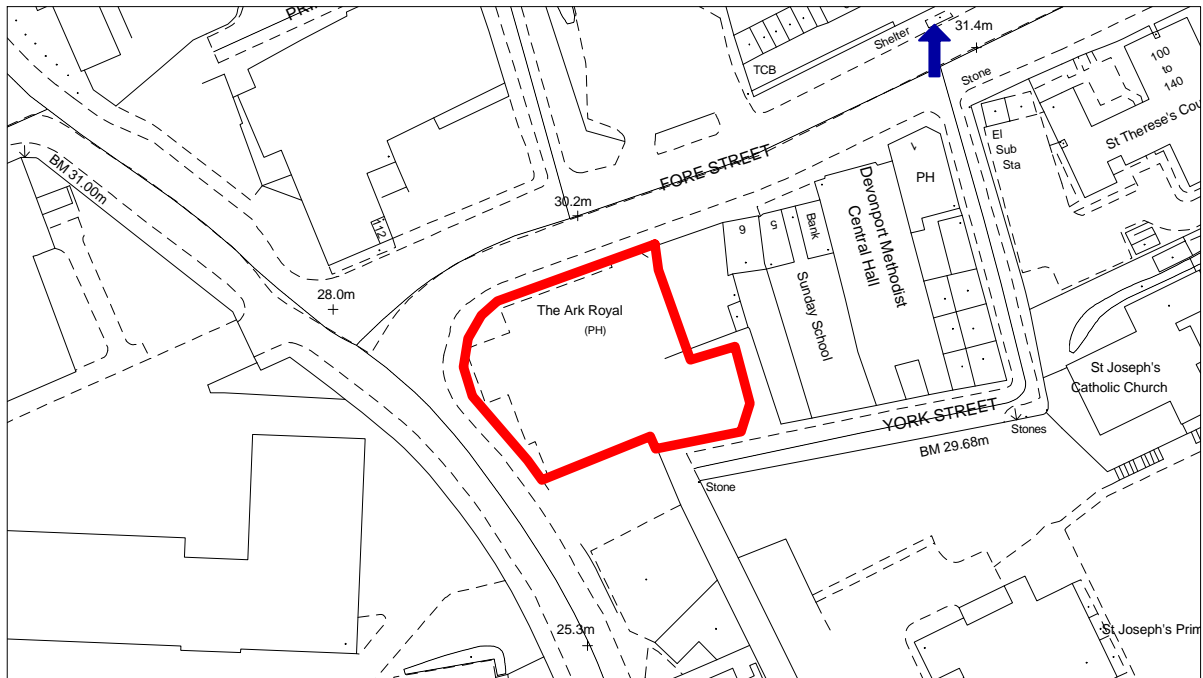


ITEM: 05

Application Number:	09/01910/FUL
Applicant:	Devon and Cornwall Constabulary
Description of Application:	New Police Station (3 storeys, 1,100sqm, 21 car parking spaces)
Type of Application:	Full Application
Site Address:	FORMER ARK ROYAL PUBLIC HOUSE DEVONPORT PLYMOUTH
Ward:	Devonport
Valid Date of Application:	23/12/2009
8/13 Week Date:	24/03/2010
Decision Category:	Major Application
Case Officer :	Jeremy Guise
Recommendation:	Grant
Click for Application Documents:	www.plymouth.gov.uk



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OFFICERS REPORT

Site Description

The application relates to an irregular shaped site (approximately 0.12ha.) located on the corner of Chapel Street (A374) and Fore Street in Devonport. Currently it is occupied by a car park which provides 48 spaces for use in connection with the bingo hall, on the opposite side of Fore Street. The car park is accessed from Fore Street, in the north east corner, and consists of a hard surface that falls away from the north east towards the south west in accordance with the underlying topography of the land. York Street, a narrow service road, neighbours the site to the southeast. It runs from Fore Street, to the north, via two sharp 'dogleg' turns, to Chapel Street in the south west.

The surrounding area is mixed character. An Esso petrol filling station is the immediate neighbour to the south on the Chapel Street frontage; St Joseph's RC primary School is located on the opposite side of York Street, to the south east; No. 7 Fore Street, a private house immediately to the east; whilst the Mecca bingo hall is located on the opposite side of Fore Street, to the north. The partly implemented 'Vision' development is located on the opposite side of Chapel Street to the west. Detailed plans for this area are currently under review by Redrow and the Homes & Communities Agency, but it still expected to be a mixed residential and commercial development with residential uses predominating.

Proposal Description

Permission is sought to build a Type 2 police station (No guns, dogs or cells) It would replace the existing Marlborough Street premises that are no longer suitable in operational terms.

In the Design and Access statement that has been submitted in support of the application it states in relation to the rationale:-

'The new facility is required to replace an existing group of buildings that is at the end of its life. It will allow the police to group in one area, which will lead to more efficient policing process and reduce energy costs. It will also greatly improve operational safety.'

The proposed building is shown occupying the north western part of the site. It curves around the corner at an acute angle that follows the pavement and road with wings extending along the Chapel and Fore Street frontages.

Externally the proposed building would appear as a three storey white rendered structure, sitting above a blue engineering brick plinth that manages the difference in levels. Fenestration is shown in the form of a curtain wall window turning the corner and large, rectangular shaped, window openings.

Internally the entrance is positioned in the centre of the building, where it turns the corner. The partly subterranean ground floor provides a foyer/ reception, community meeting and interview room, two locker rooms on each wing with associated WCs, service core stairs / lift. The first and second floors are both shown as open plan offices with the second floor also containing a briefing room and a canteen.

The eastern and southern part of the site provide a secure compound / yard for up to 20 police vehicles, secure cycle parking (10 spaces) and a bin store.

The existing access from Fore Street is retained as the main access to the site, but is joined by a second 'emergency escape' access onto York Street, to the south. This is a Police operational requirement.

Relevant Planning History

There is no relevant history.

Consultation Responses

Environment Agency

Contaminated Land – Have reviewed the Phase 1 GeoEnvironmental Assessment Report for Chapel Street Police Station. Report Ref WE00563, dated December 2009, and welcome the submission of the proposed intrusive investigation report in order to confirm the actual ground conditions i.e. presence/ absence of any contamination.

South West Water

No comment received.

Public Protection Service:- Has not raised any objection to the proposal, but, should permission be granted recommends conditions relating to land quality / contamination and code of construction practice.

Highway Authority: - Have provided interim response indicating that no objection is raised to the loss of the bingo hall car park and that there is no objection, in principle, to the proposed development but are not yet to be fully satisfied that adequate mitigation measures proposed in relation to staff travel arrangements. Negotiations are ongoing in relation to a staff travel plan. (update to be provided in addendum report)

Police Architectural Liaison Officer

The Devon and Cornwall Constabulary have made the following comments upon the proposal:-

- The new perimeter fencing to the rear of the site should be heavy – duty weldmesh paladin fencing.
- Any planting around the perimeter should be defensive planting to enhance the security of the fencing.
- Have raised concerns about the lack of staff car parking. With no provision on site for staff to park their personal vehicles, staff will need to park their vehicles some distance from the Police station. The force has a duty of care for their staff and in particular lone females leaving the site late at night in what is a 'challenging' area of the city.

Plymouth Design Panel

The panel thought that the scheme presented had improved since the previous submission and that the continuity in the parapet line and pergola were positive additions to the scheme.

The panel suggested some further considerations for the elevation as follows:-

- The curved screen on the corner should be extended above the parapet line to accentuate the prominence of the corner.
- There was not a consensus on whether horizontal or vertical louvers were preferable on the curved frontage but consideration should be given to the implication of faceting materials.
- The panel thought there may be some benefit in continuing the datum in blue brick (established on the curved element) along the Chapel Street elevation, thus reducing the windows on the ground floor to form a clerestory arrangement offering a greater degree of privacy to the lower ground function. This would be preferable over the stepped band of brickwork illustrated.
- The panel felt that the ground junctions and defensible space in front of the building needed further clarification.
- The end and rear elevations were correctly identified as important aspects as viewed from Chapel Street and need to be carefully detailed.

The panel supports the scheme which makes an important contribution to Chapel Street and the wider regeneration of Devonport and hopes that issues around the acquisition of the site for this development are swiftly resolved.

Representations

Consultations have been undertaken with neighbouring properties and site notices posted. This has resulted in receipt of five letters of representation (LORs) including one from the Devonport Regeneration Community Partnership (DRCP).

Devonport Regeneration Community Partnership (DRCP) – The policy of providing a new operational police station has been fully supported by DRC Partnership and the application is welcome. It is, however, disappointing that such a major application has not been the subject of any pre-application discussion with DRCP, particularly in the light of concerns raised below which would have benefited from a broader strategic discussion. There are two areas of concern relating to this application, namely parking and consultation.

Parking:- The proposal removes 50 car parking spaces currently used by users and employees of Mecca bingo, Welcome Hall and Devonport Playhouse. The proposal makes no provision for private parking for employees. The Design Statement makes reference to 67 existing employees at Devonport and 29 at Prynne Court and to 'accommodate known and anticipated growth in numbers'.

The rationale set out in the Design Statement is flawed by virtue of insufficiently evidencing its statements. The Plymouth Travel Strategy, Policy TP2 proposes that traffic demand be managed by the implementation of parking strategies 'yet the design statement makes no acknowledgement of either existing parking issues and is dismissive of the impact of both losing parking and creating further demand.

The report claims a single parking count at a fixed time on Saturday lunchtime in October 2008 and therefore should be ignored as invalid.

The report quotes 'parking for the Mecca Bingo will be removed following the redevelopment and it is expected that demand for this use will utilise alternative parking in the area or other means of transport '. Again there is no evidence to support this contention or demonstrate that the applicant has identified existing alternative parking provision or its capacity.

It can be assumed that many users of the Bingo will be elderly and women and the absence of parking is a concern, both from a practical and a safety perspective. The applicant or the City Council (as previous owners of the site) should be in discussion with the owners of Mecca Bingo to discuss alternative specific transport arrangements for their clientele e.g. minibuses, taxis etc.

Similarly, Welcome Hall has many employees and users who make use of the Bingo car park and clarity about the alternatives open to them would be welcome. Many of these users are elderly and young children

The Design Statement also quotes 'It is expected that staff will utilise alternative means of travel to the site such as public transport, walking and cycling or alternatively public parking.' There is no evidence to substantiate where this alternative parking provision is. Roads adjacent to the site have for the most part parking restrictions.

The applicant assumes that its employees parking will displace existing limited parking in addition to the loss of 50 existing spaces.

The design Statement does not demonstrate the travel needs of its employees who must at all time need to entre and leave work at times when public transport is not an option. This is an especial concern, for lone female workers.

Consultation.

The applicant makes reference to a public Consultation and Survey held in September 2007 and notes 'highly supportive'. I have been unable to find any documentation with the application to support this.

I am aware that for a long time a site at Vision was proposed. Can you clarify whether this consultation related to that site or to the current application site, and whether the consultation was about the principle of a new station rather than site specific. These factors particularly are relevant given the time which has elapsed since the consultation.

It would have been helpful if this survey had been evidenced as it has been referred to in support of the application. It would have been even better if an exhibition of the proposal has been forthcoming during the current consultation period.

The letters raise objection to the proposal. The grounds of objection can be summarised as follows:-

- Not totally against the proposal, but there are a number of issues that need to be addressed before the proposal proceeds.
- Impact on parking – seek a residents only parking scheme between the Police station and Devonport Playhouse.
- The current bus stop is in a totally impractical. It makes more sense to move the bus stop further east.
- Not clear how access will be provided for maintenance.
- Seeks reassurance that the car park will not be noisy. Points out that currently the car park has restricted use up to 22.00hrs and is nearly always empty of cars, other than residents after 21.30hrs.
- The parking spaces are needed by people using projects in Fore Street

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 key issues in this case are:-

- The principle of developing a police station in this location. (Policies CS07; CS08; CS15 and CS33 of the Core Strategy)
- Design of the proposed building and its impact upon the character of the area (Policies CS02; CS03, CS34 of the Core Strategy)
- Impact upon the amenities of neighbouring property (Policy CS34 of the Core Strategy)
- The adequacy of proposed parking and access arrangements (Policy CS28 of the Core Strategy).
- Community Benefits / Planning Obligations arising from the proposed development (Policy CS33 of the Core Strategy)

The principle of developing a police station in this location

The principle of developing a new police station (sui generis [one on its own] use) close to the community it serves, is strongly supported. The existing station in Marlborough Street is cramped and no longer meets operational requirements. Policy CS01 (Development of Sustainable linked communities) states that the LPA will consider the extent to which a proposal *(5) contribute(s) to creating a well connected, accessible, inclusive and safe community.*

There are also indirect links to the wider objectives of Policy CS32 (Designing out crime).

Significant local support for a new police station in Devonport was demonstrated in response to pre-submission consultation on a potential site in 'Vision' (South Yard Enclave) site, opposite. The applicants have not undertaken a new consultation exercise in relation to the current site, but have

inferred, from responses to their earlier consultation, that there is widespread support in the community for the proposal. This is accepted. Whilst some care should be exercised in interpreting support for one site to support on another (even within the general vicinity), in this case the proximity and general nature of comments is such that the assumption is reasonable. Specific consultation with neighbours upon the proposal has been undertaken in the usual way.

Design of the proposed building and its impact upon the character of the area
Policy CS02 (Design) of the Core Strategy and Objective 6 (Protecting Natural and Built Assets and Promoting High Quality) of the Devonport AAP requires development to produce a high standard that reflects the principles of good architecture and urban design as well as contributing to building a sustainable community.

This is a prominent corner site at the junction of Fore Street, Chapel Street and Park Avenue. The current bingo car park use provides no sense of enclosure and makes little contribution towards the street scene. The proposal has been designed to address these deficiencies: the new building is located in the north west corner of the site where it holds the corner with a clearly defined entrance. The engineering block plinth, articulates the difference in levels across the site, whilst the upper stories, with double height glazed panel, provide attractive elevations. Despite a reduction in the budget provided by the Justice Department, the proposal will result in an attractive building that will make a positive contribution towards the street scene.

Core Strategy Policy CS20 requires all proposals for non-residential developments exceeding 1,000sqm of gross floor space ... to incorporate onsite renewable energy production equipment to off-set at least 10% of predicted carbon emissions for the period up to 2010, rising to 15% for the period 2010-2016.

A commitment has been given that the proposed development will satisfy BREEAM very good and aspire to 'Excellent' standard. It also confirms that the proposal will produce 10% of its power from renewable resources. From January 2010 the CS20 requirement to provide power from renewable resources has been increased from 10% to 15%, but as this application was submitted at the very end of 2009, the 10% provision meets policy requirements.

Impact upon the amenities of neighbouring property

Policy CS34 of the Core Strategy requires, among other matters, that development proposals protect the amenity of neighbours in relation to daylight, sunlight, outlook privacy and soft landscaping.

There is residential property to the east of the site, but it does not contain any windows on its eastern elevation facing towards the new police station and the southern wing of the station does not afford opportunities for overlooking, even at a distance. There is some residual concern about additional night-time noise from the vehicle compound, as the current car park use is generally quiet after the bingo hall closes, but it is not possible to regulate this

by condition in a way that is compatible with police operational requirements and the concern is not sufficient to justify withholding planning permission.

The proposal will not adversely impact upon the amenities of the filling station, to the south and may even improve security. (Staff working there has been held up by robbers in the past).

The adequacy of proposed parking and access arrangements

There is no objection to the loss of the existing parking provision from the bingo hall, which has satisfactory alternative parking provision.

Other users, resident and people visiting 'Welcome Hall', do not have entitlement to use the car park and, whilst this may have been tolerated, it is not safeguarded.

The existing Marlborough Street car police station does not provide operational or staff parking. This proposal provides operational parking for police vehicles, but none for staff. There is no scope to provide further parking on site. The proposal envisages an increase in staff numbers, using the station. The applicants are, therefore being asked to develop a green travel plan to demonstrate that the proposal will not result in significant displacement of staff parking into surrounding residential streets.

The site is well located in relation to sustainable transport. It abuts a cycle route and several bus routes, with stops in close proximity. Further comment will be provided in an addendum report.

Section 106 Obligations

The proposal is for public infrastructure and therefore exempt from tariff payment. However, a contribution towards a staff travel plan is sought.

Conclusions

Devonport requires a new police station, the current premises is unfit for purpose. This prominent corner site is currently under-used as a car park. Its redevelopment with a well designed three storey 'office' type building with active corner 'frontage' will contribute towards the regeneration of the area and help realise the Objective of creating a new District Centre for Devonport along Chapel Street.

Recommendation

In respect of the application dated **23/12/2009** and the submitted drawings, **08093 L0101 rev P3; 08093 L0201 rev. P3 GF & 1F; 08093 L0202 rev P3 2F & RP; 08093 L0301 rev P3; & 08093 L0401 rev P2** , it is recommended to: **Grant**

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.

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 .

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.

REFUSE PROVISION

(7) Before the development hereby permitted commences details of the siting and form of bins for the 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 Development guidelines Supplementary Planning Document

APPROVAL LIGHTING DETAILS

(8) Full details of an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work. The lighting scheme shall be implemented prior to the occupation of the first dwelling.

Reason:

To ensure adequate and attractive lighting arrangements are in place prior to the first occupation of the dwellings.

LAND QUALITY

(9) 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 10 to 12 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 13 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.

SITE CHARACTERISATION

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

(ii) an assessment of the potential risks to:

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

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

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

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

(11) 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

(12) 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

(13) 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 the requirements of condition 10, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 11, 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 12.

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.

CODE OF PRACTICE

(14) 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.

The Council's policy on hours of work for building and construction is as follows:

Monday to Friday	8am - 6pm
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Saturday

8.30am - 1pm

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.

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 developing a police station in this location.
- Design of the proposed building and its impact upon the character of the area
- Impact upon the amenities of neighbouring property
- The adequacy of proposed parking and access arrangements
- Community Benefits / Planning Obligations arising from the proposed development

the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (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 Government Policy Statements and Government Circulars, as follows:

PPG13 - Transport
PPS1 - Delivering Sustainable Development
PPS23 - Planning & Pollution Control
CS28 - Local Transport Consideration
CS32 - Designing out Crime
CS33 - Community Benefits/Planning Obligation
CS34 - Planning Application Consideration
CS22 - Pollution
CS07 - Plymouth Retail Hierarchy
CS08 - Retail Development Considerations
CS18 - Plymouth's Green Space
CS03 - Historic Environment
CS01 - Sustainable Linked Communities
CS02 - Design