids has been fully examined.
22. It is considered important to ensure that the proposed scheme does not prejudice the ability of adjoining sites to be developed in the future.

Following receipt of further plans and details, those making representations were notified of the amendments and have been offered a further period in which to comment. This expires on the 16th October, 2006, and any further representations received will be reported in an addendum at Planning Committee.

Analysis

Consideration of this application was deferred at the last Planning Committee meeting to enable further consultation to be undertaken on amended plans received, and to ensure that Planning Committee received a comprehensive report for consideration.

This application follows the granting of reserved matters earlier this year for a mixed use retail led development on the same site. Since that time, further work has been undertaken by the applicants to refine and build upon that initial permission, to provide amongst other things, additional retail floor space and introduce residential development above.

The principle of the redevelopment of this important gateway site to provide retail/retail related (Class A1/A3) and leisure (Class D2) accommodation, together with alterations to access, servicing and parking and the provision of improved bus stop facilities and an at-grade pedestrian crossing have already been accepted in the granting of planning consent under Outline Planning Consent Ref: 01/01346 and Reserved Matters Consent 05/00910. Furthermore, the Outline consent also made reference to the need to consider the future introduction of residential development on this site, and this application seeks to deliver this in a comprehensive manner as part of the overall development scheme.

The key issues of this development proposal therefore are:

1. The impact of the development on the appearance and character of the area;
2. The impact of the development upon neighbouring properties;
3. The impact of the development on the City Centre;
4. The impact of the development upon the highway network.

The application should be assessed primarily against adopted City of Plymouth Local Plan Policies AEV11 (Archaeology), AEV31 (Townscape), AEV32 (Townscape – Development along important communication corridors), AEV33 (Townscape – Efficient pedestrian circulation), AEV38 (Landscaping and Enhancement Schemes), AEV39 (Enhancement of Main Access Corridors), AEV45 (Access), AEV46 (Access), AEV48 (Public Art), ASR6 (Shopping – The City Centre), ASR19 (Shopping – Changes to non-retail use), ACR1 (Equal Access), ACR2 (Health), AIR1 (Implementation), AIR2 (Implementation - Impact), ATR1 (Traffic and the Environment) , ATR4 (Cyclists and pedestrians), ATR5 (Road Network), ATR8 (Public Transport), ATR18 (Parking), AHR3 (Housing Density), AHR4 (Privacy and Overlooking), AHR18 (Affordable Housing), and AHR23 (Accessible Housing).

Furthermore the Local Development Framework Core Strategy final submission document has now been published and will be considered for adoption in early 2007. This document is therefore a material consideration in the determination of this application. This report therefore has due regard to the following policies: CS01 (Sustainable Linked Communities); CS02 (Design); AV03 (Plymouth City Centre); CS04 (Future Employment Provision); CS06 (City Centre); CS13 (Evening/Night Time Economy Uses); CS15 (Housing Provision); CS16 (Housing Sites); CS21 (Flood Risk); CS28 (Local Transport Considerations); CS32 (Designing Out Crime); CS33 (Community Benefits/Planning Obligations); CS34 (Planning Application Considerations).

Revised details

The revised plans make the following changes to the original submission:

- Increase the type and extent of uses which have an active frontage onto the internal public route.
- Increase A3 (food and drink) floor space to 2,213 square meters (from 1,615 sqm)
- Decrease A1 (retail) floor area to 21,578 square metres (from 22,176 sqm).
- Increases D2 (Assembly/Leisure) floor space by 1 square metre.
- Reposition the crèche, Doctors Surgery, community use and gym to improve their relationship with the internal route.
- Amend the highway layout to incorporate two bus lay-bys onto Western Approach

These revisions are therefore used in the following analysis, including responding to the initial representations received.

Environmental Statement

An Environmental Statement has been submitted with the planning application. It examines in detail the effects of the proposed development, and mitigation measures. It states that many measures to mitigate likely significant adverse environmental effects have been incorporated into the project design, to avoid, reduce, or offset such effects. The Statement concludes that overall, the proposed development would have a beneficial impact upon the application site and its surroundings. It states that it will assist in regenerating the City Centre, and that it can be viewed as a sustainable mixed use development which accords with local, regional and national planning policy

Mixed Use development

The proposal to incorporate a mixed use development with residential units above is strongly supported as it will ensure that the development reinforces the desire to create a mixed use City Centre with enlivened street spaces and 24 hour natural surveillance of the area. The principle of residential/mix use on this site was advocated by the Plymouth Design Panel during its consideration of the previous Reserved Matters application.

Whilst the previous approval advocated and supported the introduction of residential development, this scheme now delivers this aspiration.

Retail

This scheme proposes a larger retail floor space than already granted. This is achieved by more efficient use of the internal floor layouts enabling the creation of additional useable floor space, particularly at lower ground floor and first floor. The Environmental Statement concludes that the increased retail floor space is fully supportable in terms of available retail expenditure, and can be accommodated without adversely impacting existing and committed retail facilities in the City Centre.

Design

Planning Policy Statement 1 (PPS1) sets out the overarching planning policies on the delivery of sustainable development through the planning system. This PPS replaces Planning Policy Guidance (PPG) Note 1, General Policies and Principles, published in February 1997. PPS1 establishes the Government's firm commitment to creating sustainable communities. It emphasises that good planning is critical to realising this commitment through delivering this objective. Guidance on quality of design is clear: Good design ensures attractive, usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning' (para 33)

Good design should contribute positively to making places better for people (para 34) Thus planning authorities should plan positively to secure high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted: High quality design ensures usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is not just about the architecture of individual buildings, but also about the functionality and impact of the development on the overall character, quality and sustainability of an area including resources efficiency (for example energy consumption) There should be no acceptance of ill-conceived designs which do not contribute positively to making places better for people.

The modern design of the building is considered to be in keeping with, and indeed will enhance, the appearance and character of the area. The incorporation of direct ground floor public access points to the retail units off Western Approach is considered to be essential to ensuring active ground floor

uses onto Western Approach. The public route through the development has been designed to present a single continuous level linked to New George Street, with the change in level across the site addressed at its formal public entrance off Western Approach at a single point by the introduction of a flight of steps. Revised plans have been received which increase the amount of A3 frontage onto the route itself, which is considered essential to the provision of a successful vibrant environment within the route and will extend the hours of active frontage beyond usual A1 (retail) shopping hours.

By virtue of the building design, massing, relationship of uses and proposed positioning of window openings, it is considered that the due consideration has been given to ensuring that the proposed development does not prejudice the development of adjoining sites.

The highly glazed commercial façade will ensure that the activity within the building is highly visible from the surrounding public routes and this in turn will ensure that the building has a very positive, active relationship to the surrounding street layout and public routes.

The proposed materials palette is considered to be acceptable and conditions have been recommended to ensure that the level of detail and quality of finishes will be delivered to the highest standard expected of such a prominent site.

The scale and design of the building is considered to be acceptable and is in keeping with the appearance and character of the locality and will not have a significant adverse impact upon neighbouring properties. The increased height onto Western Approach is appropriate to the scale, width and setting of the street, and the scale and design onto New George Street will help create a positive built form terminating the street vista.

The representations received have previously been summarised within this report. Many of the concerns expressed regarding loss of car parking, economic viability and suitability of the service arrangements have been covered under the previous grant of Outline and reserved Matters Planning Consents. Those not previously covered are referred to below:

Environment Agency

The Environment Agency maintains an objection to the proposed development and recommends that the “medium to low” flood risk could be minimised by means of a new drainage system. Whilst this risk is acknowledged, as stated in the main report the presence of an existing permission for this site reduces the weight to be given to this issue in determining the application. A condition is therefore recommended to ensure that the development incorporates satisfactory surface water drainage and will accord with the “balanced, flexible approach” recommended within PPG25 when dealing with Flood Risk issues.

Taking into account the strategic importance of the regeneration of this site, the concerns of the Environment Agency are not considered to be so over-riding as to warrant a refusal of the application on this basis.

Highways

Following detailed analysis of the Transport Assessment and Supplementary TA, the applicant has now produced revised modelling data which reveals that whilst there would be some additional movements on the highway network arising from the development, these would not have a significant impact upon the “peak” hours on the local highway network (8.00am-9.00am and 5.00pm-6.00pm), and should not as a result impact upon the operation of the highway.

The revised plan detailing the proposed highway works now includes the provision of a bus lay-by along the site frontage on Western Approach in addition to the existing bus lane. The bus lay-by (which was shown on previous application highway layout plans) is considered to be essential as the development is likely to result in an increase in the number of passengers both boarding and alighting at the existing bus stops. The provision of the bus lay-by will allow this increase in passenger activity to take place without affecting movement or causing a delay to buses using the adjoining bus lane (which is currently all inbound City Centre bus services).

In order to improve access to the site for pedestrians (particularly for those walking to the site from Western Approach car park) a new at-grade signalised crossing will be provided on Western Approach at the exit from the Western Approach car park. Whilst it is acknowledged that it would have been preferable for the crossing to coincide with the walkway route through the site, it is accepted that moving the new pedestrian crossing to that position would have brought it too close to the existing junction of Western Approach with Union Street and would have been likely to cause unacceptable queuing back through this junction.

The proposed alterations at the junction of Market Avenue with New George Street which includes the creation of a ‘shared’ pedestrian area. are considered to be acceptable in principle. It has been recommended and agreed with the applicant that an up-stand to the kerb will be retained albeit somewhat reduced, in conjunction with physical measures that will demarcate the defensible pedestrian space such as tree planting/landscaping.

With regards concerns expressed by third parties regarding the access and servicing arrangements, AUTOTRACK plots have been submitted to demonstrate that large delivery vehicles (16.5m HGV’s) can turn around within the site and access all of the individual service and loading/unloading bays in addition to satisfactory entry/exit from the Service Routes.

With regards concerns expressed regarding the proposed car parking arrangements, surveys of City Centre car parks undertaken in March 2005 revealed that the existing Colin Campbell Court Car Park, which has capacity for 254 short stay pay and display spaces, is 69% and 83% full during the mornings and afternoons respectively, and parked to capacity at weekends (Saturdays).

In view of the location of the site within the City Centre and the opportunities that exist regarding the use of sustainable transport modes (walking, cycling,

public transport etc) when making journeys to and from the site, only 25 spaces have been proposed to serve existing and proposed retail units which is acceptable and reflects the accessible location of the site.

It is likely that the majority of the motorists that currently use the Colin Campbell Court car park would re-assign to the nearby Western Approach car park along with any new additional trips generated by the development. The results of the parking surveys undertaken in March 2005 and contained in the City Council's Parking Strategy reveal that the Western Approach Multi Storey Car Park (which has a maximum occupancy of 1147 vehicles) has available spaces both during the weekdays and on Saturdays, with a maximum of 919 vehicles being recorded on a Saturday (83% occupancy).

On the assumption that 75% of the Colin Campbell Court traffic would re-assign to the Western Approach Multi Storey Car Park (MSCP) along with the additional development generated traffic (67 inbound trips), it would appear that during the Saturday peak, demand will exceed capacity within the MSCP by almost 13% (148 spaces). However prior to the closure of the Marks and Spencer's and Charles Cross car parks, the average occupancy levels within the Western Approach MSCP were considerably lower than the level of use currently experienced (around 53% on a Saturday). With the opening of the new 1,200 space car park serving Drake Circus on the 5th October, it is likely that the use of the MSCP will once again fall to the previous levels enabling it to accommodate the additional parking generated by the closure of CCC car park.

The provision of the Drakes Circus car park will ensure that the City Centre, as a whole, would have a 7% over-provision of car parking spaces when compared to the level that existed in 2004 (prior to the closure of the Marks and Spencer and Drakes Circus car parks).

The use of Intelligent Transport Systems and in particular Variable Message Signing (VMS) has been identified as a potential tool to manage the movement of traffic to City Centre car parks. Should a particular car park become full, VMS could be used to direct traffic the nearest car park which still has spaces available.

As the development will lead to the closure of the Colin Campbell Court car park which in turn will result in an increase in the use of the Western Approach MSCP, it is considered justified that the development contribute towards a programme of improvement works to the Western Approach car park in order to provide a better degree of security and create a better parking environment for visitors to the City Centre.

With regard to the residential units, the level of car parking proposed (0.63 spaces per unit) reflects the accessible location of the site and therefore the number of car parking spaces (100 spaces to serve 159 residential units) is considered to be acceptable.

With respect to concerns expressed regarding the proposed internal car parking layout, an additional highways condition is recommended requiring the developer to submit details of a satisfactory car parking scheme to serve the development.

An appropriate condition is recommended to ensure that a satisfactory standard of pedestrian and vehicular environment is achieved within the servicing access roads.

In order to address the previous concerns regarding the creation of a satisfactory service road to existing commercial properties at Frankfort Gate, the proposed development has been carefully designed so as to provide an improved acceptable service and loading layout. There are no highways objections to the proposed service routes.

Other matters

As well as the issues above, some representations have raised other, non-material planning issues as follows:

Concerns regarding the commercial viability of the scheme have previously been dealt with under the Outline and Reserved Matters applications and are not considered to be an over-riding material planning consideration.

Concern expressed regarding breaches of rights of way, rights to park and rights to load / unload granted by Plymouth City Council under the terms of existing ground leases is not an over-riding material planning consideration and is a civil issue for the applicants to address directly. Any decision on this application does not over-ride any legal impediments that may exist on the site. An appropriate informative is recommended in this respect.

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

Section 106 Obligations

Finalisations of the S.106 requirements of the development are progressing, and it is intended that a draft agreement will be ready for signature following the Committee meeting should the outcome be favourable. An update of negotiations on this matter will be reported to Committee.

The requirements for this development are:

1. 40 affordable housing units to be constructed on site;
2. £280,000 towards highway infrastructure improvements, highway signage improvements and towards the upgrade of the adjoining Western Approach Car Park. This can be broken down as follows:

- (a) Provision of Bus Boarders and Real Time Passenger Information at three existing bus stops (£30k)
 - (b) Development of Waterfront Traffic Model to test development on wider highway network (£15k)
 - (c) Improvements to pedestrian signage in the City Centre (£20k)
 - (d) Provision of 2 Variable Message Signs (Intelligent Transport Solutions - £50k).
 - (e) CCTV Camera to monitor operation of rising bollards in Northern Service Route (£15k)
 - (f) Amendments to City Centre Direction Signing (to be agreed)
 - (g) Improvements to Western Approach Car Park arising from increased use. (Improvements are required towards upgrade to the car park and stairwell lighting, provision of CCTV cameras, repainting and general refurbishment) (£150,000k)
3. £60,097 towards primary and secondary education within the catchment areas of Pilgrim Primary School and Stoke Damerel Community College;
 4. £131,820 towards the provision, upgrade and refurbishment of play space in the City Centre and on the Hoe;
 5. £300,000 towards future greening of Western Approach
 6. £47,138 administrative fee.

Conclusions

The details of the siting, design and external appearance of the proposed building are considered to be acceptable, and the mixed use combined with residential units is actively supported. The proposed development of this site will considerably enhance the appearance and character of the site, and also has the potential to act as a catalyst for the regeneration of the western end of the City Centre, supporting the aspirations of the LDF Core Strategy to create a sustainable high quality City Centre. Approval is therefore recommended subject to satisfactory completion of a S106 Obligation and the following conditions.

Conditions

Subject to consideration of any further representations, Grant Conditionally subject to satisfactory completion of the S.106 legal agreement. Delegated Authority to refuse if S106 Obligation is not completed before application deadline expires.

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.

LAND QUALITY

(2) The development hereby permitted shall not commence until a scheme to deal with contamination of land and/or groundwater has been submitted to and approved in writing by the Local Planning Authority (LPA) and until the measures approved in that scheme have been fully implemented.

(a) For each part of the development contamination proposals relevant to that part shall be carried out either before or during such development;

(b) If during development works any contamination should be encountered which was not previously identified then revised contamination proposals shall be submitted to the LPA;

Upon completion of the works this condition shall not be discharged until a verification report and certification of remediation has been submitted to and approved in writing by the LPA

Reason:

There is a possibility that the site, or parts of it, are contaminated from past activities and, if so, this will need to be dealt with before the development takes place in accordance with Planning Policy Guidance Note PPG23: Planning and Pollution Control (Chapter 4 and Annex 10); and Policy AEV50 the adopted City of Plymouth Local Plan First Alteration 1996.

CODE OF PRACTICE DURING DEMOLITION & CONSTRUCTION

(3) Before any demolition and development is commenced, a Code of Practice shall be submitted to and approved by the Local Planning Authority which shall indicate measures to mitigate against adverse effects of noise, dust and traffic generation during the construction of the proposed development. The Code of Practice shall indicate: -

- a. the proposed hours of operation of demolition and construction activities;
- b. the frequency, duration and means of operation involving demolitions, excavations, drilling, piling, concrete production and dredging operations;
- c. sound attenuation measures to be incorporated to reduce noise at source;
- d. details of measures to be taken to reduce the generation of dust;
- e. the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material.

The Code of Practice shall be strictly adhered to during all stages of the construction of the proposed development.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy AEV49 of the adopted City of Plymouth Local Plan First Alteration 1996.

ACCESS

(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.

PEST CONTROL

(5) Prior to any demolition on site, an integrated Pest Management Survey shall be carried out and submitted to the Local Planning Authority. Baiting shall be carried out to prevent rodent infestation to neighbouring properties in accordance with the approved details.

Reason:

To prevent rodent infestation to neighbouring properties and avoid conflict with Policy AEV49 of the adopted City of Plymouth Local Plan First Alteration 1996.

PILING DETAILS

(6) No work shall commence on site until details of the method of piling and predicted noise emission levels from piling machinery during the piling process have been submitted to and agreed in writing with the Local Planning Authority. The agreed details shall be strictly adhered to during the course of development.

Reason:

To enable the Local Planning Authority to consider the details of the proposed method of piling in the interests of the residential and general amenity of the area and to avoid conflict with adopted Local Plan Policy AEV49 and relevant Central Government advice.

SURFACE WATER DISPOSAL

(7) Development shall not begin 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 occupied.

Reason:

To enable consideration to be given to any effects of changes in the drainage regime on landscape features.

STREET DETAILS

(8) Notwithstanding the details submitted, development shall not begin 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. The development shall not 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 AHR2 and AIR2 of the adopted City of Plymouth Local Plan First Alteration 1996.

DESIGN DETAILS

(9) Notwithstanding the submitted details, no work shall commence until the following details have been submitted to and agreed in writing by the Local Planning Authority:

1. Details of the design, method of construction and materials of the bridge walkways and through-route overhead entrance canopies;
2. Details of the design, method of construction, materials and finish of the proposed curtain walling systems;
3. Details of the siting, design, method of construction, materials and finish of the overhead canopies on Western Approach and the two service roads;
4. Details of a proposed external lighting system for the building, internal route and service roads;
5. Precise details of the design, method of construction, materials and finish of the external façade to the residential units;
6. Details of the design and materials (including method of operation and management) of a retractable gate which shall be constructed at the entrance to the southerly service route prior to any use of the development commencing;
7. Details of the design, method of construction, materials and finish of the proposed balconies and terrace dividing walls/screens;
8. Details of the design, method of construction, materials and finish of the proposed façade of the roof plant on the south elevation facing onto the two way service road.
9. Details of the design, materials and finish of the proposed internal public route hand rails and all internal street furniture.

The development shall accord strictly with the above approved details.

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 and to accord with the objectives of City of Plymouth Local Plan policy AEV31 and relevant Central Government advice.

EXTERNAL MATERIALS

(10) No development shall take place until samples of the materials and finishes 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. Such details shall include full design construction details and finish of the proposed façade glazing and metal cladding system. 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 AEV31 of the adopted City of Plymouth Local Plan First Alteration 1996.

SURFACING MATERIALS

(11) No development shall take place until details/samples of all external surfacing materials to be used 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 AEV31 of the adopted City of Plymouth Local Plan First Alteration 1996.

ROOF PLANT/SERVICING DETAILS

(12) Notwithstanding the submitted details, no work shall commence until details of the design, materials, finish and construction of the proposed roof plant (to include details of sound and vibration attenuation), external servicing infrastructure and all external ventilation have been submitted to and agreed in writing with the Local Planning Authority. Before any roof plant machinery is used on the premises, it shall be enclosed with sound insulating material and designed and housed in such a way as to minimise the transmission of structure borne sound and vibration in accordance with a scheme to be approved in writing by the Local Planning Authority. Such agreed details shall be strictly adhered to during the course of development and thereafter so retained.

Reason:

To enable the Local Planning Authority to consider the details of the design, materials and finish of the proposed roof plant, external servicing infrastructure and all external ventilation to be used in the development in the interests of the appearance and character of the building and locality and to protect the residential and general amenity of the proposed residential units and those in the surrounding area from any harmfully polluting noise and/or vibration and avoid conflict with Policies AEV31 and AEV49 of the adopted City of Plymouth Local Plan First Alteration 1996 and relevant Central Government advice.

LANDSCAPE DESIGN PROPOSALS

(13) No development shall take place until full details of both hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., indicating lines, manholes, supports etc.); where relevant].

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policy AEV38 of the adopted City of Plymouth Local Plan First Alteration 1996.

LANDSCAPE WORKS IMPLEMENTATION

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

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policy AEV38 of the adopted City of Plymouth Local Plan First Alteration 1996.

DETAILS OF TREE PLANTING

(15) The plans and particulars of the landscaping works submitted in accordance with condition 13 above shall include details of the size, species and positions or density of all trees to be planted, and the proposed time of planting.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policy AEV38 of the adopted City of Plymouth Local Plan First Alteration 1996.

LANDSCAPE MANAGEMENT PLAN

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

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policy AEV38 of the adopted City of Plymouth Local Plan First alteration 1996.

TREE REPLACEMENT

(17) 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 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 Policy AEV38 of the adopted City of Plymouth Local Plan First Alteration 1996 are subsequently properly maintained, if necessary by replacement.

CAR PARKING RESTRICTION

(18) No part of the site shall at any time be used for the parking of vehicles other than that part specifically shown for that purpose on the approved plan.

Reason:

In the opinion of the Local Planning Authority the level of car parking provision should be limited in order to assist the promotion of more sustainable travel choices.

CYCLE PROVISION

(19) Unless otherwise agreed previously in writing with the Local Planning Authority, the development shall not be occupied until space has been laid out within the site for at least 64 secure and covered staff cycle parking spaces and 47 secure and covered customer spaces and 80 secure and covered cycle parking spaces for the residential units in a convenient position. Details of which shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the use of private cars.

LOADING AND UNLOADING PROVISION

(20) Notwithstanding the details submitted, before the development is first brought into use, adequate provision shall be made to enable goods vehicles to be loaded and unloaded within the site for both this development and the adjoining commercial units at Frankfort Gate in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Such agreed details shall be strictly adhered to during the course of development and thereafter be so retained and maintained unless written consent is given to any variation.

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.

USE OF LOADING AREAS

(21) The land indicated on the approved plans for the loading and unloading of vehicles shall not be used for any other purposes unless an alternative and equivalent area of land within the curtilage of the site is provided for loading and unloading with the prior consent in writing of the Local Planning Authority.

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:-

- a. damage to amenity;
- b. prejudice to public safety and convenience, and
- c. interference with the free flow of traffic on the highway.

TRAVEL PLAN

(22)The development hereby permitted shall not be occupied until a Staff and Residential Travel Plan (S&RTP) has been submitted to and approved in writing by the Local Planning Authority. The said S&RTP shall seek to encourage staff to use modes of transport other than the private car to get to and from the premises. It shall also include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the S&RTP; and the name, position and contact telephone number of the person responsible for it's implementation. From the date of occupation the occupier shall operate the approved S&RTP.

Reason:

In the opinion of the Local Planning Authority, 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.

PEDESTRIAN ACCESS

(23)Prior to occupation of the building, details of the proposed operation and management of the proposed internal route shall have been submitted to and agreed in writing with the Local Planning Authority. The agreed details shall thereafter be strictly adhered to unless otherwise agreed previously in writing with the LPA.The building shall not be occupied until the proposed internal public route/access for pedestrians has been constructed in accordance with the approved plans. Unless otherwise agreed previously in writing with the LPA, the agreed pedestrian access shall be maintained to enable 24 hour public access.

Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity and to accord with adopted Local Plan policy and relevant Central Government advice.

SOUND INSULATION/NOISE REDUCTION

(24) Prior to occupation of any residential unit, the windows of all noise sensitive rooms (such as bedrooms and living rooms) that look onto Western Approach shall be first constructed and subsequently maintained with adequate glazing so as to meet the Good noise criteria for living rooms and bedrooms, as outlined in BS8233 : 1999 - Sound Insulation and Noise Reduction for Buildings Code of Practice. Details of the glazing design and method of construction shall have been previously submitted to and agreed in writing by the Local Planning Authority.

Reason:

To reduce the impact of noise generated by the adjoining highway, in the interests of the residential amenity of the occupiers of the development and to accord with adopted Local Plan Policies AEV31, AEV49 and relevant Central Government advice.

LIFETIME HOMES STANDARD

(25) Notwithstanding the submitted drawings, at least 20% of the residential units hereby permitted shall be first constructed and subsequently maintained to Lifetime Homes standards.

Reason:

In order to meet the needs of disabled people so that they may live as part of the community in accordance with adopted City of Plymouth Local Plan Policy AHR23 and as set out within Objective 10 and Policy CS15 of the Core Strategy and relevant Central Government advice.

DDA COMPLIANCE

(26) Unless otherwise agreed previously in writing with the Local Planning Authority (LPA), the building shall be constructed so as to be fully compliant with the Disability Discrimination Act. All internal lifts (including those to the residential units) shall be first constructed and subsequently maintained so as to be fully accessible to people with disabilities in accordance with the Act.

Reason:

In order to take into account the need for access to the building and residential units by people with disabilities in accordance with adopted City of Plymouth Local Plan Policy AHR23 and relevant Central Government advice.

HOURS OF DELIVERY

(27) Unless otherwise previously agreed in writing with the Local Planning Authority, no commercial deliveries shall take place outside the following times: 0800 - 1800 hours Monday to Friday inclusive and 0800 - 1300 hours Saturdays. For the avoidance of doubt, there shall be no deliveries on Sundays or Bank Holidays.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by commercial service deliveries to the development and to avoid conflict with City of Plymouth adopted Local Plan Policy AEV49 and relevant Central Government advice.

INFORMATIVE - CIVIL ACCESS RIGHTS

(1) For the avoidance of doubt, this grant of planning consent does not override any civil or legal impediments that may exist on the site.

INFORMATIVE - STOPPING UP ORDER

(2) The applicant/developer is advised that no development, ground clearance or enclosure of the site can commence until the areas of the existing roads which serve the car park and comprise Highway Maintained at Public Expense are stopped up and have the highway rights extinguished by Government Office South West.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations which in this case are considered to be: the impact of the development on the appearance and character of the area, the impact of the development upon neighbouring properties, the impact of the development on the city centre and the impact of the development on the highway network, the proposal is not considered to be demonstrably harmful to local amenities. In the absence of any other overriding considerations, and with the imposition of the specified planning conditions, the proposed development is acceptable and complies with the following policies of the Devon Structure Plan (1) 2004, the adopted City of Plymouth Local Plan First Alteration 1996, Plymouth Local Development Framework, Core Strategy, Regional Spatial Strategy and North Plymstock Area Action Plan (the status of these documents is set out within the City of Plymouth Local Development Scheme 2006), and relevant Planning Guidance Notes, Statements and Government Circulars as follows:

ACR1 - Access for People with Disabilities
ACR2 - Health Related Issues (criteria)
AEV11 - Archaeological Preservation
AEV31 - Townscape
AEV32 - Communication corridors
AEV33 - Pedestrian Circulation
AEV38 - Landscaping and Enhancement Schemes
AEV39 - Enhancement of Main Access Corridors
AEV45 - Access for Disabled Persons
AEV46 - Design of Street Works and Furniture
AEV48 - Public Art
AHR18 - Affordable Housing
AHR23 - Accessible Housing
AHR3 - Housing Density
AHR4 - Privacy and Overlooking
AIR1 - Decisions on Planning Applications
AIR2 - Provision for infrastructure and amenity
ASR1 - Hierarchy of Shopping Centres
ASR19 - Change of use of other retail premises
ASR2 - City Centre Retail Re-development
ASR3 - Implementation City Centre Retail Redeve
ASR6 - Environmental Enhancements in New Retail
ATR1 - Traffic and the Environment
ATR18 - General Parking/Serviceing Requirements
ATR4 - Cyclists and Pedestrians
ATR5 - The Road Network
ATR8 - Proximity of Development to Public Transport
PPG13 - Transport
PPG25 - Flood Risk
PPG3 - Housing
PPG6 - Town Centres and Retail Developments
PPS1 - Delivering Sustainable Development
CS02 - Design
CS28 - Local Transport Consideration
CS06 - City Centre

CS01 - Sustainable Linked Communities
AV3 - Plymouth City Centre
CS04 - Future Employment Provision
CS15 - Housing Provision
CS16 - Housing Sites
CS32 - Designing Out Crime

ITEM 4

Application Number: 06/01251/FUL

Site Address: 119 to 120 KING STREET PLYMOUTH PL1 5JD

Description of Application: Change of use, extensions and conversion of warehouse to 31 single person flats (renewal of previous permission)

Type of Application: Full Planning Permission

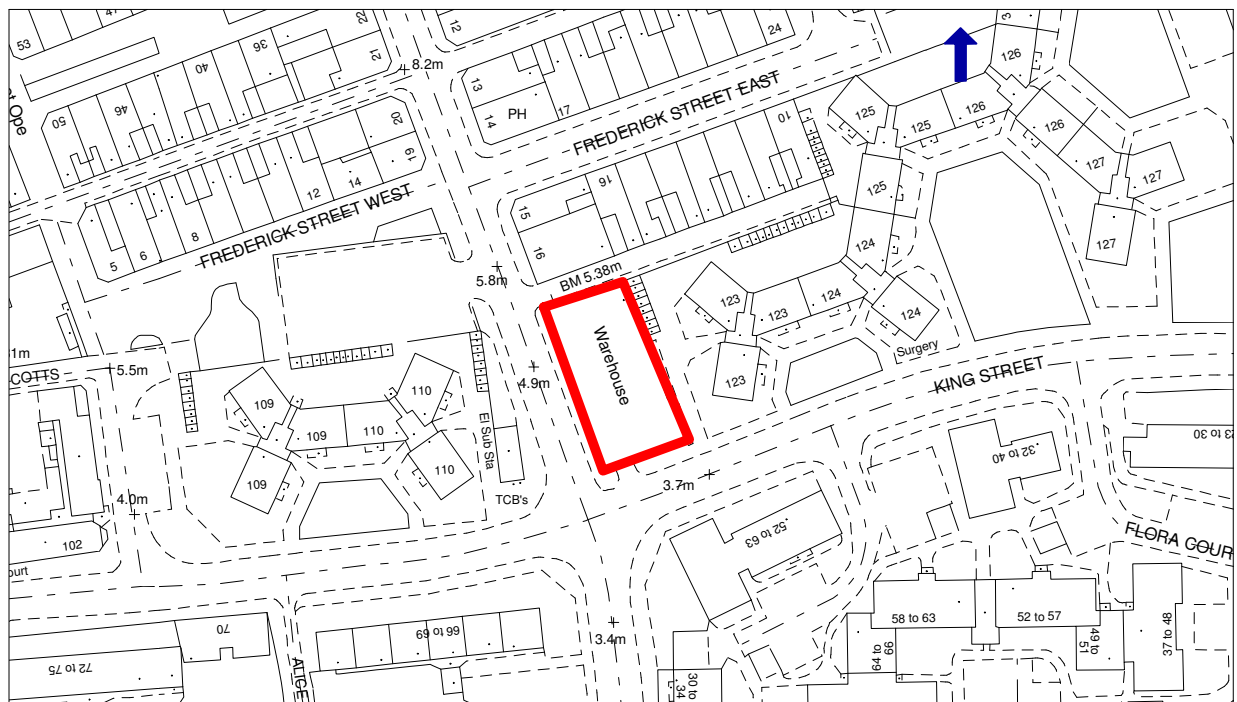
Applicant: Stuart & Annette Taylor

Ward: St Peter & The Waterfront

8 /13 Week Date: 24/10/2006

Decision Category: Major Application

Case Officer: Robert Heard



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Recommendation

In respect of the application dated 25/07/2006 and the submitted drawings: Site Location Plan it is recommended to:

Refuse

OFFICERS REPORT

Site Description

The site comprises of a 3 storey stone built warehouse building located on King Street in the Centre of Plymouth. It is currently used by a company called 'Ki Martial Arts Ltd' for the storage and distribution of boxing and martial arts equipment. Access for deliveries is at the front of the building from the King Street elevation in close proximity to the mini roundabout at the junction of King Street, Anstis Street and Octagon Street.

Surrounding development in the immediate vicinity is dominated by residential development in the form of terraced housing and smaller flatted units, with a mix of commercial and night time uses slightly further away but still nearby and within walking distance from the site.

Proposal Description

It is proposed to change the use and convert the existing warehouse building (including extensions) to 31 single person units. The application is a renewal of a previous permission.

Relevant Planning History

01/01114 – Change of use, extensions and conversion of warehouse to 31 single person flats (renewal of previous permission). PERMITTED.

01/00989 – Use of ground floor for retail purposes. PERMITTED.

96/01090 - Change of use, extensions and conversion of warehouse to 31 single person flats (renewal of previous permission). PERMITTED.

91/00692 - Change of use, extensions and conversion of warehouse to 31 single person flats. PERMITTED.

Consultation Responses

No Consultations.

Representations

None received.

Analysis

As stated above, this application is for the renewal of a previously approved application for the change of use, conversion and extension of an existing stone built warehouse building on King Street in Central Plymouth. The original application dates back to 1991 and, as shown in the history section above, has been renewed every 5 years since the date of the original

permission. Planning policy has not changed significantly since the granting of the previous renewals, with the exception that housing policies have progressed. The Local Development Framework (LDF) Core Strategy document has a completely up to date policy on the subject of affordable and lifetime housing and this is examined in more detail below. It is also considered necessary to appraise the other material consideration again, below.

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

The application proposes conversion of the building into residential use by providing 31 single person flats. Off road parking is proposed on the ground floor of the building with a small landscaped garden area also proposed along the eastern boundary. With regards to the principle of the development, the conversion and re-use of this commercial building for residential purposes, in what is a predominantly residential area, is acceptable in principle and in accordance with both national and local planning policy.

Careful consideration of the layout of the proposed conversion at the time the original application was made ensures that the privacy of both existing nearby residential properties and future residents of the proposed development will be protected. The application is therefore compliant with Policy AHR4 (Privacy and Overlooking) of the Adopted City of Plymouth Local Plan First Alteration 1996. With regards to Policy AHR5 (Character of Residential Areas), the proposed extensions and alterations are respectful of the character and appearance of the existing building, providing additions which are sympathetic to this historic building. In terms of scale, the proposed alterations and extension are appropriately proportioned and subservient to the original building. The application is therefore also compliant with Policy AEV31 (Townscape).

The application is also compliant with the criteria set out within Policy AHR10 (Layout for Conversions). All units provide a full range of amenities, are self contained (this is also proposed to be secured by planning condition) and in terms of floor space will be larger than 30m² which is the minimum size requirement for 1 bedroom flats in converted buildings. A refuse storage area is proposed in the underground car park and a small garden/landscaped area is proposed along the eastern boundary of the site. This, together with the balconies that are proposed to serve some of the units in the building ensures that there is a small amount of external amenity space available for future occupiers of the development.

The application proposes 18 off road parking spaces, to be provided in the ground floor of the building. This is considered adequate due to the site's sustainable location and compliance with policy ATR18 (General Parking/Servicing Requirements). It is in very close proximity to the town centre and within walking distance of the train station and many local bus services. It is also likely that levels of car ownership at the site would be low as the accommodation proposed is at the lower end of the market. The Transport Officer supports the application, subject to the provision of cycle storage.

Section 106 Obligations

The original planning permission, for the conversion of the premises to 31 single person residential units, in 1991, preceded the Local Plan First Alteration (1996), which in fact did contain a policy on affordable housing (Policy AHR18). (The supplementary Planning Guidance Note on Affordable Housing was adopted in 2003, and this added more weight to the issue.) Accordingly the two renewals of the planning permission (1996 and 2001) did not require affordable housing to be provided within the scheme. However, Policy CS15 of the LDF Core Strategy is based on a completely up to date appraisal of the City's housing needs, and requires developments of over 15 dwellings to have at least 30% of the number of units as affordable homes. The Core Strategy also requires 20% of new dwellings to be built to "Lifetime homes" standards. No affordable, and no lifetime homes are proposed in this renewal application. Given that the policy context for affordable and lifetime housing has changed since the last renewal of planning permission, it is valid to now make it a material consideration. As such the proposal is recommended to be refused.

The development does not require any S106 play space or education contributions, because it is for single person residential units and they are exempt in the relevant supplementary planning guidance notes.

Conclusions

The application proposes the change of use and conversion of a 3 storey stone built warehouse on King Street in Central Plymouth to residential accommodation in the form of 31 single person units. The development is sympathetic to the character and appearance of the existing building and would protect and enhance the local environment. The application would not impact upon nearby residents' residential amenities and ensures that future occupiers will have adequate levels of privacy. Satisfactory levels of off street car parking are proposed and the conversion includes an area of the site to be used as for outdoor amenity purposes. However, there have been significant changes to housing planning policy relevant to the proposed development since the previous renewal was granted. The development does not meet the terms of the policy on affordable and lifetime housing; it is therefore recommended that the application be refused.

Reasons for Refusal

1. PROVISION OF AFFORDABLE AND LIFETIME HOMES.

The proposed development would not bring forward proposals to provide affordable homes, and lifetime homes, which are required to meet the needs of the City of Plymouth's existing and future population. The proposal is therefore contrary to policy AHR18 of the City of Plymouth Local Plan First Alteration

1996 and policy CS15 of the City of Plymouth Core Strategy of the Local Development Framework 2006-2021.

Relevant Local Plan Policies

The following policies from the Devon Structure Plan (2001 to 2016) 2004, the adopted City of Plymouth Local Plan First Alteration 1996, the City of Plymouth Local Plan (1995-2011) First Deposit 2001, Plymouth Local Development Framework and Regional Spatial Strategy (the status of these documents is set out within the City of Plymouth Local Development Scheme 2006), and relevant Planning Guidance Notes, Statements and Government Circulars were taken into account determining this application:

AEV31 - Townscape

AHR10 - Layout for Conversions

AHR11 - Car Parking for Conversions

AHR4 - Privacy and Overlooking

AHR5 - Character of Residential Areas

AHR8 - Conversion of Properties

AHR9 - Cumulative Effect of Conversions

ATR18 - General Parking/ Servicing Requirements

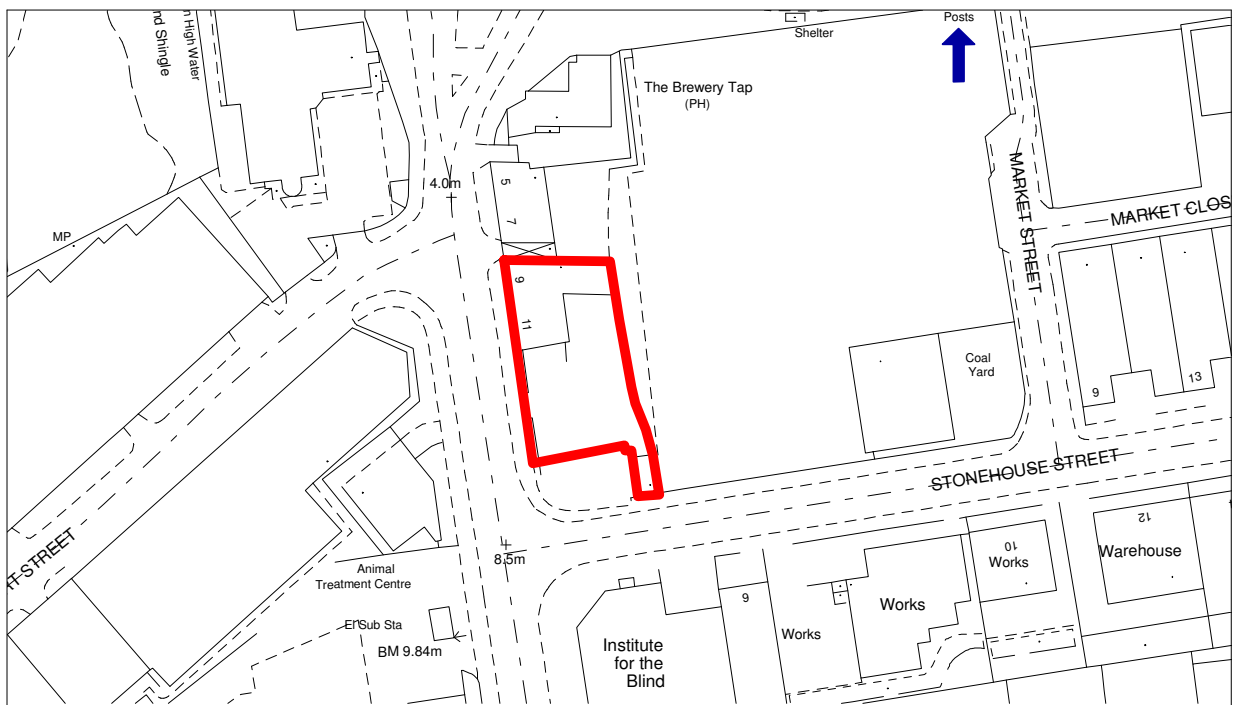
PPG3 - Housing

CS02 - Design

CS34 - Planning Application Consideration

ITEM 5

Application Number: 06/01254/FUL
Site Address: 9 to 11 DURNFORD STREET STONEHOUSE
PLYMOUTH PL1 3QJ
Description of Application: Erection of new building (5 storeys) containing 11
apartments with ground floor commercial space (B1)
provided in 2 units
Type of Application: Full Planning Permission
Applicant: Ovadell Limited
Ward: St Peter & The Waterfront
8 /13 Week Date: 25/10/2006
Decision Category: Major Application
Case Officer: James Wells



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Recommendation

In respect of the application dated 26/07/2006 and the submitted drawings: P001, PO11 Rev A, PO02, PO03, PO10, PO12, PO13, PO14, PO15, PO16, PO17, PO18, PO19, PO20, PO21, PO22, PO23. it is recommended to:

Grant Conditionally

OFFICERS REPORT

Site Description

Situated on land adjacent to 9-11 Durnford Street, the site is currently undeveloped and is surfaced with tarmac being used for parking purposes. The land is enclosed with a wall and there is a further section of land returning into Stonehouse Street that is covered with grass and performs little or no value to the area. There are some overgrown conifer type trees along the rear of the site that require cutting back. Visually the land appears un-kept at present. Durnford Street rises gently from its' junction with Union Street and the buildings along this section rise with the gradient of the land. The adjacent building is listed grade II.

Proposal Description

Erection of 5 storey building with ground floor uses consisting of 2 units allowing B1 uses and 11 apartments (composed of 8 two bed units and 3 one bed units). There are proposed to be 14 car parking spaces and 20 covered cycle parking spaces within the building.

Relevant Planning History

05/00204 – Erection of 4 storey building with 3 residential units – PERMITTED

Consultation Responses

Highway Authority

It is only necessary to provide 1 parking space per residential unit with the remainder being utilised by the commercial units. Bus stops exist immediately outside the site and on the opposite side of the road, it will be necessary to upgrade these from poles to covered shelters and raising the kerbs to provide level access. These works will cost in the region of £8200. As the Council would carry out the work this element can be covered by a negative planning condition.

Environmental Services

It will be necessary to investigate the land to determine whether contamination exists, this will be covered by condition.

Historic Environment

Comments have been provided as the proposed building adjoins a grade II Listed building. No objections have been provided and the use of locally distinctive materials is supported. No concerns have been generated with regards to the expanded Conservation Area.

Representations

Stonehouse Residents Association are concerned that the development will cause congestion in the area. It is considered that adequate parking is provided for the site and in combination with the cycle parking and ready access to bus services the development can be accommodated without detriment to the area.

Analysis

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

For the purposes of decision making, the core strategy contains the most relevant planning guidance. The First Alteration and the First Deposit local plan are of little relevance now as they identify the land as being purely an employment area. The thrust of the LDF emphasises the need for mixed uses to avoid 'zoned' areas that become inactive at certain times of the day.

In particular Area Vision 2 talks about how Millbay and Stonehouse will become an attractive mixed use neighbourhood. Objectives include creating a vibrant neighbourhood, positive mixed use regeneration on unused/underused sites, seeking design quality and to provide and support employment opportunities. The area is shown as being an established mixed commercial and residential development zone.

Strategic objectives 6 (delivering the economic strategy) and 10 (delivering adequate housing supply) are directly relevant.

A similar proposal has been approved within the attached listed building and this scheme is currently being developed, this allowed for a commercial ground floor use with apartments above. The nature of the surrounding employment uses are such that they can be carried on without affecting residential properties and vice versa.

The proposals are supported by a comprehensive design statement; this explains the evolution of the design solution. The scheme is of a very high quality and responds positively to the building it is attached to and the nature of the area. The external materials are proposed to be Portland stone cladding with a metal roof on the top two floors. The design echoes the style of the listed building and uses this as a reference point but provides a contemporary approach. The scale of the building is appropriate as it follows the rise in the land. It is felt that the design is very well considered and provides a new design

style for the area that is locally distinctive. The design provides positive reinforcement to both the Durnford Street frontage and Stonehouse Street.

The units of living accommodation all provide a good aspect and are of sufficient size to provide the range of amenities required.

An archaeological assessment will be necessary to consider possible artefacts beneath the surface, this will be dealt with by condition.

Section 106 Obligations

Not required, the necessary alterations to the 2 bus stops will be covered by a negative condition. This is possible as the Council would carry out the work.

Conclusions

It is considered that the nature of the proposals are inherently positive by offering an active ground floor commercial use with residential accommodation above. The design is a very high standard and reflects local styles with high quality materials. The development is supported with adequate parking provision and other necessary facilities. The proposals are consistent with the aims and visions put forward in the LDF and offer a good quality scheme at the entrance into a regeneration area.

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

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

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

CODE OF PRACTICE DURING CONSTRUCTION

(2) Before any development is commenced, a Code of Practice shall be submitted to and approved by the Local Planning Authority which shall indicate measures to mitigate against adverse effects of noise, dust and traffic generation during the construction of the proposed development. The Code of Practice shall indicate: -

- a. the proposed hours of operation of construction activities;
- b. the frequency, duration and means of operation involving demolitions, excavations, drilling, piling, concrete production and dredging operations;
- c. sound attenuation measures to be incorporated to reduce noise at source;
- d. details of measures to be taken to reduce the generation of dust;
- e. the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material.

The Code of Practice shall be strictly adhered to during all stages of the construction of the proposed development.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy AEV49 of the adopted City of Plymouth Local Plan First Alteration 1996.

CONTAMINATED LAND

(3) Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The said scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the occupiers of the building when the site is developed. Development shall not commence until the measures approved in the scheme have been implemented.

Reason:

There is a possibility that the site, or parts of it, are contaminated from past activities and, if so, this will need to be dealt with before the development takes place in accordance with Planning Policy Guidance Note PPG23: Planning and Pollution Control (Chapter 4 and Annex 10); and Policy AEV50 the adopted City of Plymouth Local Plan First Alteration 1996.

PROGRAMME OF ARCHAEOLOGICAL WORK

(4) No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. (Developers will wish to ensure that in drawing up a scheme, the timetable for the investigation is included within the details of the agreed scheme).

Reason:

In accordance with Policy AEV11 of the adopted City of Plymouth Local Plan First Alteration 1996.

GRAMPIAN (ACCESS/HIGHWAY IMPROVEMENTS)

(5) The development shall not be occupied until the existing bus stops outside the site and on the opposite side of the road have been provided with covered shelters and the necessary associated infrastructure in accordance with details previously approved in writing by the Local Planning Authority.

Reason:

In the interests of highway and pedestrian safety in accordance with guidance contained in PPG13.

CAR PARKING PROVISION

(6) The development shall not 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 maximum of 13 cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear.

Reason:

In the opinion of the Local Planning Authority, although some provision needs to be made, the level of car parking provision should be limited in order to assist the promotion of sustainable travel choices.

CYCLE PROVISION

(7) The development shall not be occupied until space has been laid out within the site in accordance with the approved plan for at least 13 bicycles to be parked.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with guidance in PPG13.

CYCLE STORAGE

(8) 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.

STREET DETAILS

(9) Development shall not begin 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 part of the development 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 AIR2 of the adopted City of Plymouth Local Plan First Alteration 1996.

SPECIFIED USE RESTRICTION

(10) The two ground floor commercial premises shall be used for B1 and for no other purposes including any other purpose in Class B of the Schedule to the Town and Country (Use Classes) Order 2006, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason:

The Local Planning Authority considers that, in the particular circumstances of the case, the use of the premises for the purpose specified is appropriate but that a proposal to use the building for any other purposes would need to be made the subject of a separate application to be considered on its merits.

EXTERNAL MATERIALS

(11) No development shall take place until 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 AEV31 of the adopted City of Plymouth Local Plan First Alteration 1996.

FURTHER DETAILS

(12) No work shall commence on site until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz:- Proposed vehicle access gates. The works shall conform to the approved details.

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity and to ensure that the development provides a secure layout in accord with policy AEV47 of the adopted City of Plymouth Local Plan 1996.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations which in this case are considered to be: the principle of the development, the standard of the accommodation provided, the necessary infrastructure, the standard of the design and associated matters, the proposal is not considered to be demonstrably harmful to local amenities. In the absence of any other overriding considerations, and with the imposition of the specified planning conditions, the proposed development is acceptable and complies with the following policies of the Devon Structure Plan (2001 to 2016) 2004, the adopted City of Plymouth Local Plan First Alteration 1996, Plymouth Local Development Framework, Core Strategy, Regional Spatial Strategy and North Plymstock Area Action Plan (the status of these documents is set out within the City of Plymouth Local Development Scheme 2006), and relevant Planning Guidance Notes, Statements and Government Circulars as follows:

INFORMATIVE RESIDENTS PERMIT PARKING

(1) The development will be excluded from the residents permit parking scheme in operation.

INFORMATIVE - CONTACT FOR BUS STOPS

(2) The developer is advised to contact Steve Bagley on telephone number 01752 304496 regarding the provision of upgraded bus stops and associated infrastructure.

INFORMATIVE - RESURFACING FOOTPATH

(3) It will be necessary to re-surface the footway along the site frontage. The developer should contact the Local Highway Authority on 01752 304910 to make the necessary arrangements.

AEV14 - Character, setting and demolition of LB
AEV31 - Townscape
AEV47 - Safe and Secure Environments
AEV49 - Pollution
AHR2 - New Residential Development
AHR3 - Housing Density
AIR2 - Provision for infrastructure and amenity
ATR18 - General Parking/ Servicing Requirements
ATR5 - The Road Network
CS02 - Design
CS28 - Local Transport Consideration
CS32 - Designing out Crime
CS33 - Community Benefits/ Planning Obligation
CS34 - Planning Application Consideration
CS03 - Historic Environment
CS03 - Historic Environment
CS04 - Future Employment Provision
CS15 - Housing Provision

ITEM 6

Application Number: 06/01315/OUT

Site Address: BEACON CASTLE SPORTS AND SOCIAL CLUB
AND 18 CHANNEL PARK AVENUE PLYMOUTH
PL3 6LQ

Description of Application: Outline application to redevelop land by erection of four-storey building containing 12 flats and 2 penthouse units, a terrace of 2 houses and a maisonette and a detached dwelling (including details of siting and access)

Type of Application: Outline Planning Permission

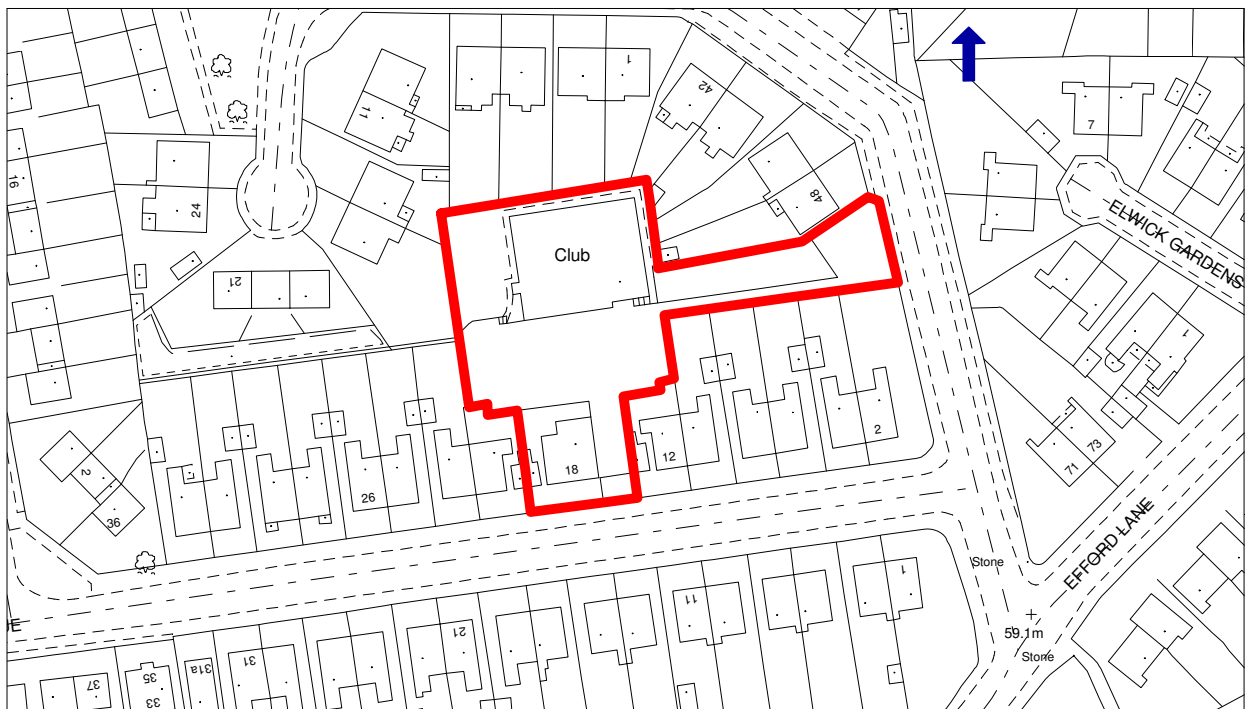
Applicant: Unionworld Ltd

Ward: Efford & Lipson

8 /13 Week Date: 03/11/2006

Decision Category: Major Application

Case Officer: Karen Gallacher



Recommendation

In respect of the application dated 04/08/2006 and the submitted drawings: location plan, 538/01, 538/02, 538/03, 538/05 and 06/1307/01 it is recommended to:

Refuse

OFFICERS REPORT

Site Description

The site is within a residential area of Efford. It is currently occupied by the Beacon Castle Sports and Social Club plus associated parking and 18 Channel Park Avenue. It is a fairly steeply sloping site that is bounded on all sides by residential development. Vehicular access to the site is off Channel Park Avenue. There is a pedestrian access off Higher Efford Road.

Proposal Description

The proposal is to demolish the club and the bungalow and redevelop the site for residential purposes. The application is an outline proposal to build a four storey block of 12 flats with 2 penthouse units to the rear of the site, a block containing 2 houses and a maisonette between 12 and 20 Channel Park Avenue and a house. A central area is set aside for parking for 20 vehicles. Amenity space is shown surrounding the buildings. The access and siting are included in the application.

Relevant Planning History

97/1503 – pitched roof - REFUSED

98/883 – 5 degree pitched roof - GRANTED

Consultation Responses

Highway Authority

Recommend refusal on grounds of inadequate access and parking

South West Water

No comments received

Education

Request £22,707 for secondary education

Representations

There have been 13 letters of objection and one petition containing 40 signatures. The following concerns are raised: a 4 storey building in such an elevated position would dominate and cause loss of privacy, view and light for neighbours living adjacent to the site in Kirton Place, Channel Park Ave and Higher Efford Road, traffic congestion, breach of a covenant which states that nothing should be built higher than the existing building, noise and disturbance during construction, 4 stories would be out of character and too high, inadequate parking, loss of light, privacy and value to 15 Kirton Place, flats and high density residential is out of character with the area, overshadowing garden in Kirton Place, create an unsafe environment and encourage criminal activity,

one vehicular access would be unsafe especially in the event of a fire, access should be on Higher Efford Road, access is too steep, previous applications have restricted roof height, difficulty for waste removal, impact on telegraph poles.

Analysis

The main considerations are the loss of the community facility, the principle of residential development, the impact on neighbouring property and the impact on the highway network.

The loss of the community facility - ACR11

The Efford sustainable community study identifies that there are no public houses in the Efford area. The loss of this community facility would exacerbate this situation. However, this is a private members club where the applicant claims that the membership has fallen from 1,500 in recent years to 100. The site is not conveniently located in terms of the local centre, and because it is surrounded on all sides by residential property. In the past there had been complaints from local residents about disturbance, but the club has diminished so that this does not appear to be an issue. In addition, there have been no objections to the loss of the club from local residents. The site is not therefore an ideal location for such a facility. Despite this, it is clear that there is a need for such a facility in this area. Policy ACR11 states that such a loss can only be justified if it is incorporated in the development or replaced elsewhere. Should the application be approved, a contribution towards a community facility for the area would be sought.

Principle of residential development – AHR2

The site is enclosed by residential development, and identified as part of the established residential area in the FDLP. Therefore despite only reasonable access to public transport and the distance from the neighbourhood centre, residential is considered acceptable in principle.

Impact on neighbouring property - AHR2 and CS34

Block B

There are significant changes in level on the site and between the site and its neighbours. The properties to the rear are approx 3m higher than the adjacent ground level on the site, and the difference between the front and the back of the site is approx 4m. The bungalows to the side and rear in Kirton Place are between 7m and 17m from the rear boundary of the site. The existing building is 2 storey with a very shallow roof, and although it is within 2m of the rear boundary, it does cause significant harm to the neighbours because it is at a lower level and does not have windows on the main elevations facing these properties.

The proposed building is shown to be 3.5m further from the rear boundary, 6m further from the eastern boundary and 3.5m closer to the western boundary than the existing building. The proposed building would be 4- storey, and the illustrative drawings show this to be achieved using a mansard roof detail presumably to keep the height of the building to a minimum. Based on the illustrative drawing the building would need to be approx 3.5 – 4m higher than the existing building. The illustrative plan shows habitable room windows on all

sides of the building, and it is difficult to see how the internal layout could be achieved without such windows in these elevations.

There are 4 bungalows directly to the rear which would be approx 20 - 21m from the rear of the building. The new building would be at least 8.5 - 9m above the level of the gardens to the rear, and within 5m of the rear boundary of these gardens. Policy AHR4 refers to a distance of 21m between 2 storey buildings as being appropriate in terms of privacy and 12m between habitable room windows and a flank wall as being acceptable in terms of dominance. Clearly these distances can be achieved, but there are 2 reasons why this is not acceptable. The development shown would be higher than a 2 storey building, and being close to the boundary would result in the 1-11 Kirton Place and their rear garden areas being overlooked and unacceptably dominated.

13 and 15 Kirton Place would be 13 – 18.5 m from the west elevation of the new building. The new building would be 6 -6.5m from the side boundary. Again the proximity of the building to the boundary, its height and the need for windows in the side elevation would cause serious overlooking and dominance.

46 -52 Higher Efford Road would be approx 20 - 30m from the new building and the new building would be 8.5 – 9 m from the side boundary. Even at these distances, the development would cause significant overlooking and dominance of the rear gardens.

A distance of 23m is shown between the proposed 4 storey building and 12 and 20 Channel Park Ave. This is not considered to be sufficient to give sufficient privacy to these houses and gardens given that the building would be 4 storey and would be on a ground level approx 2 - 3m higher than these houses. Properties on either side of 12 and 20 would not be so harmed to justify refusal on these grounds.

Block A

This 3 storey block is sited between 12 and 20 Channel Park Ave. It does not project beyond the front or rear building line of the neighbouring properties, and is sufficient distance from other neighbours so as not to cause any significant level of harm to these neighbours.

Block C

This single dwelling would be sited on the grassed area adjacent to 52 Higher Efford Road. The building would be 2-storey. The side elevation facing 52 would be at a lower level and have no significant impact on this property. The rear garden of 2 Channel Park Ave is 20m long and there is sufficient distance between the flank wall of the proposed house and number 2 so as not to harm the amenity of this property despite changes in level.

Design – AEV31, AHR2 and CS34

This is an outline application and the design of the building has been reserved for later consideration. However, illustrative plans have been submitted to show that the 4th floor of block B and the 3rd floor of block A would take the form of a mansard roof. Whilst the mansard would reduce the impact on neighbours and the massing of these buildings, in design terms they would be out of character

and harmful to the area. Any other form of 3 storey development of block A would be out of character with the adjacent buildings in Channel Park Ave. Any other 4 storey design for block B would increase the height, impact on neighbours and be harmful in terms of the character of the area.

Highway implications – policies ATR5, ATR18 and CS28

Unit C would have separate access from Higher Efford Road and there are no objections from highways in respect of this dwelling.

Access

The main access to the site would be from Channel Park Ave. No details have been submitted to show that there would be alterations to the access level. The gradient is shown on the illustrative plans and the cross section as between 1 in 4 and 1 in 7, either of which are unacceptable for vehicles and people with disabilities. In addition pedestrian access into the site is extremely poor, inconvenient and unacceptable with car parking against the building impinging on and likely to obstruct the entrance and pedestrian movements and circulation around the building. The illustrative plans indicate that access would be through an arch in the building. This arch is shown to be 2.4m high which is insufficient for service vehicles: 4.5m is required in this situation.

Visibility is shown to be acceptable. The proposal is considered to be contrary to policy ATR5 and CS28

Parking

The indicative plan shows a parking area for 20 cars situated between the 2 main buildings. Given the siting of the buildings it is difficult to see where else parking could be provided. The site is not ideally situated in terms of public transport: there isn't a link to Derriford and the frequency of busses to the City Centre, especially in the evening and at weekends, is not particularly good. The 17 flats are indicated to be 2 and 3 bed units, so it is likely that they would be occupied as family units. The Highway Authority has requested a level of 1.5 spaces per unit to prevent parking on the road. The indicative plan and the site layout indicate that this cannot be achieved. The proposal is considered to be contrary to ATR18 and CS28.

Bus services

Should the application be approved a contribution of £10,000 towards a new bus stop would be required.

Standard of accommodation – AHR2 and CS34

The main concerns about the standard of accommodation are the provision of private amenity space that would be available for the 17 flats, and the fact that there would be a degree of overlooking from the gardens to the rear.

The plans indicate that the only amenity space for the residents is the area surrounding the main building and a small area adjacent to the house. These areas would either be overshadowed or would form part of the access to Higher Efford Road and therefore not be private. There is little option to provide private balconies as these would exacerbate the overlooking problems.

Affordable housing AHR18 and CS15.

The proposal is for 18 units of accommodation and therefore should include 30% affordable housing as supported by policy CS15. The applicant argues that such a contribution is not required because the local development framework (LDF) has not progressed far enough to give weight to the new policy, and case history has been submitted to support this view. The LDF policy is in line with government guidance, and the case is not directly relevant to this situation. The proposal is therefore considered contrary to policy CS18.

Infrastructure - AIR2 and CS33

The accommodation would be likely to be occupied by families. To accommodate the additional educational costs, a contribution of £22,707.38 would be required. £27,969.32 has been requested for improvements that would be required at channel Park Playground. The application has not commented on such contributions. These contributions would be sought if the application were to be granted.

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

Section 106 Obligations

The application is recommended for refusal. There are no section 106 contributions. The development does not bring forward proposals to mitigate the impact it would have on the existing community infrastructure. Financial contributions would be required to mitigate the loss of the club as a community facility, to provide for bus service improvements, to provide for play facility improvements, and to accommodate the additional demands on the schools. The development would also be expected to make provision for affordable housing, in accordance with current policy – the application does not provide for affordable housing at all.

Conclusions

The proposal is considered to represent an overdevelopment of the site, which would harm neighbours' amenity, be out of character with the surrounding area and provide an inadequate level of parking and amenity area. In addition the proposal would fail to meet the need for affordable housing, and would not bring forward adequate proposals to mitigate its impact on community infrastructure.

Reasons for Refusal

HARM TO NEIGHBOURS

(1) In the opinion of the Local Planning Authority, the proposed 4 storey development would be unacceptable because of the extent to which it would overlook and dominate the neighboring residential development. The proposal is therefore considered to be contrary to policy AHR2 of the City of Plymouth Local Plan First Alteration 1996 and CS15 of the Local Development Framework Core Strategy

OUT OF CHARACTER

(2) In the opinion of the Local Planning Authority, having regard to the illustrative plans and the impact that a 3 and 4 storey development would have, the proposal is considered to be out of character in terms of the height and massing of the buildings. In particular the style of roof that has been shown on the illustrative plans would be out of character with other development in the vicinity, as would other forms of 3 and 4 storey development. The proposal is therefore considered to be contrary to policy AHR2, AEV31 of the City of Plymouth Local Plan First Alteration 1996 and CS34 of the Local Development Framework Core Strategy

INADEQUATE PARKING

(3) In the opinion of the Local Planning Authority, the proposed development would require 1.5 parking spaces per unit of accommodation due to its peripheral location and the infrequent bus service. The proposed siting of the buildings, as supported by the illustrative plan would not allow for this level of parking. The proposal is therefore considered to be contrary to policy AHR2 and ATR18 of the City of Plymouth Local Plan First Alteration 1996 and CS28 of the Local Development Framework Core Strategy

SUBSTANDARD ACCESS

(4) In the opinion of the Local Planning Authority, the proposed access is considered to be substandard and unsuitable for the intended use, and likely to give rise to issues of personal and highway safety. The proposal is therefore considered to be contrary to policy AHR2 and ATR5 of the City of Plymouth Local Plan First Alteration 1996 and CS28 of the Local Development Framework Core Strategy

INADEQUATE INFRASTRUCTURE

(5) The proposed development would not bring forward adequate proposals for infrastructure provision, which would arise as a direct consequence of the development. It is therefore contrary to Local Plan First Alteration Policy AIR2 and Local Development Framework Core Strategy Policy CS33.

SUBSTANDARD ACCOMMODATION

(6) In the opinion of the Local Planning Authority, the proposed accommodation would not have an adequate private amenity area. The proposal is therefore considered to be contrary to policy AHR2 of the City of Plymouth Local Plan First Alteration 1996 and CS15 of the Local Development Framework Core Strategy

AFFORDABLE AND LIFETIME HOMES

(7) The proposed development would not bring forward proposals to provide affordable and lifetime homes, which are required to meet the needs of the city's existing and future population. It is therefore contrary to Local Plan First Alteration Policy AHR18 and Local Development Framework Core Strategy Policy CS15.

Relevant Local Plan Policies

The following policies from the Devon Structure Plan (1) 2004, the adopted City of Plymouth Local Plan First Alteration 1996, the City of Plymouth Local Plan (1995-2011) First Deposit 2001, Plymouth Local Development Framework and Regional Spatial Strategy (the status of these documents is set out within the City of Plymouth Local Development Scheme 2006), and relevant Planning Guidance Notes, Statements and Government Circulars were taken into account determining this application:

AEV31 - Townscape

AHR2 - New Residential Development

AIR2 - Provision for infrastructure and amenity

ATR18 - General Parking/Servicing Requirements

ATR5 - The Road Network

CS28 - Local Transport Consideration

CS33 - Community Benefits/Planning Obligation

CS34 - Planning Application Consideration

CS15 - Housing Provision

ITEM 7

Application Number: 06/01368/FUL

Site Address: EAST QUAYS BOAT YARD SUTTON ROAD
SUTTON HARBOUR PLYMOUTH PL4 0HX

Description of Application: Demolition of light industrial unit/office unit, redundant public house and erection of mixed use residential scheme (including use classes A1, A2, A3, B1a and B1 Marine related employment uses) comprising 101 residential flats within a ten/eleven storey building and three storey office building, with associated parking

Type of Application: Full Planning Permission

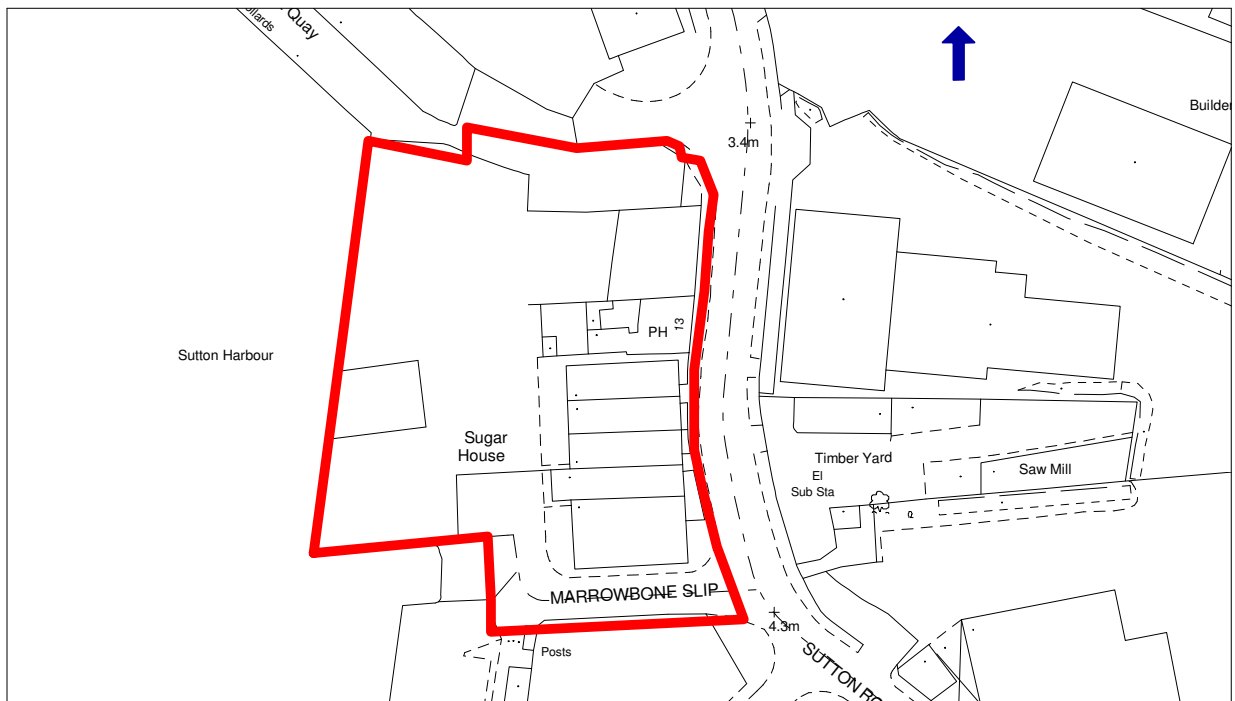
Applicant: Sutton Harbour Company

Ward: Sutton & Mount Gould

8 /13 Week Date: 14/11/2006

Decision Category: Major Application

Case Officer: Mark Evans



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Recommendation

In respect of the application dated 15/08/2006 and the submitted drawings: it is recommended to:

Grant Subject to S106 Obligation - Full

OFFICERS REPORT

Site Description

The application site is approximately 0.5 Hectares in area and comprises land that has been partly reclaimed from Sutton Harbour.

The site is prominently located, fronting onto Sutton Harbour, and is open to close up and distant public vantage points from around Sutton Harbour and the Barbican and Sutton Road, from which it has direct vehicular and pedestrian access.

Marrow Bone Slip lies immediately to the south and provides public access to the water; Sutton Road lies to the east and the access lane adjoining Salt Quay House to the north.

The site houses a two storey light industrial and office unit to the east which is occupied by "Marine Leisure" on the ground floor. The upper floors are generally vacant but at the southern end are occupied by the TGWU.

There is a vacant and derelict former public house "The Shipwright's Arms" with associated car parking to the north east Corner of the site.

The remainder of the site is in use as an open boatyard for the storage and maintenance of yachts and boats and is hard-surfaced in asphalt.

Proposal Description

The proposal incorporates the demolition of the existing light industrial unit/office unit and redundant public house, and the redevelopment of the site with a mixed use residential scheme. This includes Class A1 (retail use), A2 (financial and professional use), A3 (restaurant or cafe use), B1a (Office) and B1 (light industrial) marine related employment use. The residential element comprises 101 residential apartments within a ten/eleven storey building (approximately 43m high) and a three storey office building (2670 square metres) with associated car parking.

It is proposed to provide a 104 space internal car park accessed by a car lift system, plus 25 internal parking spaces for goods vehicles associated with the office use and secure cycle parking.

The development includes a generous, publicly accessible waterfront strip, designed to integrate with the adjoining public waterfront walkway at the front of Salt Quay House and the recently constructed Eau 2 mixed use residential scheme. This will enable improved public and pedestrian access to the waterfront of the harbour.

The proposed development also addresses the strategically important opportunity of connecting the East End to the waterfront through the incorporation of the first phase of a new boulevard to the north of the site.

Living accommodation will be varied in type, size, cost and tenure, with a range of one, two and three bed apartments.

The external materials palette for the development includes a mix of limestone, render, part weathered copper with a deep brown patina, metal paneling, powder coated aluminium, cedar cladding, a glazed curtain walling system with a mix of clear and obscure glazing and sliding timber louvers.

Relevant Planning History

06/00394/FUL - Demolition of light industrial/office unit and erection of mixed use residential scheme (including use classes A1, A2, A3, A4, B1, B2 and B8) comprising 107 residential flats within a ten storey building and four storey office building, with associated parking, waterfront piazza and retention, extension and refurbishment of public house – WITHDRAWN

Consultation Responses

Environment Agency

Objection on the grounds of lack of adequate Flood Risk Assessment.

Highway Authority

No objections subject to conditions.

Highways Agency

Environmental Services

No objections subject to conditions.

Representations

6 letters of objection received. 1 letter of comment. Objections can be summarised as:

1. Loss of the Shipwright's Arms should not be supported. The building is considered to be a fine historic building which must be listed. The request is made to incorporate the Shipwright's building into the design. Agreeing to its loss would be considered to jeopardise the future of the adjoining "grand old buildings" on Salt Quay;
2. The plans do not appear to show a public walkway around Sutton Harbour and disappointment is expressed that a previously seen "open area for cafes" is no longer proposed;
3. The design of the development is considered to be ugly, uncohesive, messy, intrusive and not considered to be acceptable. Overall the development is considered to be out of keeping with that in the locality, make the area far too claustrophobic and is considered to be overdevelopment of the site;

4. The relationship of the development to Eau 2 is considered to be too tight giving a very crowded perspective;
5. It is considered that the area is already being severely developed and it is questioned whether there is a need for so many apartments. It is stated that many of the units in the adjoining Eau 2 development are still unsold;
6. The proposal is considered to squash all the living spaces to one end which is considered to disadvantage the residents of Eau2;
7. Increased traffic in an area considered to be already gridlocked;
8. Loss of a financially viable boatyard which caters for fishing vessels and leisure craft, with resultant loss of permanent skilled jobs and boat storage area. This boatyard is reported as having the only open space to salvage or lift out any boat which may sink in the marina;

1 Letter of comment advises that an industrial process of a noisy and sometimes dusty nature operates in the locality and that it is considered to be imperative that the new residential flats be adequately soundproofed.

Analysis

The key issues of this development proposal are:

1. The impact of the development on the appearance and character of the area;
2. The impact of the development upon neighbouring properties;
3. The impact of the development on the City Centre;
4. The impact of the development upon the highway network.

The application should be assessed primarily against adopted City of Plymouth Local Plan Policies AEV11 (Archaeology), AEV14 (Setting of Listed Buildings), AEV31 (Townscape), AEV32 (Townscape – Development along important communication corridors), AEV33 (Townscape – Efficient pedestrian circulation), AEV38 (Landscaping and Enhancement Schemes), AEV40 (Waterfront Development), AEV41 (Access to public buildings), AEV45 (Access), AEV46 (Access), AEV47 (Creation of safe and secure environments), AEV48 (Public Art), AEV50 (Contaminated Land Issues), AIR1 (Implementation), AIR2 (Implementation - Impact), ATR4 (Cyclists and pedestrians), ATR5 (Road Network), ATR18 (Parking), ATR20 (Car Parking for people with disabilities), AHR2 (Control of new residential development), AHR3 (Housing Density), AHR4 (Privacy and Overlooking), AHR5 (Character of residential areas), AHR18 (Affordable Housing), AHR23 (Accessible Housing), AER7 (Port facilities), AER8 (Redevelopment of employment land), AER11 (City Centre offices), ASR12 (Tourist/Leisure related Shopping), ASR21 (Food and Drink), ASR25 (Access), ATM2 (Pedestrian Routes), ATM4 (Core Tourism Area), ATM11 (Access), ARL9 (Children’s Play Space), ARL19 (Access to Recreation and Leisure), ARL25 (Access to Informal Recreational Opportunities), ARL26 (Water Recreation) and ARL28 (Retention of Public Slipways and Landings).

Furthermore the Local Development Framework Core Strategy final submission document has now been published and will be considered for adoption in early 2007. This document is therefore a material consideration in the determination of this application. This report therefore has due regard to the following policies: CS01 (Sustainable Linked Communities); CS02 (Design); CS03 (Historic Environment); Strategic Objective 5 (Delivering Regeneration) and Area Vision 5 (Sutton Harbour); AV03 (Plymouth City Centre); CS04 (Future Employment Provision); CS05 (Development of Existing Sites); CS12 (Cultural / Leisure Development Considerations); CS13 (Evening/Night Time Economy Uses); CS15 (Housing Provision); CS16 (Housing Sites); CS21 (Flood Risk); CS22 (Pollution); CS28 (Local Transport Considerations); CS32 (Designing Out Crime); CS33 (Community Benefits/Planning Obligations); CS34 (Planning Application Considerations).

Consideration should also be given to PPS1 - Delivering Sustainable Development, CABE Tall Building Guidance, City of Plymouth Draft Tall Building Strategy, the Vision for Plymouth Interim Planning Statement and the adopted Sutton Harbour East Interim Planning Statement.

Planning Policy Statement 1 (PPS1) sets out the overarching planning policies on the delivery of sustainable development through the planning system. This PPS replaces Planning Policy Guidance (PPG) Note 1, General Policies and Principles, published in February 1997. PPS1 establishes the Government's firm commitment to creating sustainable communities. It emphasises that good planning is critical to realising this commitment through delivering this objective. Guidance on quality of design is clear: Good design ensures attractive, usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning' (para 33)

Good design should contribute positively to making places better for people (para 34) Thus planning authorities should plan positively to secure high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted: High quality design ensures usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is not just about the architecture of individual buildings, but also about the functionality and impact of the development on the overall character, quality and sustainability of an area including resources efficiency (for example energy consumption) There should be no acceptance of ill-conceived designs which do not contribute positively to making places better for people.

The adopted Sutton Harbour East Interim Planning Statement sets out 8 strategic objectives which provide a touchstone against which development proposals for the area should be considered. These objectives include:

1. The creation of a new neighbourhood;
2. A vibrant waterfront;
3. A joined-up area;
4. An area that respects its heritage;
5. An area that puts pedestrians first;
6. An area that produces high quality streets;
7. An area that produces high quality buildings;
8. An area that has effective gateways.

CABE guidance advises that applicants seeking planning permission for tall buildings should ensure that the “relationship to context, including natural topography, scale, height, urban grain, streetscape and built form, and the effect on the skyline” are fully addressed. “Tall buildings should have a positive relationship with relevant topographical features and other tall buildings; the virtue of clusters when perceived from all directions should be considered in this light.”

In addition, developers are advised to consider the “contribution made to the permeability of the site and the wider area; opportunities to offer improved linkages on foot, and where appropriate, the opening up, or effective closure, of views to improve the legibility of the city and the wider townscape”.

The City of Plymouth First Deposit Local Plan (1995-2011) (FDLP) was published for consultation in December 2001, and was placed on formal deposit in January 2002. On 18 March 2003, in anticipation of the Government's proposed reform of the development planning system nationally, the Council's Executive Committee resolved not to proceed to Revised Deposit stage, but instead to move towards producing the Local Development Framework (LDF) for Plymouth. Where proposals within the FDLP have not been superseded by the LDF Core Strategy, they continue to comprise “material considerations” in decision making.

The site is located in the East End Strategic Opportunity Area and part of the site is the subject of Proposal 19 of the First Deposit Local Plan (FDLP). Proposal 19 relates to part of the application site, together with the adjoining former Rowe's Warehouse site, and allocates the land for mixed use development involving residential (approximately 50 dwellings) and hotel, leisure, retail (marine, leisure or tourism related), food and drink uses and Class B1 offices. The application site forms part of a project known as the Sutton Partnership, with the City Council being a partner. Proposal 124 relates to the completion of the Sutton Harbour Heritage Trail and requires its route to be safeguarded and for contributions to be sought towards its provision.

The locally distinctive building form of Sutton Harbour is the variety of building styles rather than the repetition of one style or design. Specific care and attention has been given to ensuring that the design and form of the proposed development maintains this variety and also that it remains in keeping with the appearance and character of the locality. As a result the development is considered to contribute positively to the existing high quality waterfront design and is in keeping with the variety of building styles that give Sutton Harbour and the Barbican its locally distinctive character. Such development is supported by adopted City of Plymouth Local Plan policy AEV31, AEV32, AEV40, AHR3, AHR5, adopted Sutton Harbour East IPS, CABE guidance and relevant Central Government guidance contained within PPS1.

The proposed design, by virtue of its siting, design, massing and use of active ground floor facades, is considered to have a positive relationship with Sutton Road, creating a high quality street environment. Such development is in accordance with the provisions of adopted Local Plan Policy AEV31, AHR3, AHR5, CABE Guidance and adopted Sutton Harbour East IPS objectives 6 and 7.

The proposed design, scale and massing of the proposed development is considered to be in keeping with the development in the locality, and by virtue of how the proposed volumes are arranged across the site, maintains the townscape/skyline continuity with respect to the adjoining Eau 1 and Eau2 buildings. The siting, design and massing of the development is considered to have an acceptable relationship to the neighbouring development at Eau 2. The development is considered to successfully integrate into the landscape and wider setting of the waterfront. Such development is in accordance with adopted Sutton Harbour East Interim Planning Statement objective 7, adopted Local Plan Policy AEV31, AEV32, AEV40, and relevant Central Government advice.

The development is considered to create a satisfactory relationship with the quayside by virtue of the development's orientation, layout and distribution of ground floor uses, together with the arrangement of its built volumes. The proposed development is considered to create a vibrant, attractive waterfront with respect to the Sutton Harbour basin as it takes the opportunity to maximise active ground floor uses onto the waterfront by aligning with the harbour wall in line with adopted Sutton Harbour East IPS, Objectives 2 and 6. Such development is supported by adopted Local Plan Policy AEV31, AEV40, ATM4 and relevant Central Government Guidance contained within PPS1.

The siting, layout and orientation of the office building is considered to support the wider strategic objective within adopted Sutton Harbour IPS to enhance existing views and vistas in the locality to improve legibility and linkages/relationship to the wider area. Specifically, the opportunity to create a new boulevard link between St Johns Church and Exeter Street to the quayside is enabled by the proposed siting of the development. Such development is supported by adopted Local Plan policy AEV31, AEV40, ATM4, adopted Sutton Harbour East IPS and relevant Central Government advice.

The proposed car parking and access arrangements are considered to be acceptable and accord with adopted policies ATR4, ATR5, ATR18 and ATR20. The Highways Authority does not raise any objections to the proposed development.

Whilst the loss of the existing boatyard is noted, the applicant is considered to have successfully demonstrated that adequate equivalent facilities remain in the locality to cater for this use. Due to changes in technology and the limitations of the site due to its restricted size and access/egress difficulties, the boatyard was closed in the spring of 2006. Emerging legislation and the site's inability to adapt to modern operational requirements were also a key factor in the boatyard owner's decision on this matter. The redevelopment of the site and wider benefits the regeneration of this site will have on the locality is supported by adopted City of Plymouth Local Plan policies AER2 and AER7. The redevelopment of this employment site for a mixed use development is specifically permitted by adopted policy AER8.

The objection of the Environment Agency is noted. Negotiations are taking place with the Environment Agency to address this matter, with a view to producing an appropriate level of flood risk mitigating measures in line with PPG25 guidance. An update on progress on this matter will be reported as an addendum.

Policy AEV14 covers the setting of listed buildings. By virtue of the distance of the site from the China House and the proposed high quality building design and massing, the proposed development is not considered to have any significant adverse impact upon the nearby listed China House, and is considered to contribute to the enhancement of its setting.

The Shipwright's Arms is considered to be a building of local historic merit, however, English Heritage have confirmed that the merits of the building are not so significant to warrant listing the building, and taking into account the wider benefits of the proposed development regenerating the site and surrounding area, the proposal to demolish the building is considered to be acceptable. A building recording condition is recommended to ensure that any hidden early fabric that may be revealed during the course of demolition be recorded. This proposal is not considered to jeopardise the future of the adjoining buildings on Salt Quay as they are situated outside the application site area and any future proposal for these buildings would be dealt with entirely on its own planning merits.

With regards the letter of comment regarding the need for the residential flats to be adequately soundproofed, an appropriate condition is recommended to address this matter.

The third party representation querying the need for the proposed additional residential units in the locality is not an overriding material planning consideration.

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

Section 106 Obligations

The following provision of affordable housing and financial contributions are required in connection with the proposed development and are currently being negotiated. An update on negotiations will be reported to Committee:

- (i) 30% Affordable Housing. To be delivered as 20 residential units on site, off-site financial contribution to be agreed.
- (ii) Contribution of £20,000 towards provision of a puffin crossing facility and associated works at the Exeter Street/Sutton Road junction (across the Sutton Rd arm)
- (iii) Contribution of £50,000 towards the Sutton Road Local Safety Scheme, which comprises refuge islands, carriageway marking and other street works.
- (iv) Contribution of £10,000 towards provision of improved bus stop facilities at the two stops adjacent to the site on Sutton Road. This would involve provision of bus boarders, timetable cases, flags and poles.
- (v) Contribution of £10,000 towards provision of suitable pedestrian signage infrastructure and interpretation boards, as part of Barbican/City Centre strategies.
- (vi) £114,840 towards the upgrade, improvement and provision of play and park facilities in the locality, payable upon commencement of development.
- (vii) £54,665 towards secondary education, payable upon commencement of development.
- (viii) £150,000 Percent for Art Contribution as supported by adopted policy.
- (ix) Administrative fee of £25,951.

Conclusions

The siting, design, materials and finish of the development are considered to be acceptable and will be in keeping with the appearance and character of the site and locality. The redevelopment of this prominent waterfront site will further contribute to the regeneration of the area as a whole, and it is therefore recommended to approve the application subject to the following conditions and satisfactory completion of the S106 Obligation. Delegated authority is also sought to refuse the application if the S106 Obligation is not completed before the application deadline expires.

Conditions

Grant Conditionally subject to satisfactory completion of the S.106 legal agreement. Delegated Authority to refuse if S106 Obligation is not completed before application deadline expires.

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.

CODE OF PRACTICE DURING CONSTRUCTION

(2) Before any development is commenced, a Code of Practice shall be submitted to and approved by the Local Planning Authority which shall indicate measures to mitigate against adverse effects of noise, dust and traffic generation during the construction of the proposed development. The Code of Practice shall indicate: -

- a. the proposed hours of operation of construction activities;
- b. the frequency, duration and means of operation involving demolitions, excavations, drilling, piling, concrete production and dredging operations;
- c. sound attenuation measures to be incorporated to reduce noise at source;
- d. details of measures to be taken to reduce the generation of dust;
- e. the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material.

The Code of Practice shall be strictly adhered to during all stages of the construction of the proposed development.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy AEV49 of the adopted City of Plymouth Local Plan First Alteration 1996.

CONTAMINATED LAND

(3) No work shall commence until a "desk study" report documenting the history of the site and its surrounding area and the likelihood of contaminant extent and type. If the study confirms the possibility of contamination, a site investigation report documenting the ground conditions of the site, incorporating a "conceptual model" of all the potential pollutant linkages and an assessment of risk to identified receptors. (All investigations should follow the principles outlined in BS10175:2001 Investigation of Potentially Contaminated land and regard should be had to the Guidance for the Safe Development of Housing on land affected by contamination, EA & NHBC, R&D Publication 66).

If risk assessment identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants and/or gases when the site is developed shall be implemented before the development hereby permitted commences.

Reason:

There is a possibility that the site, or parts of it, are contaminated from past activities and , if so, this will need to be dealt with before the development takes place in accordance with PPG23 and policy AEV50 of the City of Plymouth adopted Local Plan First Alteration.

ARCHAEOLOGY

(4) No part of the development hereby approved shall be commenced until the applicant (or their agent or his successors in title) has made arrangements, to the satisfaction of the Local Planning Authority, for a programme of archaeological work in accordance with a written scheme of investigation, (to include the timetable for the investigation), which has been submitted by the applicant and agreed by the Local Planning Authority. With regards the Shipwright's Arms, a programme of building recording (in the form of a watching brief) shall take place during the course of the demolition of the building, and further programme of investigation once the building has been demolished in accordance with details which shall have been previously submitted to and agreed in writing with the Local Planning Authority.

Reason:

In accordance with Policy AEV11 of the adopted City of Plymouth Local Plan First Alteration 1996.

USE OF UNITS

(5) The five commercial/retail units shall only be used as shops and or cafes/restaurants within Classes A1 and A3 respectively of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any order re-enacting that order).

Reason:

Application was made for these uses and to ensure that the ground floor of the development has a positive, interactive relationship with the surrounding public realm in accordance with the provisions of adopted City of Plymouth Local Plan policy, adopted Sutton Harbour East Interim Planning Statement and relevant Central Government guidance.

EXTERNAL MATERIALS

(6) Unless otherwise agreed previously in writing with the Local Planning Authority, no development shall take place until samples of the materials to be used in the construction of all external surfaces of the development hereby permitted, including that of the proposed design and method of construction, materials and finish of the roofing systems, together with details of the type and method of application of the render, the movement joints for the render, the type, fixing, coursing and pointing of the stone, and the design, method of construction and finish of the proposed vertical timber fins, timber louvres and cladding systems, 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 AEV31 of the adopted City of Plymouth Local Plan First Alteration 1996.

FURTHER DETAILS

(7) Notwithstanding the submitted details, unless otherwise agreed previously in writing with the Local Planning Authority, no work shall commence on site until details (presented at appropriate scales) of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz:-

1. Details of the proposed design, materials and finish of the curtain walling and cladding systems;
2. Details of the proposed siting, design, method of construction, materials, finish and colour scheme of the vertical louvred blades to the office building (to include details of the design of any access points through);
3. Details of the design of the proposed balconies including all balustrades, privacy screens and sliding louvres and screens;
4. Details of the design of any external building lighting proposed;
5. Details of the proposed finishes to the external doors; garage/car lift doors; window system (including spandrel panels); windows/shopfronts to the ground floor commercial units for uses within Classes A1, A2 and A3;
6. Details of the proposed use, extent, design, method of enclosure, finish and external lighting of the proposed office roof terrace;
7. Details of the proposed siting, design and external materials of any roof plant, services or lift rooms and any wall or roof vents, ducts, pipes or other accretions to the roof or elevations.

The works shall conform to the approved details.

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity.

LIFETIME HOMES

(8) Notwithstanding the submitted drawings, at least 20% of the residential units hereby permitted shall be first constructed and subsequently maintained to Lifetime Homes standards.

Reason:

In order to meet the needs of disabled people so that they may live as part of the community in accordance with adopted City of Plymouth Local Plan Policy AHR23 and as set out within Objective 10 and Policy CS15 of the Core Strategy and relevant Central Government advice.

CAR PARKING PROVISION

(9) Unless otherwise agreed previously in writing with the Local Planning Authority, the development shall not 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 maximum of 130 cars to be parked and for the loading and unloading of vehicles, and for vehicles to turn so that they may enter and leave the site in forward gear.

Reason:

In the opinion of the Local Planning Authority, although some provision needs to be made, the level of car parking provision should be limited in order to assist the promotion of sustainable travel choices.

ACCESS

(10) 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.

LANDSCAPE DESIGN PROPOSALS

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

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policy AEV38 of the adopted City of Plymouth Local Plan First Alteration 1996.

SOFT LANDSCAPE WORKS

(12) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; the implementation programme.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policy AEV38 of the adopted City of Plymouth Local Plan First Alteration 1996.

MAINTENANCE SCHEDULE

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

Reason:

To ensure that satisfactory landscaping works carried out in accordance with Policy AEV38 of the adopted City of Plymouth Local Plan First Alteration 1996 are subsequently properly maintained.

DETAILS OF TREE PLANTING

(14) The plans and particulars of the landscaping works submitted in accordance with condition 11 above shall include details of the size, species and positions or density of all trees to be planted, and the proposed time of planting.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policy AEV38 of the adopted City of Plymouth Local Plan First Alteration 1996.

TREE REPLACEMENT

(15) 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 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 Policy AEV38 of the adopted City of Plymouth Local Plan First Alteration 1996 are subsequently properly maintained, if necessary by replacement.

DETAILS OF FUME EXTRACTOR

(16) Unless otherwise agreed previously in writing with the Local Planning Authority, no development shall commence until details of a fume extraction system for any proposed A3 unit has previously been submitted to and approved in writing by the Local Planning Authority. The approved ventilation system shall be installed prior to any A3 use of the unit commencing.

Reason:

To ensure that the details of the development are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity.

STREET DETAILS

(17)Development shall not begin 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 part of the development 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 AHR2 and AIR2 of the adopted City of Plymouth Local Plan First Alteration 1996.

SURFACING MATERIALS

(18)Unless otherwise agreed previously in writing with the Local Planning Authority, no development shall take place until details/samples of all surfacing materials to be used 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 AEV31 of the adopted City of Plymouth Local Plan First Alteration 1996.

STAFF TRAVEL PLAN

(19)The office use / commercial units hereby permitted shall not be occupied until a Staff Travel Plan (STP) has been submitted to and approved in writing by the Local Planning Authority. The said STP shall seek to encourage staff to use modes of transport other than the private car to get to and from the premises. It shall also include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the STP; and the name, position and contact telephone number of the person responsible for it's implementation. From the date of the commencement of the use the occupier shall operate the approved STP.

Reason:

In the opinion of the Local Planning Authority, 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.

GABION WALL

(20) Notwithstanding the submitted details, no work shall commence until details of the refurbishment of the quayside gabion wall have been submitted to and agreed in writing with the LPA. Unless otherwise agreed previously in writing, the agreed details shall be strictly adhered to during the course of development, completed prior to occupation of the building and thereafter so maintained and retained.

Reason:

To enable the LPA to consider the details of the refurbishment of the gabion wall in the interests of the appearance and character of the development and locality in accordance with adopted Local Plan Policy AEV31 and relevant Central Government advice.

DETAILS OF NEW JUNCTION

(21) Development shall not begin until details of the junction between the proposed service road and the highway have been approved in writing by the Local Planning Authority; and the building shall not be occupied until that junction has been constructed in accordance with the approved details.

Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity.

CYCLE PROVISION

(22) No dwelling 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 50 bicycles to be parked within a secure and covered area.

Reason:

In order to promote cycling as an alternative to the use of private cars.

CYCLE PROVISION

(23) The commercial development shall not 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 10 bicycles to be parked within a secure and covered area.

Reason:

In order to promote cycling as an alternative to the use of private cars.

CYCLE STORAGE

(24) 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.

SOUND INSULATION

(25) Unless otherwise agreed previously in writing with the Local Planning Authority, all residential units shall be constructed so as to meet the "Good Criteria" for noise during Daytime and Nighttime, as outlined under BS8233:1999 : Sound Insulation and Noise Reduction for Buildings. Details of the proposed glazing and acoustic ventilation for the residential apartments shall be submitted to and agreed in writing by the LPA, and subsequently installed on site in accordance with the agreed details prior to any residential use commencing.

Reason:

To enable the LPA to consider the details of the proposed glazing and acoustic ventilation in the interests of the residential amenity of occupiers of the new development and in accordance with adopted Local Plan policy and relevant Central Government advice.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations which in this case are considered to be: The impact of the development on the appearance and character of the area; The impact of the development upon neighbouring properties; The impact of the development on the City Centre; The impact of the development upon the highway network.the proposal is not considered to be demonstrably harmful to local amenities. In the absence of any other overriding considerations, and with the imposition of the specified planning conditions, the proposed development is acceptable and complies with the following policies of the Devon Structure Plan (2001 to 2016) 2004, the adopted City of Plymouth Local Plan First Alteration 1996, Plymouth Local Development Framework, Core Strategy, Regional Spatial Strategy and North Plymstock Area Action Plan (the status of these documents is set out within the City of Plymouth Local Development Scheme 2006), and relevant Planning Guidance Notes, Statements and Government Circulars as follows:

AER11 - City Centre Offices
AER2 - Change of Uses of Ex.Employment Areas
AER7 - Non-port Related Development
AER8 - Redevelopment Sites
AEV11 - Archaeological Preservation
AEV14 - Character,setting and demolition of LB
AEV31 - Townscape
AEV32 - Communication corridors
AEV33 - Pedestrian Circulation
AEV38 - Landscaping and Enhancement Schemes
AEV40 - Waterfront Development
AEV41 - Public Access to Waterfront
AEV45 - Access for Disabled Persons
AEV46 - Design of Street Works and Furniture
AEV47 - Safe and Secure Environments
AEV48 - Public Art
AEV50 - Contaminated Land
AHR17 - Range of Housing Provision

AHR18 - Affordable Housing
AHR2 - New Residential Development
AHR23 - Accessible Housing
AHR3 - Housing Density
AHR4 - Privacy and Overlooking
AHR5 - Character of Residential Areas
AIR1 - Decisions on Planning Applications
ARL19 - Access for Disabled (in new/existing)
ARL25 - Accessible Informal Recreation
ARL26 - Marinas
ARL28 - Public Slipways/Landing Places
ARL9 - Amenity/Childrens Play Space in New Residential
ASR12 - Shopping related to Tourism and Leisure
ASR21 - Food and Drink, Entertainment and Amuse.
ASR25 - Equal Access for People with Disabilities
ATM11 - Access for People with Disabilities
ATM2 - Improved Pedestrian/Public Transport Lin
ATM4 - Core Tourism Area
ATR18 - General Parking/Servicing Requirements
ATR20 - Car Parking for People with Disabilities
ATR4 - Cyclists and Pedestrians
ATR5 - The Road Network
PPG13 - Transport
PPG16 - Archaeology and Planning
PPG25 - Flood Risk
PPG3 - Housing
PPS1 - Delivering Sustainable Development

ITEM 8

Application Number: 06/01386/FUL

Site Address: THE HILLSIDE CENTRE, STATION ROAD
PLYMPTON PLYMOUTH PL7 2AZ

Description of Application: Redevelopment of site by erection of three storey building containing 66 sheltered apartments for the elderly including house manager's unit, communal facilities, landscaping and car parking

Type of Application: Full Planning Permission

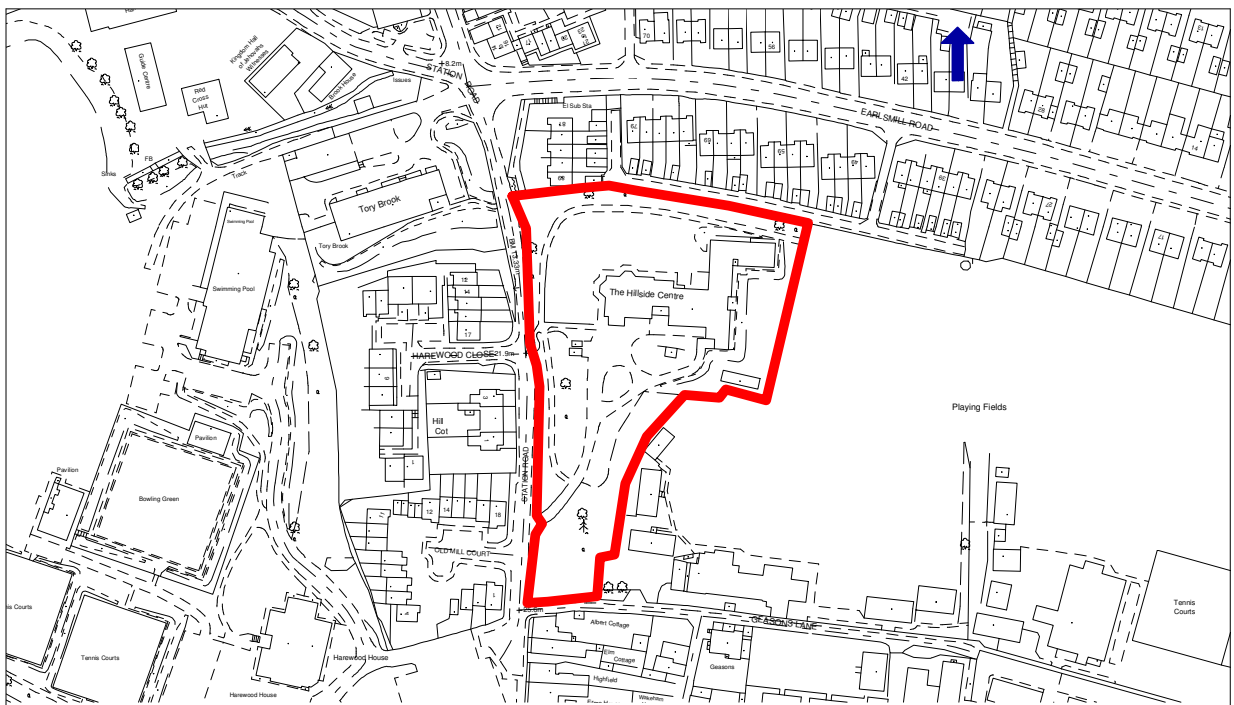
Applicant: McCarthy & Stone (Dev) Ltd

Ward: Plympton St Mary

8 /13 Week Date: 15/11/2006

Decision Category: Major Application

Case Officer: Alan Hartridge



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Recommendation

In respect of the application dated 16/08/2006 and the submitted drawings: Analysis, elevations, plans, sections, perspectives A01-1435-01,02,03,04,05,06,07,08,09 ;Landscaping 586-001A; topographical and tree surveys 2205/SU-01,6037/01. it is recommended to:

Grant Subject to S106 Obligation - Full

OFFICERS REPORT

Site Description

The application site is in respect of a north-facing hillside site of 2.2 acres (0.9 ha) close to a hilltop and Plympton's main shopping area-the Ridgeway – some 150m to the south. It comprises terraced land, formally occupied by the Hillside Residential Care Home and Day Centre prior to demolition of the building complex a year ago by the Council following fire damage and vandalism. The site is west of the Ridgeway School's playing fields. The site is well defined by substantial stone walls along the northern, southern and western boundaries and is characterised by an impressive mature belt of boundary trees (the subject of several TPOs) which provide screening from residential areas in suburban Plympton. The site is bounded by the narrow Geason Lane to the south – a school service road - and by Station Road to the west which is a cul-de-sac and provides housing development and this site with a sole means of vehicular access/egress from Glen Road. Station Road runs downhill adjacent to the site (from south to north) – and there is an overall difference in level of some 6m across the site from south to north and from east to west with the perimeter stone boundary walls functioning as important retaining structures.

A terrace of Victorian dwellings face the site across Station Road but residential two storey development to the west and north mainly stems from the 1960's and to the north the site overlooks a service lane running across the rear of Earlsmill Road housing. A recent development of 5 storey retirement flats (set back on the upper storey) lies close to the Station Road/Earlsmill Road junction at the bottom of the hill, to the north west of the application site.

Proposal Description

It is proposed to provide a Sheltered housing scheme of a mixture of one and two bedroomed apartments (65) specifically designed for purchase and occupation by the elderly with house manager's accommodation and office, communal facilities (communal lounge, and guest suite, laundry and refuse room) within landscaped grounds. It is proposed to construct a 3 storey building (with partial set – back of the top storey), largely on the terrace level formerly accommodating the Hillside Centre buildings, with white and powder blue rendered walls with feature and walk-out balconies, and with a reconstituted slate roof. The major wings of the building would run parallel to the northern and eastern boundaries, set back from the boundary tree belts. The building would partially enclose a landscaped courtyard orientated to face south east. A main entrance wing would be a prominent feature facing the southern approach from the site entrance. (Plans will be displayed at the Committee meeting).

As a Sheltered housing development all public areas would be provided to mobility standards with level access and wheelchair accessible lifts.

The existing vehicular access and exit would be retained and used to service the site and provide access to 28 car parking spaces and an external electric mobility scooter store. A landscaped woodland glade area would be provided in the southern part of the site with a former pedestrian access through the perimeter wall to Gleason Lane blocked up.

The applicants propose to make a contribution to public transport and to the provision for a pedestrian crossing of Gleason Lane (on the desire-line between the site and the shopping centre and the public transport facilities that are south of the site). In contributing towards the provision of off-site affordable housing, they maintain that their scheme will help meet demonstrable needs in the area for not only sheltered accommodation but also for affordable housing.

Relevant Planning History

95/1462 Part change of use of Residential Care Home to a class D Day Centre institution with ancillary offices – no objection (Dec 1995).

TPO 179 -16 trees (individuals and group)

Consultation Responses

Highway Authority

No objection to the proposal in principle subject to the provision of off-site highway improvements and compliance with conditions.

Residential developments generally generate 8-10 movements per house per day whereas sheltered accommodation generates 2-3 household trips per day. Therefore the proposed development will generate between 132 and 198 vehicular trips. The previous use at the site, prior to its demolition, was that of a residential care home and also some outpatient facilities with offices. The developer has not provided any information which compares the former and the proposed use and therefore it has been concluded that it is likely the vehicular movements on Station Road will increase.

Station road varies in width with narrow or no footways over its length. The developer states that there is unlikely to be an increase in pedestrian movements down Station Road from the development due to the fact that the local shops, bus services and health and leisure facilities are located to the South of the site. This is agreed. However due to the increase in vehicular movements it is suggested that the developer should be required to carry out works to Station Road via a section 278 agreement (Highways Act 1980). Ideally a scheme should be constructed to provide adequate footways along the length of Station Road. However, this would have a significant detrimental effect on the historic wall and a number of well-established trees so instead the developer should be required to calm the road and thus reduce the speed of vehicles.

To this end it is suggested that the developer funds and provides a gateway feature at the Northern end of Station Road which emphasises the current 'access only' arrangement. Build-outs should be provided at each end of the area currently used for parking by residents of the cottages. This would

formalise the parking area but also the buildouts would act as pedestrian crossing points linking the sections of existing footway. Tactiles and dropped kerbs would be required.

It is agreed that the Geason crossing should be provided and also the footway from Geasons Lane which runs southwards to the footway adjacent to the shoppers car park should be increased in width to 2 metres. This increase in width should not have any significant impact on the existing turning head but should improve pedestrian links along the desire line.

Access to the site is currently available off Station Road via a split entrance arrangement. Each access is divided by a large mature tree which is to be retained. There is no objection to the use of the existing access points as a designated 'in' and 'out' situation. However it is important that pedestrian access is available from Station Road to link to the improved crossing at Geasons lane. The permeation through the site is equally important and a 'shared surface' arrangement through the site is to be provided. This must take into account the use of mobility scooters, of which the developer is providing parking and power facilities.

The existing pedestrian accesses onto Geasons Lane should be permanently and effectively closed.

The applicant is proposing 28 car parking spaces on the site which accords with current standards. It is recommended that some limited cycle storage be provided. This should be secure and covered and placed as near to the main entrance as possible.

The developer should be required to fund upgrades to nearby bus stops. These stops are likely to be used by future residents as they provide links to the City Centre. £8200 would be required, via a section 106 agreement between the developer and the City Council, to provide bus boarders and new infrastructure at the bus stops on Moorland Road and Ridgeway (opposite Plymco).

South West Water

No objections.

They have considered the concerns of some residents and do not share the concerns about the increase in strain on the sewers and likely damage to it as it is not considered that the proposed use will be more intensive than the previous use. They accept that there have been blockages within the Station Road sewer but point out that this does not reflect a lack of capacity.

Representations

Letters of concern have been received from 2 residents of Hill Cot; 2 residents of Old Mill Court; 1 resident- Albert Cottage; 1 resident -Whitewater Court; 2 residents of Earls Mill Road.

There is concern about the narrow Station Road where cars are parked as it is used by visitors to the Ridgeway and Ridgeway School and there could be overspill car parking / additional traffic flows arising from the development adding to problems for local residents. The occupiers of the Victorian terrace of 3 dwellings - Hill Cot - facing onto Station Road - do not have garages. There could be additional problems during construction with heavy lorries having to use Station Road having to mount the heavily used

narrow pavement on one side of the Road to get through. Lorries tend to reverse into Old Mill Court damaging the brick surface treatment.

Some residents want to ban parking and reversing in the vicinity of Old Mill Court and some want to secure resident parking spaces on Station Road and one suggests removing the bollards to facilitate access through to the Plymco car park and one suggests that Station Road should not be widened or altered to improve vehicular access.

Three residents question whether the foul sewer in Station Road is large enough to cope with the extra demand as it has been blocked 4 times in the last 3 years and in 2005 the road surface at the lower end of Station Road broke up and pipes beneath the surface fractured causing spillage of sewage. It is stated that this arose from considerable traffic of heavy lorries associated with developments at the top of Station Road at that time and the concern is that this could occur again during construction of the proposed Sheltered Housing development.

A resident suggests that there will be an increase in traffic flow and there is a need for introducing traffic speed limitations at the bottom of Station Road hill prior to the Station Rd/Earls Mill Road/Tory Brook Avenue junction.

Other concerns, from 3 residents of Earls Mill Road, relate to the need for the new owners to agree to repair and maintain the stone boundary wall and overhanging trees and one other resident requests that the Geasons Lane pedestrian access that is to be blocked up should be done so with stone to match that existing .

A resident of Hill Cot is also concerned about the lack of maintenance to the mature trees opposite within the site as they have not been managed since 1985 and reduce daylight to their terrace across the road. The trees to be retained and removed should be clarified.

Analysis

The proposal relates to speculative one and two-bedroom apartments specifically designed for the active elderly. Such schemes are characterised by a resident warden service and communal maintenance of grounds and need to be well located for local shops and services.

The Council's detailed criteria for such sheltered retirement housing are established in policy AHR25 of the Adopted Local Plan. The proposed development has had regard to these criteria (following extensive discussions) including the need for the design to reflect the mobility/access needs for the intended elderly occupants; reasonable outlook and daylight for each unit; level access to amenity areas across the site and between the site and the facilities and services that are available within walking distance at, and close to, the nearby Ridgeway District Centre.

Scale and Massing

This application follows from extensive pre-application talks with potential developers over the years – initially principally concerning the possible incorporation of the existing substantial building that had previously been used as a Care Home and Day Centre. The building did not merit listing, although several Victorian features of the original building were attractive imposing features. However following a period of 18 months vacancy, vandalism and an arson attack, the building was demolished a year ago. Discussions with

potential developers have continued. A new built development will change the nature of the site – but the acid test is whether this change would be acceptable or incongruous in the locality.

Pre-application discussions have centred on the need for appropriate scale and massing – including the need to address site constraints to avoid overdevelopment and loss of attractive features of community value.

The developable area on this site is limited mainly to the existing footprint of the former building due to:

- i) The shape of this site with TPO trees at the southern narrow section and
- ii) The extent of tree canopy that would need to be kept on the boundaries to retain character and
- iii) The need for car parking /turning space

It is considered that the mass and scale of development on this site in excess of 3 storeys would be incongruous in the locality and it would be reasonable to expect to see a development not exceeding 60/65 unit's max on this site with communal amenity space as well as some private amenity space.

The current applicants were advised that their most recent suggested proposal for a 4storey development here would be likely to result in an incongruous feature in the locality and result in the loss of existing boundary trees causing an overbearing impact upon houses close to the boundaries of the site.

The current application largely reflects pre-application advice to avoid an overdevelopment of the site. The applicants have now indicated their intention to safeguard mature trees of local amenity value and have provided cross-sections and perspectives to demonstrate in this application that the scale of the proposal will not be over intensive and result in an overbearing dominance of dwellings in the locality or result in an incongruous feature when seen from distant views. The development would be a 3storey development on the north facing elevation with a set-back of the top storey providing some private amenity terraces. The north facing windows would be over 31m distance from the rear windows of existing dwellings on Earlsmill Road – and largely screened by boundary trees during the summer. The opportunity has been taken to 'step' the building down the slope on the western elevation to help blend the building into its setting. Several deep recess windows would incorporate balconies, and these, together with walk-out balconies, would enable occupiers to benefit from natural light penetration and help to provide some private amenity space.

It is considered that the density of development is appropriate for this site and that the design would contribute to the areas identity and accord with AHR25 and the Core strategy (policy CS02 and policy CS34).

Space around the building

Appeal decisions related to such retirement housing schemes indicate that recognition of the needs of occupants goes hand in hand with concessions on normal residential outdoor space standards. The quality of landscaped amenity space is especially important when such space can be viewed from accommodation as residents are likely to spend longer than average periods indoors. The loss of trees would be minimised and a landscaping scheme indicates that the development would incorporate an overlooked south facing communal courtyard sitting area defined by birch trees. A secluded woodland

glade seating area is also to be provided close to the southern boundary within the walled garden.

The majority of the trees are to be retained on site. The landscaping proposals in conjunction with the tree work recommended in the survey will enhance the existing mature tree stock whilst improving access to light for neighbouring properties in Station Road. The reduction in height of the building (below that originally envisaged) will ensure that the trees on the northern boundary break up and partially screen the northern elevation when seen from a distance. An imposing cedar tree, close to the main entrance area, would be retained as a feature to enhance the approach to the main entrance. (In accordance with Core Strategy policy CS02 and CS34)

The car parking provision is acceptable (in accordance with Core Strategy policy CS28 and CS34)

Affordable Housing and off-site implications

Sheltered housing provision should not be excluded from assisting the provision of affordable housing to meet the needs of the wider community, and it is suggested that it is in the public interest and in accordance with policy (Core strategy CS15) to secure a contribution to affordable housing from this speculative development.

The issue of affordable housing as part of this development was the subject of full discussion last year and the applicants are aware of IPS3 and the need for social integration (as referred to in PPG3). The Core Strategy policy (and appeal case law) enables provision for off-site contributions where there are site constraints/management issues and the Strategy team leader, Community Services recommends support for this application as it will probably facilitate affordable housing provision within Plympton as well as helping to meet the need for Sheltered housing.

He confirms that PCC housing is supportive of taking a commuted sum from this site. Having looked at the plans it is apparent that the applicants could not accommodate a separate accessed area for the affordable housing which would be necessary to keep service charge levels at a price which would be affordable to on-site affordable housing tenants.

He advises:

“Housing is discussing a number of possible affordable housing schemes within the Plympton area which might benefit from the monies received from this commuted sum. These schemes will be purpose built for affordable housing and hence will be designed to maintain the unit as affordable. One of the priorities for housing is to see if the commuted sum can be used to help re-provide Plympton Library; however the development team for this is at an early stage so we would not feel comfortable at this stage in "promising" that the money can definitely go to this project. We would like the Section 106 to remain as "Plymouth" wide rather than Plympton to give comfort that the monies can be spent within the Planning timescales in case the Plympton projects slip and fail to meet the timescales required.”

Mindful of these views and Council policy it is essential that this application is tied by a S106 agreement to the provision of affordable housing.

Traffic generation on Station Road

The concerns of some residents relating to traffic generation on Station Road have been considered by officers of the Transportation Unit (in the 'highway authority comments' section).

It is relevant to note that the site has an established use as a Care Home and traffic generation must have increased along Station Road after 1995 as part of the Home was brought into use as a Day Centre with ancillary offices.

This site was considered by the Council to be suitable for a Residential Care Home where the mobility of occupiers would have been less than that now expected from those occupying a Sheltered Retirement housing scheme. Indeed a reasonable degree of physical activity might be expected from some of the proposed residents –hence the suggested provision of cyclist facilities.

Developments should support safe and convenient pedestrian, cycling and road traffic movement and be accessible to all users in accordance with Core Strategy policy CS28, CS02 and CS34. It is suggested that the conditions suggested by the Highways authority are warranted to comply with these policies and that some off site improvements should be secured by a S106 (in accordance with Core Strategy CS33) but perhaps not to the extent of additional works down Station Road as these may be difficult to justify bearing in mind the previous authorised use of the site and other off-site works now suggested in the S106.

SWW are of the view that the proposed use is not materially different from the former use in respect of it's likely impact upon sewer capacity and there is some sympathy for the view that a similar case could be made in respect of likely traffic generation upon Station Road, particularly if there is an attractive alternative to car use for elderly residents – with improved accessible public transport facilities at a nearby District Centre that is within safe level walking distance to the south, away from that part of Station Road serving housing areas to the west of the site.

Following further negotiations the applicant's have now agreed to a contribution of £20,000 for off –site highway and public transport improvements. Transport colleagues confirm that this would be an adequate contribution to secure improvements to two bus stops and provision of a Geasons Lane pedestrian crossing with some other off-site highway improvement works to Station Road. It is suggested that this contribution is reasonable to facilitate safer access to the facilities to the south and is in accordance with policy (Core Strategy CS33).

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

Section 106 Obligations

The development shall not commence until a contribution of £20,000 has been made to fund off-site transport improvements comprising £8200 to fund upgrades to nearby bus stops prior to occupation of the building by providing bus boarders and new infrastructure at the bus stops on Moorland Road and Ridgeway (opposite Plymco) and the provision of a pedestrian crossing of Geasons Lane prior to occupation of the building, and such other improvements to Station Road as may be agreed with the local planning authority but not exceeding £20,000 in total. Any remaining contribution relating to any unimplemented part of these improvements would be returned to the applicant within 3 years if not spent for this purpose.

The development shall be managed on site for sheltered housing and include provision of house manager's accommodation at the outset and this unit shall be retained for such use thereafter.

Prior to first occupation of a sheltered apartment a financial contribution of £575,045 towards the provision of affordable houses within Plymouth shall be made. The contribution, would be returned to the applicant within 5 years if not spent for this purpose.

Standard 10% administration charge (i.e. £59,504).

Conclusions

This sheltered housing scheme would be located within easy walking distance of community and transport facilities and the general layout, internal and external design and landscaping should be beneficial to the proposed occupants. Furthermore, the proposal should be compatible with its surroundings and contribute to the area's identity and, following compliance with the required conditions and clauses, it should not have adverse impacts upon the locality but help to meet affordable housing needs as well as sheltered housing needs in the public interest.

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

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

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

PROVISION OF DRAINAGE WORKS

(2)Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that satisfactory infrastructure works are provided in accordance with Policy AIR2 of the adopted City of Plymouth Local Plan First Alteration 1996.

LANDSCAPE WORKS IMPLEMENTATION

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

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policy AEV38 of the adopted City of Plymouth Local Plan First Alteration 1996.

LANDSCAPE MANAGEMENT PLAN

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

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policy AEV38 of the adopted City of Plymouth Local Plan First alteration 1996.

TREE REPLACEMENT

(5) 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 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 Policy AEV38 of the adopted City of Plymouth Local Plan First Alteration 1996 are subsequently properly maintained, if necessary by replacement.

EXISTING TREE/HEDGEROWS TO BE RETAINED

(6) 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 date of first occupation of the building:

(a) No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with BS 3998:1989(Recommendations for Tree Work) or any subsequent replacement standard.

(b) If any retained tree or hedgerow is removed, uprooted or destroyed or dies, or is lopped or topped in breach of (a) above in a manner which, in the opinion

of the Local Planning Authority, leaves it in such a poor condition that it is unlikely to recover and/or attain its previous amenity value, another tree or hedgerow shall be planted at the same place and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with the approved plans and particulars (or in accordance with BS 5837:2005 (Guide for Trees in relation to construction) in the position shown on drawing A01-1435-03 before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground areas within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

To ensure that trees or hedgerows retained in accordance with Policy AEV38 of the adopted City of Plymouth Local Plan First Alteration 1996 are protected during construction work in accordance with Policy AEV4 and thereafter are properly maintained, if necessary by replacement.

DETAILS OF BOUNDARY TREATMENT

(7) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of alterations proposed to the boundary with Geasons Lane. The stone boundary wall shall be repaired and the approved alterations shall be completed before the building is fully occupied.

Reason:

To ensure that the details of the development are in keeping with the standards of the vicinity in accordance with Policy AEV31 of the adopted City of Plymouth Local Plan First Alteration 1996.

LAYING OUT OF LAND ALLOCATED AS AMENITY

(8) Within 6 months from the date when the buildings permitted is first occupied the land shown on the approved plan as a woodland glade area shall be laid out as an amenity area in accordance with that plan and the woodland path and seating area shall be provided in accordance with construction details having the prior written approval of the local planning authority.

Reason:

The said land is required to be laid out as private amenity open space appropriate to the needs of the intended occupants without damage to existing trees in accordance with Policy AHR25 and AE4 of the adopted City of Plymouth Local Plan First Alteration 1996.

SURFACING MATERIALS

(9) No development shall take place until details of all surfacing materials to be used 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 AEV31 of the adopted City of Plymouth Local Plan First Alteration 1996.

PEDESTRIAN/CYCLE ACCESS

(10) The building shall not be occupied until a means of access for pedestrians and cyclists 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.

CYCLE PROVISION -

(11) The building shall not 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 10 bicycles to be parked.

Reason:

In order to promote cycling as an alternative to the use of private cars.

CODE OF PRACTICE DURING CONSTRUCTION

(12) Before any development is commenced, a Code of Practice shall be submitted to and approved by the Local Planning Authority which shall indicate measures to mitigate against adverse effects of noise, dust and traffic generation during the construction of the proposed development. The Code of Practice shall indicate: -

- a. the proposed hours of operation of construction activities;
- b. the frequency, duration and means of operation involving demolitions, excavations, drilling, piling, concrete production and dredging operations;
- c. sound attenuation measures to be incorporated to reduce noise at source;
- d. details of measures to be taken to reduce the generation of dust;
- e. the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material.

The Code of Practice shall be strictly adhered to during all stages of the construction of the proposed development.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy AEV49 of the adopted City of Plymouth Local Plan First Alteration 1996.

OCCUPATION RESTRICTION

(13)The development hereby permitted shall be used as sheltered housing accommodation for the elderly and a resident warden (with a residents' lounge and other ancillary facilities) and for no other purpose.

Reason:

Due to the limited amenity and parking space the premises are not considered suitable for separate residential occupation.

LOADING AND UNLOADING PROVISION

(14)Before the development hereby permitted is first brought into use, adequate provision shall be made to enable goods to be loaded and unloaded and refuse vehicles to turn within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To enable such vehicles to turn safely within the site and be loaded/ 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.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations which in this case are considered to be impact upon the local environment, transport network and housing needs; layout and building design and integration with the character of the area; amenity and parking standards and access needs relating to the particular needs of the proposed occupiers; impact upon the residential amenities of nearby residents and the need to safeguard trees and features of value to the community interest the proposal is not considered to be demonstrably harmful to local amenities. In the absence of any other overriding considerations, and with the imposition of the specified planning conditions, the proposed development is acceptable and complies with the following policies of the Devon Structure Plan (2001 to 2016) 2004, the adopted City of Plymouth Local Plan First Alteration 1996, Plymouth Local Development Framework, Core Strategy, Regional Spatial Strategy and North Plymstock Area Action Plan (the status of these documents is set out within the City of Plymouth Local Development Scheme 2006), and relevant Planning Guidance Notes, Statements and Government Circulars as follows:

AEV31 - Townscape

AEV38 - Landscaping and Enhancement Schemes

AEV4 - Loss of Existing hedgerows,trees or wood

AEV47 - Safe and Secure Environments

AHR18 - Affordable Housing

AHR19 - Special Needs Housing

AHR23 - Accessible Housing

AHR25 - Sheltered Housing

AHR4 - Privacy and Overlooking

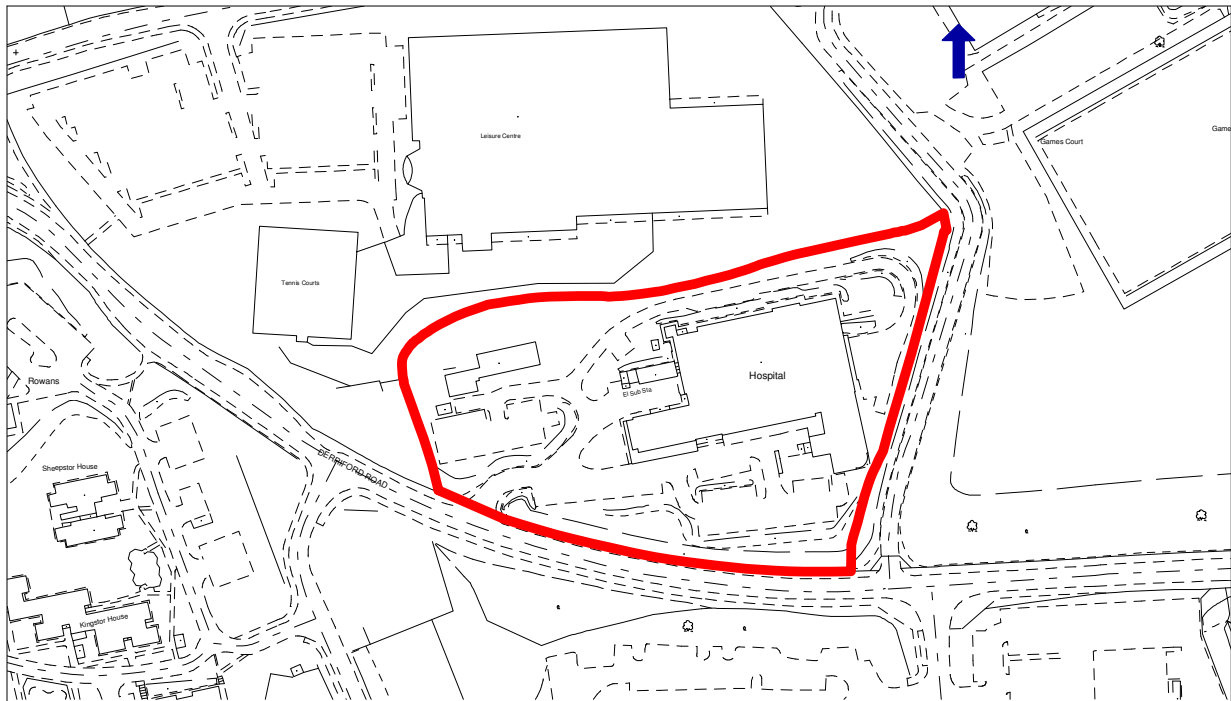
AIR2 - Provision for infrastructure and amenity

ATR8 - Proximity of Development to Public Transport

PPG13 - Transport
PPG3 - Housing
CS02 - Design
CS28 - Local Transport Consideration
CS32 - Designing out Crime
CS33 - Community Benefits/Planning Obligation
CS34 - Planning Application Consideration
CS15 - Housing Provision

ITEM 9

Application Number: 06/01416/FUL
Site Address: NUFFIELD HOSPITAL DERRIFORD ROAD
PLYMOUTH PL6 8BG
Description of Application: Installation of temporary modular theatre unit with
linked access corridor
Type of Application: Full Planning Permission
Applicant: David Wyld
Ward: Moor View
8 /13 Week Date: 23/11/2006
Decision Category: Major Application
Case Officer: Carly Francis



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Recommendation

In respect of the application dated 24/08/2006 and the submitted drawings: 06272 EX 05, 06272 EX (0) 01, 06272 EX03, 06272 SD03, 06272 SD06, 06272 SD05 it is recommended to:

Grant Conditionally

OFFICERS REPORT

Site Description

This site is in the north-east corner of the grounds of Nuffield Hospital located in Derriford. This is a flat tarmac surfaced area and there is a sloped grass bank up to the boundary of the site where there is a belt of mature trees. The site can be located from the road to the south. The Devonshire Health and Racquet Club is located to the north and Derriford Hospital is to the south.

Proposal Description

Installation of temporary modular theatre unit with linked access corridor.

Relevant Planning History

Extensive history, only application directly related is pre-application 06/02810- Extension to provide new modular theatres.

Consultation Responses

Highway Authority

No objections.

Civil Aviation Authority

No objections.

Representations

Nil.

Analysis

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

The temporary works are required for approximately 12 months to facilitate enabling work within the existing hospital allowing a proposed new build theatre extension to take place on the west side of the hospital.

The main issues to consider here are the impact on the appearance of the site, to nearby buildings and on the highway.

The temporary modular theatre unit is to be provided by Vanguard Healthcare Solutions Ltd and is described as a 'Modular Operating Theatre'. The unit would have a floorspace of 131m².

The temporary theatre will enable, rather than increase work while an internal rearrangement of the hospital occurs. This is to facilitate a permanent extension, which has been the subject of pre-application discussions.

The single storey unit will be 15m long x 6.5m wide and would be connected to existing services on site.

The siting of the temporary modular theatre in the north-east corner of the site means that the visual impact the unit would be limited. It would not be visible from Derriford Road and mature trees on the northern and eastern boundaries also mask the unit from outside of the site.

The location of the unit offers a convenient connection into the existing circulation routes within the main building, whilst maintaining a fire escape route from the main building. Its location also ensures that the temporary theatre can remain operational during the construction of the new build extension to the west of the main building.

Transport comment that the proposed unit will not generate any additional traffic nor will it have any impact on the parking provision at the site. Therefore there are no transport objections to the proposal.

Conclusions

It is not considered that this temporary unit would have a detrimental affect to any other property or to the appearance of the site; the facility would be beneficial in enabling work while an internal rearrangement of the hospital occurs. This application is therefore recommended for approval.

Conditions

TEMPORARY USE:REINSTATEMENT

(1)The use hereby permitted shall be discontinued and the land restored to its former condition on or before 1st November 2007 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority before any works commence on site.

Reason:

In the opinion of the Local Planning Authority the temporary use to which this permission relates will by the said date have fulfilled its required purpose.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations which in this case are considered to be: the impact on the appearance of the site, the potential impact on surrounding buildings and on the highway; the proposal is not considered to be demonstrably harmful to local amenities. In the absence of any other overriding considerations, and with the imposition of the specified planning conditions, the proposed development is acceptable and complies with the following policies of the Devon Structure Plan (2001 to 2016) 2004, the adopted City of Plymouth Local Plan First Alteration 1996, Plymouth Local Development Framework, Core Strategy, Regional Spatial Strategy and North Plymstock Area Action Plan (the status of these documents is set out within the City of Plymouth Local Development Scheme 2006), and relevant Planning Guidance Notes, Statements and Government Circulars as follows:

ACR2 - Health Related Issues (criteria)
AEV31 - Townscape
ATR5 - The Road Network
CS28 - Local Transport Consideration
CS34 - Planning Application Consideration