

ITEM: 01

Application Number: 09/01375/FUL

Applicant: Brook St. Properties Ltd.

Description of Application: Redevelopment to provide new doctors surgery; 470sqm of A1/A2 commercial floorspace; 8x1 bed affordable flats/maisonettes; associated car parking and landscaping.

Type of Application: Full Application

Site Address: FORMER CARDINAL SERVICE STATION WOLSELEY ROAD SEGRAVE ROAD PLYMOUTH

Ward: Ham

Valid Date of Application: 28/09/2009

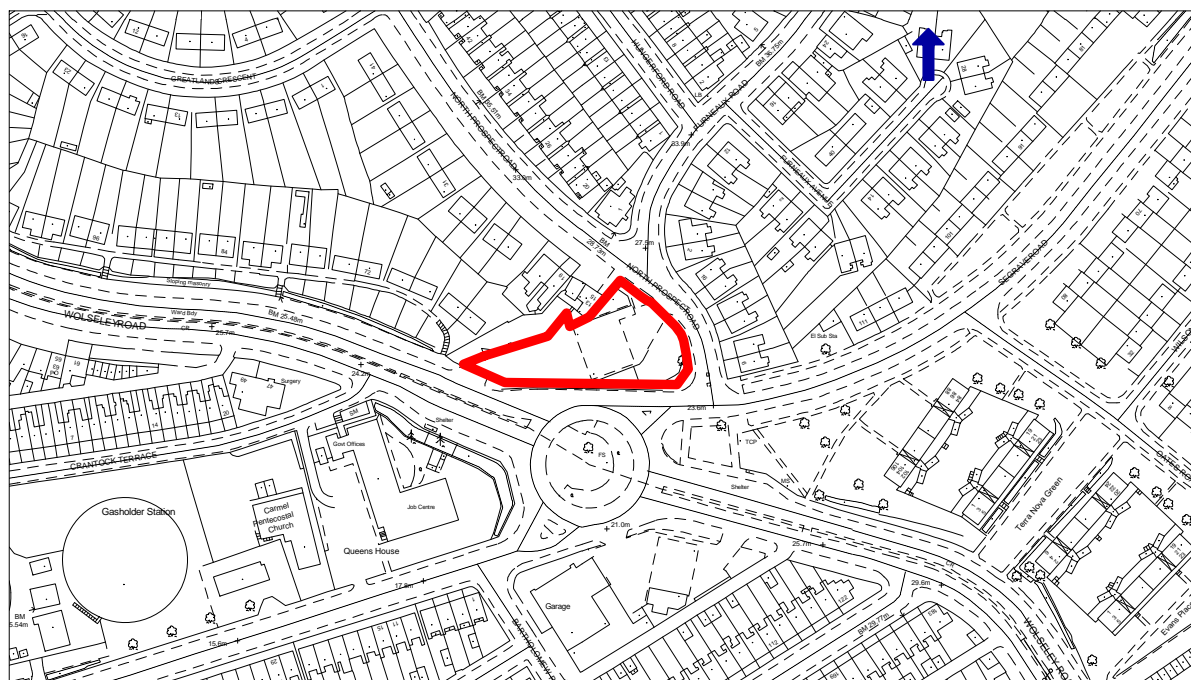
8/13 Week Date: **28/12/2009**

Decision Category: Major Application

Case Officer : Jeremy Guise

Recommendation: Grant conditionally subject to S106 Obligation, Delegated authority to refuse in event of S106 not signed by 23 December 2009

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Consideration of this planning application was deferred at the 12th November Planning Committee to allow negotiation and clarification of parking management details

OFFICERS REPORT

Site Description

This is a roughly triangular shaped site formerly occupied by an Esso filling station that has been demolished with tanks removed and ground remediated. Levels fall from north to south across the site mostly managed by a 2m high retaining wall which closely follows the shape of the site's northern boundary.

Access is left turn only from Wolseley Road (A3064) eastbound, with exit onto North Prospect Road, from where it can either turn north into North Prospect; or south, filtering via a small section of Seagrave Road, back onto the A3064 at the roundabout.

The area immediately to the south is dominated by a roundabout and Wolosley Road, which is a dual carriageway with vehicle barrier in the centre. It provides significant separation between the site and other commercial units and Victorian residential streets of Ford, further south. The Wolseley Road local shopping centre, containing the existing doctor's surgery is located to the south west.

Immediately to the north, on higher ground, facing North Prospect Road is 'Francies Fish and Chip' shop. The wider area is residential in character. It is a classic inter war garden suburb consisting of pairs of semi detached local authority built houses. These are set in large plots with wide tree lined streets opening onto green swathes and civic spaces. Once the epitome of best town planning practise the area has been neglected and is now in the top 3% nationally of deprived communities.

Proposal Description

Permission is sought for a mixed use redevelopment to provide a new doctors' surgery; 470sqm of A1/A2 commercial floor space; 8x1 bed affordable flats/ maisonettes associated car parking and landscaping.

The proposal shows a large, three storey (12-14m in height), building occupying the southern and south eastern parts of the site. Within this building there is a very clear delineation of uses. The doctors' surgery occupies all the south eastern corner of the site and makes a feature of the 40 degree turn where North Prospect and Seagrave Road join. Two proportional wings radiate parallel with their respective road frontages and are 'hinged' by a curved corner feature that way marks the entrance. Internally this creates a 'wedge' shaped shape with service core/ waiting areas in the centre and treatment and consulting rooms in the two wings.

Physically attached to the surgery at ground and first floor levels, but capable of entirely independent occupation, is the commercial space with residential

over. At this stage in the development the end users of the commercial space are not known, but it is suggested as likely to be a pharmacy and convenience store. Above the commercial space is the residential accommodation. This is arranged as a flat and seven Maisonettes (here called duplex units) deck accessed from the rear with small amenity areas giving a modicum of privacy and defensible space. Internally the units are well sized with a conventional layout. Externally this part of the roof is dominated by three arched features and is distinguished from the surgery by a drop in a drop in levels which punctuates the building in the centre.

Parking and servicing is shown at the rear 24 spaces (22 conventional and 2 disability spaces) together with 21 cycle spaces.

Relevant Planning History

The site has an extensive planning history, mostly associated with its previous use as a filling station

Consultation Responses

Environment Agency:- Flood risk, This proposal falls within the scope of the Environment Agency's Flood Risk Standing Advice.

Contaminated land – We are happy to accept the Risk Assessment as long as the whole site area is going to be hard covered. However, we recommend that any development approved by this permission should contain a condition relating to contaminated land (suggested wording supplied)

Informative are recommended relating to: contaminated land; waste water treatment; development and waste.

Highway Authority

Traffic Impact - Whilst it would not have generated a considerable number of trips by purpose, the former Petrol Filling Station (PFS) which occupied the site would have generated a significant number of pass-by trips. Information included within the Transport Statement (TS) submitted indicates a daily total in excess of 1,500 trips by applying trip rates derived from the TRIC's database.

By comparison a further review of similar sites to that being proposed and included in TRIC's reveals that the combined trip generation of the retail unit and GP surgery would be in the region of 1,450 movements (2 way), which is some 50 trips less than the PFS. The trip generation figure given associated with the GP surgery is a little on the high-side in view of the fact that the surgery proposed will be replacing an existing facility in the area which some people may already choose to access either on-foot or by other sustainable transport modes. Consequently it is accepted that the proposed development will result in a reduction, albeit slight, in trip movements when compared to the previous land use.

Car Parking - As there are 3 different land uses on the site:-

Retail Unit - A total of 15 spaces have been proposed to serve this use upon the site which is consistent with the maximum number of spaces that could be permitted under the maximum standards outlined in the Parking Strategy. However the retail unit is located within a very short distance (less than 100m walking distance) of the Wolseley Road Local Centre and the applicant's traffic consultant has already highlighted in the TS the fact that this site is very well served in respect of access by sustainable modes of travel. It is questionable whether or not there is an over-provision of car parking serving the retail unit, particularly in view of the short length of time that customers are likely to be in the retail unit (the TS suggests less than 5 minutes).

GP Surgery - The level of car parking serving the surgery has not been based upon the application of any identified car parking standards with the only justification provided in the TS referring to the fact that the 9 spaces now proposed is 3 more than the number that serves the existing surgery located on Wolseley Road.

It is not clear whether or not the relocated surgery will result in a considerable increase in floor area when compared to the existing and based upon on the number of consulting/treatment rooms alone (of which there appear to be around 9) a total of 18 off-street parking spaces would be required. This total excludes the provision of further spaces for practioners or support staff (numbers for which are currently unknown).

Residential - On the basis that each unit will only have 1 bedroom, no off-street car parking has been provided for the 8 residential flats proposed. However upon viewing the layout plans it would appear that each unit will also have a study which could easily be used as a second bedroom. Therefore each unit could be considered as having 2 bedrooms and as there is no Controlled Parking Zone in operation within the area to regulate the amount of on-street kerbside car parking that takes place, it is essential that each residential unit has access to at least 1 off-street car parking space. On the basis of the above-mentioned comments it is recommended that the number of spaces serving the retail use be reduced from 15 to 10, with spaces 11-15 being re-allocated to the GP surgery. As the residential and GP surgery would generate demand for car parking at different times of the day, it is recommended that a Car Parking Management Strategy be implemented which would allow the 14 spaces serving the GP surgery to be 'shared' with the residential so that they can be used by occupiers of the flats when not in use by the surgery. The control of the use of these spaces could be secured relatively simply through the allocation of permits to the residential units. Should the applicant be unwilling to agree to such measures then I will have no alternative but to recommend this application for refusal on the basis of inadequate provision of parking for the residential units.

Cycle Parking - A total of 21 cycle parking spaces have been proposed which, although slightly on the high side, is considered acceptable with 9 secure and covered spaces allocated to the residential and a further 6 serving the GP surgery. Whilst Sheffield type cycle hoops are acceptable for the visitor/customer spaces serving the retail unit, some consideration should be

given to providing a cover for these spaces.

Layout - In order to prevent delivery vehicles from parking on the roundabout along the site frontage (which would give rise to highway safety concerns), a dedicated loading/unloading area has been provided to the rear of the retail area. Unfortunately vehicles parked in the loading bay would restrict access to a number of the car parking spaces (13 and 14 in particular) and therefore in order to overcome this, the applicant has suggested that all deliveries would be made 'out of hours'. It is not clear how this could be policed and whether any such planning condition would be enforceable.

Parking spaces located adjacent to boundary walls/structures should be a minimum of 2.6- 2.8m in width in order to allow for the opening and closing of car doors. The comment would apply to spaces 10 and 15.

In order to locate them closer to the retail unit and prevent bin lorries from having to load whilst parked across the site access onto Wolseley Road, It is recommend that the retail bin storage area be relocated to the quadrangle area situated between spaces 15 and 16 (this would result in the loss of a very small area of planting). The drawing also refers to some cycle parking next to the retail bin storage area. This cycle parking is not required and should therefore be removed from the scheme. It is recommend that both of the vehicular access points into the site be designed and constructed as footway crossovers so that pedestrians have the right of way over vehicles. The existing double yellow lines around the junction of Wolseley Road/Seagrave Road/North Prospect Road should be extended around to the western site access off North Prospect Road.

In the event that planning permission is granted it is recommended that conditions relating to:- street details; contractors' access; details of new junction; car parking provision; cycle provision x2; cycle storage; use of loading areas; code of practice during construction; use of loading areas; waiting restrictions; car parking management strategy and delivery time restriction

Public Protection Service

Public Protection Service has no objection to the above application, however, should permission be granted we recommend that conditions are attached to the application relating to:- delivery hours, land quality, submission of remediation scheme, implementation of approved remediation scheme, reporting of unexpected contamination

The reports submitted with the application assume that the site consists of entirely of hard landscaping, however, the plans indicate some possible areas of soft landscaping, remedial measures will be necessary in these areas to ensure that potential pollutant linkages are broken.

Pollutant linkages are identified within the report, namely, indoor inhalation of hydrocarbon vapours and possible tainted mains water supply, however, remedial measures have not been proposed, details of all remedial measures must be submitted and approved in writing prior to commencement. The

approved remedial measures must be validated and approved in writing after completion.

Plymouth City Airport – Has no objection to the proposal

Police Architectural Liaison Officer – Has no objection to this proposal

Health and Safety Executive – no comment received

Representations

Neighbours have been notified of the application and two site notices posted. This has resulted in the receipt of eight (8) letters of representation (LOR's) including one from NHS Plymouth and one from the Plymouth Tree Partnership.

NHS Plymouth point out that there is currently no financial support from the PCT for a new surgery on this site.

None of the other four letters raise objection, in principle, to the proposal but all raise concerns / objections to the adequacy of the number of parking spaces provided claiming/questioning whether 24 spaces is adequate in relation to the number of people working at the site; nurses, receptionists and staff who will work at the supermarket.

- The redevelopment takes up far too much of the area leaving inadequate parking spaces doctors, nurses and retail staff will take up most of the parking spaces leaving inadequate numbers for staff. TRICS data shows that it is possible that 1,456 vehicle movements daily. This will make parking for residents very difficult. More thought should be put in before proceeding with this proposal.
- Questions need answering. Parking spaces Nos. 11-21 abut the exterior wall of the Francines chip shop will there be any excavations to the base of the property Seek an engineer's inspection report
- The waste / sewage from Nos. 15-15A 17 goes directly across the centre of the development. Seek reassurance that there will be no interruption to the fish and chip shop. There is a family of 4 living at number 15a, so any interruption to the waste /sewage system will be very inconvenient
- Seek plans which show the properties in the surrounding area - to give everyone a better aspect of the impact of the development.
- Seek height aspect of the build
- Where will the site workers park, on site or on the road?
- Will there be any restrictions on site when Plymouth Argyle is playing?

- Planning permission should be refused. insufficient space has been allowed for the planting of trees. A TPO protected horse chestnut tree occupied the site until 2007, when it was felled on account of disease. There is a legal duty to replant it with another tree of appropriate size and species.

- There are 7 convenience stores and off licenses that already exist within 350m of the site, points out that Tesco would be a likely favored partner and that it has an aggressive marketing stance and presence in the local economy; that the number of licensed premises in the area is at saturation point ; the figure for one delivery vehicle a day is misleading – its likely to be many more; that parking is inadequate with many elderly and ill arriving at a surety by car and that inadequate space has been left for landscaping

- The proposal does not comply with policy CS08 pointing out that it is not located in a local centre and the proposal does not contain evidence in the form of a retail assessment to justify the proposed development.

Analysis

Introduction

The application was reported to the last meeting on 12 November 2009. Members deferred the application in order for the applicant to provide more information on parking and access matters. The report is based on the previous one with the additions identified in bold print.

The key issues in this case are:-

- The principle of mixed use redevelopment of this site including the provision of a new doctors' surgery; 470sqm commercial space (Use class A1 & A2) and 8 flats/ maisonette (Policies CS01; CS05; CS07; CS08; CS15; CS16; CS19; CS22; CS31 of the Core Strategy).
- The design of the proposed development including the layout; height massing and appearance of the proposed building (Policies CS02; & CS34 of the Core Strategy)
- The quality of the residential environment provided by the proposed flats / maisonettes (Policies CS15; CS32 and CS34 of the Core Strategy).
- Impact of the proposal upon amenities of neighbouring property (policies CS34 of the Core Strategy)
- Impact of the proposed development upon the surrounding road, network, access and parking (Policy CS28 of the Core Strategy)
- Community Benefits arising from the development & Sustainability (Policies CS20 and CS33 of the Core Strategy)

The principle of mixed use redevelopment of this site including the provision of a new doctors' surgery; commercial units

The site is a vacant plot following the removal of the filling station (a sui generis use, with ancillary retail sales). Redevelopment for mixed use containing a doctors' surgery, retail and residential uses is welcome, in principle.

The doctors' surgery, at 1,017sqm, is the largest single element of the proposal. As an accessible site, on a major arterial route way into the city, with bus stops in the vicinity it meets the location criteria set out in Policy CS31 (Health Care provision)

'Proposals for new health care facilities should be well related to public transport infrastructure, and should provide high standards of accessibility to all sectors of the community.'

and is acceptable, in principle, despite not having the financial support from the PCT.

There is no evidence to link Tesco's with the current application. The size of the proposed retail space. 470sqm, if the single unit occupies the whole allocation, with no realistic possibility of extension owing to the constraints of the site means that, at most, it will be a convenience store. The alleged failure of the applicants to provide evidence of how this proposal complies with the sequential test, its impact upon local shopping centers or justify the development of a food store in this location points to series of tests that are based on a false preemies that it is a much larger food store). It is well under the 2,500sqm size threshold at which Planning Policy Statement 6 (PPS6) requires an impact assessment by a considerable margin and, despite concerns from competitors, is unlikely to have much impact beyond the immediate locality and immediate passing trade. The proposed retail element helps maintain and develop the range of shops to meet the needs of the local community. Neither policy CS08 or the Government's PPS 6 guidance are intended to stifle the development of choice in the provision of convenience stores within a locality or protect a prevailing set of market relations from competition.

The eight residential units make a small contribution towards diversifying the housing type in the area, which is currently dominated by local authority built semi detached houses laid out in an attractive garden suburb arrangement to the north and tight Victorian terraces, beyond the commercial uses, to the south.

The developer proposes to supply 8 affordable housing units within this mixed use development. Affordable Housing provision at this location is over and above that achieved through planning gain. There is a need for the delivery of affordable housing in the city greater than the total annual housing provision. The policy context is set out paras.10.17-10.24 of the Core Strategy which supports policy CS15. With such high levels of Affordable Housing need – consistent delivery of Affordable Housing units can cumulatively make a big difference to catering for the City's overall need, particularly when units are provided over and above requirements of Policy CS15, as in this case.

The proposal is also linked to the North Prospect Regeneration Project, which is a key strategic priority for the Council, as it will provide accommodation for existing residents in North Prospect who will have to move out of their existing homes.

The design of the proposed development including the layout; height massing and appearance of the proposed building

The site occupies a prominent gateway location on the inbound route into Plymouth, hence its previous attraction to a petrol company, and dominates the local vistas at the bottom of North Prospect Road, Seagrave Road and Furneaux Road. The buildings that occupy it will be conspicuous and act as a local landmark for this area of the city.

Overall, this application manages to resolve the major design issues in a sensible and robust way that takes into account the constraints of the site. The layout provides for frontage development that both makes a positive contribution towards the street scene and maximises the separation distance from the rear of buildings fronting North Prospect Road. The northern part of the site is sandwiched between the proposed new building and retaining wall. The use of this shaded area for access, parking and servicing with an ingress and egress arrangement is sensible.

The height and massing of the proposed building balances other commercial uses on the southern side of Wolseley Road - service station, funeral parlour, job centre, offices; and, owing to the levels difference, has a satisfactory relationship with the domestic scale buildings to the north.

Externally, the building is shown as a series of rendered modular units topped with an eclectic mix of curved and mono pitch roof features. This gives it a vaguely Mediterranean appearance that is quite pleasant.

Some concerns remain that the design lacks cohesion, that it has too many fragmented features, a miscellaneous assortment of window shapes and that the end elevations, pinched west elevation and north east elevation, provide weak terminations to the side vistas of the building. There is an also residual concern that the internal spaces have not been completely optimised. This is evidenced by the proposed windowless patient waiting areas in the centre of the surgery and a narrow entrance hall which provides access from the street to the residential accommodation.

These weaknesses have been discussed with the architect, who has nevertheless made the application as submitted. In the case of the patient waiting area, an explanation has been suggested that a client requirement to provide secure environment for the consulting and treatment rooms has dictated the arrangement. These weaknesses are considered to represent missed opportunities, not weaknesses sufficient to justify refusal of planning permission.

The proposed development is over the 1,000sqm gross floor space threshold required by Policy CS20 (Sustainable Resource Use) for the provision of onsite renewable energy equipment to off set at least 10% of predicted carbon emissions for the period up to 2010. Details have not been provided as to how this is to be achieved, but the applicant's agent has confirmed, in writing, his

client's intention to comply. It is recommended that this is secured by condition.

The quality of the residential environment provided by the proposed flats / maisonettes

The quality of residential development proposed is acceptable. The flats and maisonettes are all dual aspect with reasonable sized rooms and a conventional layout. Amenity space is north facing and shaded by the building, but, this is the least bad option as the southern aspect is heavily compromised by its proximity to the dual carriageway.

Each of the proposed flats has a study, 2.5m.x2.1m. As an additional space within a single bedroom flat this room is an attractive feature, but the possibility that it could be used as an additional bedroom needs to be taken into account, particularly with regard to parking arrangements. It would be intrusive to try and enforce a condition specifically preventing its use as a second bedroom- therefore the possibility needs to be considered as part of the application.

Policy CS15 – requires that 20% of all new dwellings for Plymouth shall be constructed to Lifetime Homes standards. Lifetime homes allows for the 'future proofing' of all new dwellings and should be considered/desirable in all cases. In this case, to comply with policy CS15, this scheme should (as a minimum) include 20% to Joseph Rowntree Lifetime Homes standards. A condition to secure provision is considered appropriate.

Impact of the proposal upon amenities of neighbouring property

Policy CS34 protects the amenity of the area, including residential amenity, in terms of: satisfactory daylight, sunlight outlook, privacy and soft landscaping
Impact of the proposed development upon the surrounding road, network, access and parking.

The site is located on lower ground than the North Prospect estate to the north and the footprint of the building occupies the southern part of the site, furthest from the rear of neighbouring building. At 12-14m in height, given the difference in levels and the separation distance the proposed building will not cause undue shadowing to the rear of neighbouring property.

The separation distance between the rear of the closest neighbour, Nos. 13-15 North Prospect Road (Francine's) is 10m. In an urban context, where a degree of overlooking at a distance is a feature of urban living, this separation distance is considered to be acceptable.

Impact on the surrounding road network, access and parking

This section is based on the local highway authority (LHA) comments the addendum report to the committee meeting on 12 November 2009 and actions since then.

Traffic impact

The proposed uses are likely to generate slightly fewer traffic movements than the previous use as a petrol filling station (PFS), 1,450 compared with 1,500. The proposed number of trips is likely to be an over-estimate if the surgery is replacing the existing facility in the area. There will be no increase in trips or adverse impact on the capacity of the highway network compared with the current lawful position.

Parking

The parking arrangements were debated at the last committee meeting resulting in deferral of the application for further information. The applicant has supplied this.

There were originally 24 spaces with 15 for the shop, nine for the surgery and none for the dwellings. The applicant has reduced the number to 23 and submitted a parking management strategy. The key details are:

- 10 spaces for the shop;
- An additional four spaces shared with the surgery during surgery opening hours;
- These shared spaces to be subject to a parking restriction time;
- The four spaces shared by the shop and surgery shall be reviewed within 6-12 months after occupation of all of the development;
- Nine spaces for the surgery including one disabled space;
- Eight of the surgery spaces to be shared with the dwellings;
- The residential use of the spaces would be from 6.30pm to 8.00am on weekdays and no restrictions at weekends and on public holidays;
- The residential parking would be subject to a parking permit scheme to be issued by the management company with a maintenance element included in the service charge; and
- The time restrictions to be subject to a six month review.

Parking spaces close to structures have been widened to meet the LHA requirements.

There is adequate cycle parking provision and 15 spaces should be secure and covered and allocated to the dwellings and surgery.

These amended details are satisfactory and condition 26 has been amended to account for officer approval of the parking management strategy.

Layout and accesses

An on-site loading/unloading area is provided and its original siting restricted access to some of the spaces. The applicant states that all deliveries would be made "out of hours" to reduce the inconvenience. It is difficult to control this by condition as any such condition would be difficult to enforce and could conflict with condition 12 that restricts delivery times. The applicant believes that the revised position of the

loading bay will enable cars to be manoeuvred in and out of the spaces. The applicant has agreed to changes to the cycle parking and bin store arrangements in line with advice from the LHA and architectural liaison officer. The access points will be designed and constructed as footway cross-overs so that pedestrians have right of way over vehicles and the footways have been extended into the site to improve pedestrian safety. The parking restrictions should be extended around the eastern access off North Prospect Road.

The members also discussed the access arrangements. There are still two accesses with one from Wolseley Road and the other off North Prospect Road. They are in similar positions to the existing locations but the North Prospect Road access will be moved further away from the mini-roundabout junction with Segrave Road. Both will be two way reflecting the existing arrangements. The LHA is satisfied that the proposed arrangements are acceptable. The construction details will be submitted for approval in compliance with condition 19

Equalities and diversities issues

The surgery and commercial units will be accessible to people with disabilities. The surgery will provide improved healthcare facilities within the area and the commercial space, if it becomes a convenience store,

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

Tariff contribution obligations are currently set out in the Council's '*Planning Obligations and Affordable Housing Supplementary Planning Document*'-

- Doctors' surgeries are currently exempt from tariff requirements
- The proposed 470sqm of A1/A2 commercial floor space is below the 500sqm threshold for the tariff (para. 3.5 measures support the growth requirement.
- Affordable housing* is partially exempt with contributions only eligible on the strategic transport contribution (para. 2.3 of the Planning Obligations & Affordable Housing Supplementary Planning Document). The figure is £2,871.00 per one bed unit. Total £2,871.00 x 8 = £22,968.00.
In view of the difficult economic climate the Council has introduced 'measures to Stimulate Market Recovery - Phased Implementation of SPD provisions. The applicant has agreed to the safe guards against the abuse and therefore qualifies for a 50% reduction in the tariff to **£11,484.00.**
- **Contribution of £200.00 towards planting of a tree in the vicinity to replace the TPO protected horse chestnut on the site that was lost to disease in 2007.**

- **The 5% management fee is £584.00.**

Delegated authority is sought to refuse if the Section106 agreement is not completed by 23 December 2009.

Conclusions

This prominent plot has been vacant for a number of years since the petrol filling station shut. The proposed mixed use development which includes a doctors' surgery, retail and residential, is welcomed. Whilst there remain a few reservations about some of the design details, this proposal delivers a scheme of appropriate layout, scale and height. Subject to the safeguards set out in the conditional regime, including these relating too access, parking **and the proposed vehicle parking management strategy**, it is considered to be acceptable.

Recommendation

In respect of the application dated **28/09/2009** and the submitted drawings, **3102PL_01; 3102PL_02B; 3102PL_03 & 3102PL_04; and accompanying Design and Acces Statement, Transport Assessment, Environmental Assessment Report and the approved Vehicle Parking Management Strategy Proposals Revision C received on 25 November 2009.** , it is recommended to: **Grant conditionally subject to S106 Obligation, Delegated authority to refuse in event of S106 not signed by 23 December 2009**

Conditions

TIME LIMIT TWO YEAR CONSENT

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

Reason:

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

SURFACE WATER DISPOSAL

(2) 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 in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

EXTERNAL MATERIALS

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

SURFACING MATERIALS

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

LANDSCAPE DESIGN PROPOSALS

(5) 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 plant species and type .

Reason:

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

LANDSCAPE WORKS IMPLEMENTATION

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

Reason:

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

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 a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the development is first occupied. Development shall be carried out in accordance with the approved details.

Reason:

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

REFUSE DETAILS

(8) Before the development hereby permitted commences details of the siting and form of bins for disposal of refuse shall be provided on site shall be submitted to and approved in writing by the Local Planning Authority. The refuse storage provision shall be fully implemented before the development is first occupied and henceforth permanently made available for future occupiers of the site.

Reason: In order to ensure that adequate, safe and convenient refuse storage provision is provided and made available for use by future occupiers in accordance with Planning Guidance 9 - Refuse Storage in Residential Areas.

LIGHTING SCHEME

(9) Before the development hereby approved commences details of any external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be fully implemented before the development is first occupied and henceforth permanently maintained for the occupiers of the site.

Reason:

In order to ensure that adequate external lighting is provided for future occupiers of the site and that it does not interfere with navigation.

CODE OF PRACTICE DURING CONSTRUCTION

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

Reason:

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

LIFETIME HOMES

(11) None of the residential units hereby approved shall be occupied until 2 units (at least 20% of the total) have been constructed to 'Lifetime Home' standard.

Reason

In order to ensure that a percentage of the housing stock is designed to a standard that meets the needs of disabled people.

RESTRICTION ON DELIVERY TIMES

(12) Delivery times to the retail units should be restricted to between 7:30am to 6pm Monday to Saturday.

Reason to prevent the disturbance to residents within the development from delivery noise during the quiet hours of the day

SITE CHARACTERISATION

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

(i) a desk study characterising the site and identifying potential risks from contamination

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

(iii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

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

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

REASON:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

LAND QUALITY

(14) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 15 to 17 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 18 has been complied with in relation to that contamination.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

SUBMISSION OF REMEDIATION SCHEME

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

REPORTING UNEXPECTED CONTAMINATION

(16a) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with current guidance, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 16, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 14.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

ACCESS (CONTRACTORS)

(18) Before any other works are commenced, an adequate road access for contractors with a proper standard of visibility shall be formed to the satisfaction of the Local Planning Authority and connected to the adjacent highway in a position and a manner to be agreed with the Local Planning Authority.

Reason:

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

DETAILS OF NEW JUNCTION

(19) 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 in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CAR PARKING PROVISION

(20) 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 24 cars

to be parked 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 in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CYCLE PROVISION

(21) No flat 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 nine (9) bicycles to be parked.

Reason:

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

CYCLE PROVISION

(22) 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 twelve (12) bicycles to be parked.

Reason:

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

CYCLE STORAGE

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

Reason:

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

USE OF LOADING AREAS

(24) 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 in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

WAITING RESTRICTIONS

(25) Within 12 months of the occupation of any part of the development hereby proposed the applicant shall have sought to implement waiting restrictions along the eastern boundary of the site on North Prospect Road in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: Without such restrictions the proposed development would be likely to result in an unacceptable increase in parking on the highway and thereby harm the amenity of the area, prejudice public safety and convenience, and interfere with the free flow of traffic on the highway (North Prospect Road).

CAR PARKING MANAGEMENT STRATEGY

(26) The allocation of the car parking spaces and their management shall be in accordance with the approved Vehicle Parking Management Strategy Proposals - Revision C submitted by the applicant on 25 November 2009. No changes shall be made to the approved Vehicle Parking Management Strategy Proposals Revision C without the prior written permission of the local planning authority.

REASON:

To enable vehicles associated with the shop/s, doctor's surgery and residential units to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway to comply with policy CS28 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PLANT AND EQUIPMENT

(27) Details of any compressors, refrigeration equipment, fume extraction and/or ventilation systems and other plant associated with the shop/s or surgery shall be submitted to and approved in writing by the local planning authority before any such plant and equipment is installed. The plant and equipment shall be installed in accordance with the approved details.

Reason:

To protect the residential amenities of the dwellings above the shop/s to comply with policies CS22 and CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

ADVERTISING CONSENT REQUIRED

(1) The developers, future owners and tenants are reminded that this permission relates only to planning and does not give any consent, tacit or otherwise, for the display of advertisements. A separate advertisement consent may be required prior to the display of advertisement signage.

INFORMATIVE: CODE OF PRACTICE DURING CONSTRUCTION

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

1. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information.
2. Construction traffic routes, timing of lorry movements, weight limitations on routes, initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, wheel wash facilities, access points, hours of deliveries, numbers and types of vehicles, construction traffic parking.
3. Hours of site operation, dust suppression measures, noise limitation measures.

CONTAMINATED LAND

(3) Any contaminated land located and removed from the site will need to be taken to an authorised disposal site. No form of treatment of land can take place on the site without authorisation from the Environment Agency.

WASTE WATER TREATMENT

(4) South West Water (SWW) need to be contacted with regards to the capacity of the local sewage treatment works.

POLLUTION PREVENTION GUIDANCE

(5) Pollution Prevention Guidance PPG8 Working at construction sites needs to be adhered to. Please see the following link: <http://publications.environment-agency.gov.uk/pdf/PMHO0203AUDJ-e-e.pdf?lang=e>

WASTE

(6) If any inert waste is to be brought on to site with the view to raising levels , this must be done in accordance with the Environmental Permitting Regulations 2007.

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 mixed use redevelopment of this site including the provision of a new doctors' surgery; 470sqm commercial space (Use class A1 & A2) and 8 flats/ maisonette (Policies CS01; CS05; CS07; CS08; CS15; CS16; CS19; CS22;CS31 of the Core Strategy);

The design of the proposed development including the layout; height massing and appearance of the proposed building (Policies CS02; & CS34 of the Core Strategy)

The quality of the residential environment provided by the proposed flats / maisonettes (Policies CS15; CS32 and CS34 of the Core Strategy);

Impact of the proposal upon amenities of neighbouring property (policies CS34 of the Core Strategy);

Impact of the proposed development upon the surrounding road, network, access and parking (Policy CS28 of the Core Strategy); and Community Benefits arising from the development & Sustainability (Policies CS20 and CS33 of the Core Strategy);

, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Planning Guidance (SPG) Notes, Government Policy Statements and Government Circulars, as follows:

- PPG13 - Transport
- PPS3 - Housing
- PPS1 - Delivering Sustainable Development
- PPS23 - Planning & Pollution Control
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS07 - Plymouth Retail Hierarchy
- CS08 - Retail Development Considerations
- CS03 - Historic Environment
- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS31 - Healthcare Provision