

**ITEM: 10**

**Application Number:** 10/02050/FUL

**Applicant:** Aviva Investors Property Trust

**Description of Application:** External alterations to Carpet Right and MFI buildings, comprising replacement roof, removal of entrance canopy, installation of new store entrance and display windows, and changes to colouration of buildings

**Type of Application:** Full Application

**Site Address:** LAIRA BRIDGE ROAD PLYMOUTH

**Ward:** Sutton & Mount Gould

**Valid Date of Application:** 02/12/2010

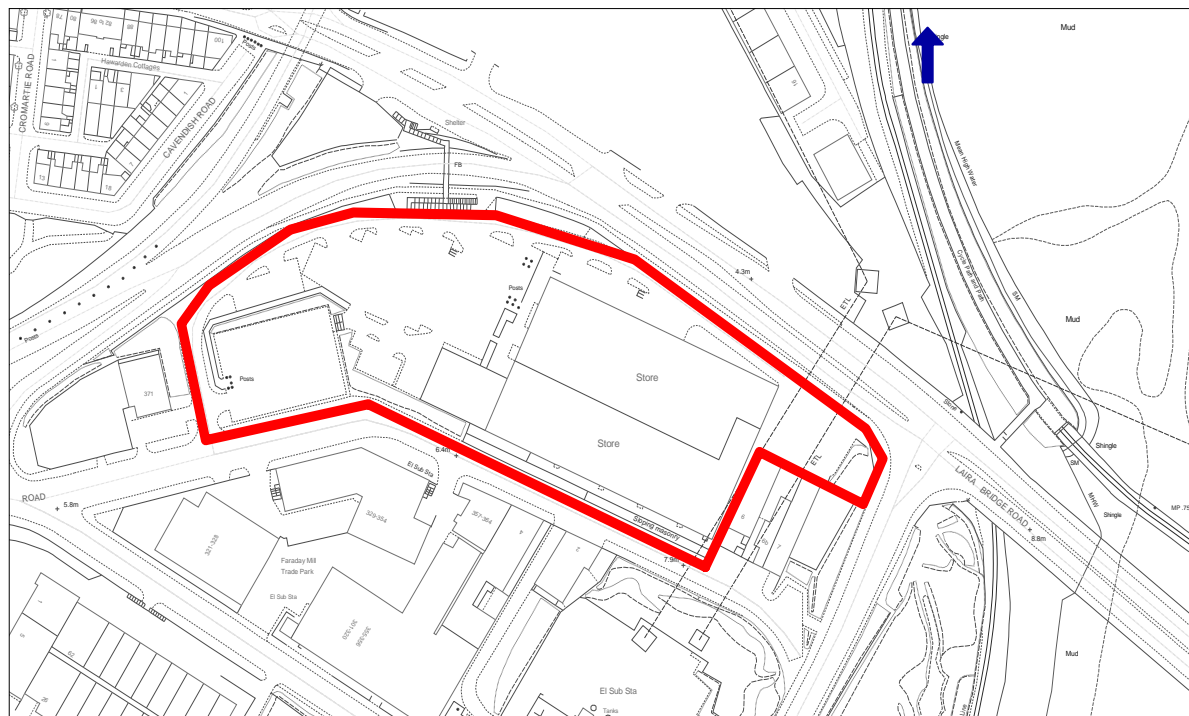
**8/13 Week Date:** **03/03/2011**

**Decision Category:** Major Application

**Case Officer :** Stuart Anderson

**Recommendation:** Grant Conditionally

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## **OFFICERS REPORT**

### **Site Description**

The site of the proposed development is the Carpet Right and MFI building, off Cattewater Road, in the Prince Rock area of the city. The building is a large commercial building, split into two large retail units. At the front of the building is a large car parking area to serve the two units. At the sides and rear of the building there is further car parking and servicing areas. Access to the site is from Cattewater Road. The site itself is level, but it is at a lower ground level than the surrounding highways.

### **Proposal Description**

External alterations to Carpet Right and MFI buildings, comprising replacement roof, removal of entrance canopy, installation of new store entrance and display windows, and changes to colouration of buildings.

The proposed replacement roof would be a composite roof incorporating plastisol coated profile metal covering, coloured Goosewing grey, with added roof lights, to replace an asbestos/profile metal sheet roof.

The existing entrance canopy to the Carpet Right unit would be removed. This unit would have a new entrance door, with six new display windows added.

Vertical profiled metal cladding would be added, resulting in some changes to the colour of parts of the building. The Carpet Right unit would be coloured in Goosewing grey, with red entrance doors. The MFI unit would be coloured in blue.

Some minor changes have been made to the plans. The colours originally proposed were Corus HPS200 Sargasso blue (RAL 5003), and Corus HPS200 Poppy red (BS04E53). In addition to Goosewing grey, the colours now to be used are (blue) Corus HPS200 (RAL 5010) and (red) Corus HPS200 (RAL 3020). These are only minor changes to the shades of blue and red that were originally being proposed, and therefore do not require additional publicity or affect the recommendation being made in this report.

It is understood that the Carpet Right unit will remain and continue to trade. The MFI store has now closed, and will be replaced by a 'Go Outdoors' store.

### **Relevant Planning History**

02/01958/FUL - Demolition of part approx.1740 sq.m of existing retail units, refurbishment of remainder approx.3855 sq.m to form 3 retail units, with associated reconfiguration of car park, add access at Laira Bridge Rd/ Cattewater Road/Finnigan Road and landscaping – this application was refused on the grounds of highway safety, flood risk, and poor design

02/01294/ADV - Illuminated and non-illuminated signs, on building and freestanding – granted

02/01744/PRDEV - Insertion of mezzanine floor (for use for non-food retail) involving no effect on external appearance, and sub-division of existing property to form a total of six non-food retail units – planning permission not required

87/03440/FUL - Alterations to premises including provision of canopy – granted

85/02354/FUL - B. & Q.(retail) ltd Laira Bridge Road Plymouth formation of pedestrian access – refused

83/01433/FUL - Alterations to existing building to form 2 retail units. Erection of new retail unit and new cats and dogs home together with car parking etc – refused

81/04218/FUL - Change of use of premises to non food retail/d.i.y. premises and associated car parking – granted

80/01429/OUT - Use of land for the construction and operation of 'go-kart' type racetrack with car park and ancillary stores and amenities – refused

76/03145/FUL – Provision of additional windows – granted

76/02254/FUL – Erection of sheet metal store – granted

75/00250/FUL – Erection of store for metal - granted

### **Consultation Responses**

Transport Officer – no objections

Public Protection Service – recommending construction code of practice condition

### **Representations**

None.

### **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.

## POLICIES/ISSUES

The relevant policies are CS02, CS07, CS08 and CS34 of the Core Strategy. The Supplementary Planning Document 'Development Guidelines' is also relevant. The main issues are the visual appearance of the proposed alterations, and the planning history of the site.

## VISUAL IMPACT

This is a prominent site alongside one of the major roads into and out of Plymouth. It is therefore important that the proposed alterations are of high quality. One of the reasons for refusal of the 2002 proposal was as follows: *'The proposal would result in an undesirable form, character and appearance of development that would not provide a built frontage and urban design solution that satisfactorily articulates potential quality development warranted in this specific gateway location (as expressed and encouraged in the development plan framework set out in the Local Plan First Deposit (2001), in the Plymouth East End Regeneration Strategy and Master Plan, March 2003 and the Plymouth Eastern Gateway Vision 2004), and as such it would be injurious to the appearance of the area and prejudicial to its potential proper regeneration'*. From the case officer's report the following is quoted: *'In this context the current proposal for buildings set back in a car park, with a thin line of soft landscape treatment to the road boundaries, is now considered to represent a poor contribution to the street, and would not sufficiently address the urban design and gateway aspects of this location'*.

It is considered that the proposed alterations would enhance the visual appearance of the building, and would therefore be acceptable in this important location. It is considered that the proposed cladding would 'brighten' the appearance of the building somewhat, and restore life to the elevations. The proposed new store entrance and display windows to Carpet Right would open up the frontage, and make it a more 'active' frontage.

The proposed new roof would not clearly be seen from outside the site due to the presence of a parapet wall on the edges of the building. Therefore, the proposed new roof would have no impact on visual amenity.

## USE OF BUILDING/PLANNING HISTORY

It is understood that the use of the building is not intended to change as part of this proposal. However, it is important to re-impose any previous use restriction conditions. This is due to similar recent cases (locally and national) where failure to re-impose use restriction conditions lead to unsuitable new uses being enacted. Therefore the planning history of the site is important. Planning permission was granted in 1981 for the *'Change of use of premises to non food retail/d.i.y. premises and associated car parking'* (planning application reference number 81/04218/FUL). Condition 2 of 81/04218/FUL reads: *'The premises shall be used for the retail sale of goods other than foodstuffs, and for no other purposes including any other purpose in Class I of the Schedule to the Town and Country Planning (Use Classes) Order 1972'*. The reason for this condition was: *'The Local Planning Authority considers*

*that the use of the building 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'. On this basis it is considered necessary to re-impose this use restriction condition. The main reason for this is that a use other than non-food retailing (in particular food retailing) might result in additional transport movements to the site which might be unsuitable for the road network surrounding the site. The condition is also intended to protect Plymouth's retail hierarchy.*

Another condition on 81/04218/FUL which it is relevant to re-impose here is: *'No goods, plant, machinery or trade refuse shall be stored in the open at the site unless the written consent of the Local Planning Authority is first obtained'. Reason: 'To safeguard the visual amenities of the area'. Re-imposition of this condition is appropriate given the site's aforementioned gateway location, as it could affect visual amenity to have things stored in the open at the site.*

Another condition on 81/04218/FUL prohibited advertising on the premises. However, it is not considered appropriate to re-impose this condition, as advertising is controlled by its own legislation, and there is already some advertising on the building.

There were some other conditions on 81/04218/FUL, but these were mainly pre-commencement conditions which it would not be appropriate to re-impose here.

#### **OTHER ISSUES**

Due to the fact that there are no residential properties nearby, it is considered that the construction code of practice condition recommended by the Public Protection Service is not justified in this case.

#### **Section 106 Obligations**

None.

#### **Equalities & Diversities issues**

None.

#### **Conclusions**

It is considered that the proposed alterations would enhance the building, and are therefore welcomed at this prominent gateway site. However, the re-imposition of the conditions from the 1981 grant of planning permission are considered to be important, for the purposes of preserving the most suitable and authorised use of the site, protecting Plymouth's retail hierarchy, and visual amenity. Subject to conditions the proposal is recommended for approval.

## **Recommendation**

In respect of the application dated **02/12/2010** and the submitted drawings, **Site location plan, photographs (3 sheets), 117250-100, 117250-101C, 117250-102, 117250-103, 117250-104** , it is recommended to: **Grant Conditionally**

## **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.

### **APPROVED PLANS**

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, photographs (3 sheets), 117250-100, 117250-101C, 117250-102, 117250-103, 117250-104.

#### **Reason:**

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

### **USE RESTRICTION**

(3) The premises shall be used for the retail sale of goods other than foodstuffs, and for no other purposes including any other purpose in Class A1 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010.

#### **Reason:**

The Local Planning Authority considers that the use of the building for the retail sale of goods other than foodstuffs 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. This condition is also intended to protect Plymouth's retail hierarchy, in accordance with policies CS07, CS08 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

### **NO OPEN STORAGE**

(4) No goods, plant, machinery or trade refuse shall be stored in the open at the site unless the written consent of the Local Planning Authority is first obtained.

#### **Reason:**

To safeguard the visual amenities of the area, in accordance with policies CS02 and CS34 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: visual impact, the authorised use of the building, Plymouth's retail hierarchy, 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 (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

- CS34 - Planning Application Consideration
- CS07 - Plymouth Retail Hierarchy
- CS08 - Retail Development Considerations
- CS02 - Design
- SPD1 - Development Guidelines