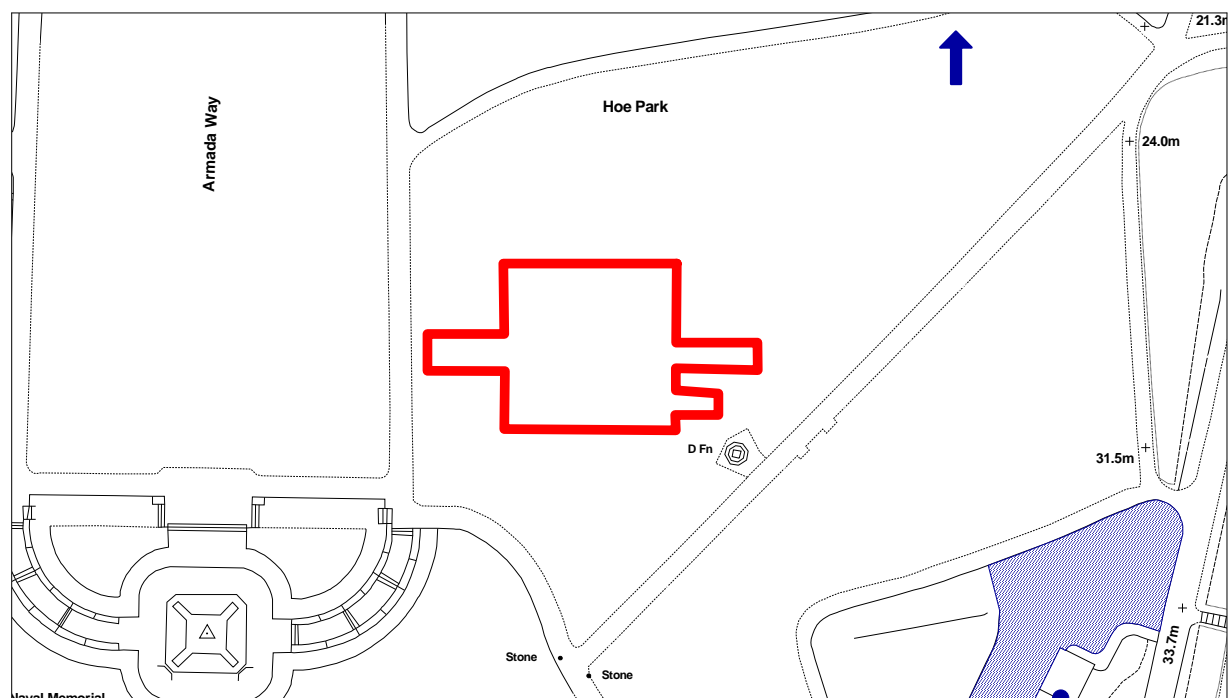


PLANNING APPLICATION REPORT



ITEM: 05

Application Number:	I3/00279/FUL
Applicant:	Wheels Entertainment Ltd
Description of Application:	Retention of 53 metre high observation wheel, associated buildings and catering unit until 28th February 2014
Type of Application:	Full Application
Site Address:	HOE PARK ARMADA WAY PLYMOUTH
Ward:	St Peter & The Waterfront
Valid Date of Application:	19/02/2013
8/13 Week Date:	16/04/2013
Decision Category:	Assistant Director for Planning Referral
Case Officer :	Jon Fox
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



Naval Memorial
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This application has been referred to planning committee by the Assistant Director for Planning due to public interest reasons

Site Description

The site is a grassed area just to the east of Armada Way and south of the Hoe Putting Green. The site is within the historic Hoe Park and the Hoe Conservation Area and is close to various listed war memorials.

Proposal Description

Retention of 53 metre high observation wheel, associated buildings and catering unit until 28th February 2014. The proposed operating hours are 10am to 10pm every day.

Relevant Planning History

11/02026 - 53 metre high observation wheel on Plymouth Hoe - extension to existing permission until 31 December 2012 – approved conditionally until 31st December 2012.

06/00311/FUL - Erection of 40 metre high observation wheel (on land south of putting green) for operation 29 April to 30 September 2006 – Approved conditionally

06/00100/FUL - Erection of giant observation wheel (on land south of putting green) for temporary period – Refused as the proposed period on site would be harmful to the character of the Hoe.

11/00284/FUL - Erection of temporary 53 metre high observation wheel until 30 September 2011 - Approved

11/01361 - Extension of the current application for a temporary 53 metre high observation wheel from 30 September 2011, to 30th December 2011 – Approved.

Consultation Responses

Public Protection Service

No objections.

English Heritage (EH)

Views awaited.

Garden History Society

The Garden History Society no longer employs regional conservation officers but is working in partnership with the Devon Gardens Trust on planning and conservation matters.

The Society advises that if the Local Planning Authority is minded to approve the application the Society asks that, in order not to compromise the potential for repairs to this heritage asset in the future, that the Authority requires the removal of the structure and associated buildings and the reinstatement of the site immediately after 28 February 2014.

Defence Infrastructure Organisation (DIO)

Views awaited.

Representations

One letter of support has been received, which recommends that:

1. On Remembrance Day the Wheel should not operate from 15 minutes prior to the commencement of the parade assembly until 15 minutes after the parade has dismissed.
2. On Remembrance Sunday the Wheel should not operate from 30 minutes before the commencement of the parade assembly and continue throughout the main Act of Remembrance and until 15 minutes after the completion of the Act of Remembrance at the Civilian Memorial.
3. Similar stipulations are applied to any other Civic, military or naval Act of Remembrance conducted at the memorials in Hoe Park during the period of this permission.

I. Analysis

1.1 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.

1.2 The proposal is for the Wheel to occupy the site as previously approved under planning application 11/02026 and, before that, 11/01361 and 11/00284. The main issues are the same, albeit that a further extension of time further erodes the concept of the Wheel being a temporary structure.

1.3 The Hoe is a unique, historical park with impressive open vistas in all directions and consequently occupies a prominent and powerful physical presence in the city, and is much prized for its intrinsic visual amenity and use as an area for informal recreation. The Wheel is sited on a grassed area just to the north, and below, the Hoe Promenade and is just to the east of the main vista of Armada Way, which terminates at the main war memorial on the Promenade.

1.4 Despite its historical significance and genuine peacefulness, the Hoe regularly hosts fairs and other bustling attractions. These are all part and parcel of the value of the Hoe as an asset to the city. Such attractions are relatively infrequent and are not considered to undermine the Hoe's intrinsic character.

1.5 The proposal is for a much larger structure than normally found on the Hoe during fairs and other events. However, its impact is somewhat reduced by the siting being offset from the main north/south vista of Armada Way and is below the level of the Promenade, where other events are commonly staged. As it has already been situated on this site for approximately two years it has become a landmark in its own right on the Hoe.

1.6 The Wheel would be on site until the end of February 2014 and thus can be seen to be taking on an even more permanent characteristic. At the time of writing this report no comments have been received by English Heritage on its consideration of the impact on the Conservation Area and listed buildings, but officers' view is that the Wheel is acceptable on this site in terms of impact on the historic character of the Hoe. The report on the previous application noted that further extensions to this attraction would be considered very seriously in terms of the impact on the usual and permanent nature of the Hoe. In this context it is likely that the Local Planning Authority (LPA) will have to consider whether any future applications relating to the retention of the Wheel be considered as de facto permanent applications.

1.7 With regard to the call for restricting the Wheel's operation on Remembrance Day (Sunday 10th November) and Remembrance Sunday (Monday 11th November), the previous approval stated that the Wheel should not operate between 1030 hours and 1200 hours on Sunday 11th November (both occasions falling on the same day). In the circumstances it is recommended that the Wheel is not operated between these hours on 10th and 11th November 2013. Planning conditions need to be precise and therefore it is considered appropriate to restrict the Wheel's operation on these established occasions only. The applicants have agreed to a condition requiring details of when normal operating hours would be varied and are also quite content with extending the period of non-operation of the Wheel if this is necessary to accommodate the parades on these occasions.

2. Section 106 Obligations

2.1 The proposals do not require mitigation under planning obligations.

3. Equalities & Diversities issues

3.1 The proposals raise no equality and diversity issues. The accompanying design and access statement (DAS) says that accessibility on to the Wheel is provided from a loading platform access to which is on a slight incline allowing access by both to ambulant and wheelchair disabled. The DAS also states that there is provision in a number of viewing capsules for standard wheelchair access and that trained staff are on hand to assist both wheelchair and ambulant disabled.

4. Conclusions

4.1 In these circumstances, and given the boldness of this attraction and the positive impact it has on tourism for the city, officers consider it acceptable to site the Wheel in this position for an extended temporary period. Therefore it is recommended that planning permission be granted, subject to conditions relating to the method statement, preservation of the terrain around the site and hours of use, which has been amended to take account of the need to vary operating hours at

certain times. If the DIO recommend the same condition as previously then this would again be effective as an informative note on the decision notice. Any comments made by English Heritage will be reported to Members in the form of an addendum report.

Recommendation

In respect of the application dated **19/02/2013** and the submitted drawings 2652/01D, 2652/02D, 2652/03B, 2652/11A, method statement, noise report and accompanying design and access statement, it is recommended to: **Grant Conditionally**

Conditions

TEMPORARY PERMISSION

(1) The observation wheel shall cease operation on or before 28 February 2014 and the wheel and all associated structures hereby permitted shall be removed and the land restored to its former condition on or before 7th March 2014 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority before any restoration works commence on site.

Reason:

In the opinion of the Local Planning Authority the temporary structures to which this permission relates will by the said date have fulfilled its required purpose, in accordance with policies CS03 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2652/01D, 2652/02D, 2652/03B and 2652/11A.

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.

HOURS OF OPERATION

(3) The observation wheel hereby permitted shall not be operated later than 2200 hours on any day and shall not be operated before 1000 hours on any day, unless otherwise agreed in writing by the Local Planning Authority. However, the Local Planning Authority shall within one month of the date of this decision notice inform the applicant on what dates and times the Wheel shall cease operation during named events and festivals.

Reason:

To ensure that the amenities of the area are not unduly harmed, in accordance with policies CS22 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

NOISE FROM MUSIC

(4) Noise from music must not be Clearly Audible 1m from the façade of the nearest residential dwelling above background noise.

Reason:

To protect the residential amenity of the area, in accordance with policies CS22 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

METHOD STATEMENT

(5) The dismantling of the observation wheel shall at all times be in accordance with the submitted method statement and the means of protecting the ground and tree roots shall accord with the use of a trackway, temporary roadway system, the details of which shall previously have been agreed in writing with the Local Planning Authority.

Reason:

In order to protect the site from the physical impacts of the development, in accordance with policies CS22 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

INFORMATIVE - DIRECTION OF GENERATOR EXHAUST/BAFFLE

(1) The applicant is advised that any generator exhaust/baffle should be directed away from local residential dwellings in order to reduce the potential noise impact this may cause.

INFORMATIVE - NAMED EVENTS AND FESTIVALS

(2) The named events and festivals will include Sunday November 10th and Monday November 11th and accordingly in respect of condition 3 the applicant is advised that the wheel should not operate between the hours of 10.30am and noon on these days (or other such extended period as may be agreed) in order that the acts of remembrance both at the war memorial and the memorial to Plymouth's civilian war dead are able to be conducted without the distraction of the wheel's rotation.

INFORMATIVE - DEFENCE INFRASTRUCTURE ORGANISATION

(3) The developer is advised to notify UK DVOF & Powerlines at the Defence Geographic Centre with the following information prior to development commencing:

- a. Precise location of development.
- b. Date of commencement of construction.
- c. Date of completion of construction.
- d. The height above ground level of the tallest structure.
- e. The maximum extension height of any construction equipment.
- f. If the structure will be lit with air navigation beacons.

You may e-mail this information to UK DVOF & Powerlines at icqdac-prodaisafdb@mod.uk. or post it to:

D-UKDVOF & Power Lines
Air Information Centre
Defence Geographic Centre
DGIA
Elmwood Avenue
Feltham
Middlesex
TW13 7AH

INFORMATIVE - PROACTIVE

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

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the impact of the wheel on the historic character of the Hoe and specific monuments, 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:

CS28 - Local Transport Consideration
CS34 - Planning Application Consideration
CS18 - Plymouth's Green Space
CS03 - Historic Environment
NPPF - National Planning Policy Framework March 2012