

PLANNING APPLICATION REPORT



Application Number	15/00766/OUT	Item	04
Date Valid	28/04/2015	Ward	Southway

Site Address	LAND ADJACENT TO HILLTOP COMMUNITY CENTRE, CUNNINGHAM ROAD PLYMOUTH		
Proposal	Outline consent for new community building		
Applicant	Cunningham Developments Ltd		
Application Type	Outline Application		
Target Date	23/06/2015	Committee Date	Planning Committee: 04 June 2015
Decision Category	Assistant Director for Strategic Planning & Infrastructure Referral		
Case Officer	Rebecca Boyde		
Recommendation	Grant Conditionally		

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This application has been referred to Planning Committee by the Assistant Director because there are public interest reasons for the matter to be determined by committee.

1. Description of site

The site is located in the Tamerton Foliot area of the city. Tamerton Foliot is an old historic village situated on the northern edge of Plymouth that now lies within the city boundary. The application site is situated at the top north end of the village on an ex MOD housing estate, and close to the very fringe of the city boundary. At present the site currently accommodates a community play area. The site is bounded by residential properties and fronts on to Linton Close.

2. Proposal description

Outline consent for new community building

3. Pre-application enquiry

None directly related to this planning application however please see section 8 of the planning application

4. Relevant planning history

15/00415/FUL-Demolition of Hilltop Community Centre and erection of 12no 3 bed houses, currently under consideration by the Local Planning Authority

15/00412/OUT- Erection of community building, Withdrawn due to transport concerns

14/02286/FUL- Demolition of former Hilltop Community Centre and erection of 12 no. three bedroom houses and 2 no. two bed apartments. Application withdrawn to discuss further with local residents

5. Consultation responses

Local Highway Authority recommends approval subject to conditions

Public Protection recommends approval subject to conditions

6. Representations

Consultation ends Tuesday 26th May (None)

7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007). The development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One: Consultation Draft was approved by Cabinet for consultation purposes on 9 December 2014. As such it is a material consideration for the purposes of planning decisions.

The policies contained in National Planning Policy Framework (the Framework) and guidance in National Planning Practice Guidance (NPPG) are also material considerations which should be taken into account in the determination of planning applications. Due weight should be given to relevant policies in existing and emerging plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Framework provides that the weight to be given to an emerging draft plan is also to be determined according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at an early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given). The draft policies of the Plymouth Plan are currently subject to consultation, although the general direction taken by the plan and key issues and options relating to it have been subject to consultation.

At the heart of the Framework is a presumption in favour of sustainable development. In the context of planning applications, this means approving development proposals that accord with the development plan without delay but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- Specific policies in the Framework indicate development should be restricted.

Additionally, the following planning documents are also material considerations in the determination of the application:

- *Sustainable Design Supplementary Planning Document*
- *Development Guidelines Supplementary Planning Document*

8. Analysis

(1) This application has been considered in the context of the Council's development plan, the emerging Plymouth Plan and adopted planning policy in the form of the Local Development Framework Core Strategy 2007 CS01 (Development of Sustainable Linked Communities), CS02 (Design), CS12 (Cultural/ Leisure Development Considerations) CS15 (Overall Housing Provision), CS30 (Sport, Recreation and Children's Play Facilities), CS22 (Pollution), CS28 (Local Transport Considerations), and CS34 (Planning Application Considerations) the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021 and the aims of the Council's Development Guidelines Supplementary Planning Document 'First Review' (2013). The application has also been considered in the context of the National Planning Policy Framework (NPPF) Paragraph 70.

Principle of development and site context

(2) The proposal is for outline consent for a community centre on the existing play area site located west of the existing Hilltop Community centre site. At present there is a planning application (15/00415/FUL) under consideration by the Local Planning Authority to demolish the existing community centre adjacent to this site and erect twelve new dwellings. As a result of this application the developer is seeking outline consent to erect a community centre nearby to serve the community of Tamerton Foliot.

Erection of a community centre

(3) The Sustainable Neighbourhood Assessment of 2007 for Tamerton Foliot states that Hilltop Community Centre provides useful facilities and is well used, it also goes on to state that there is a good range of community facilities for the neighbourhood's population. The document goes on to comment that in the northern half of the neighbourhood it is only served by Hilltop Community Centre which is in need of renovation. The community centre has not been renovated and has fallen into poor condition. Hilltop is a large community centre where as the proposal for this community centre would be much smaller and likely to be more manageable for the local community in terms of maintenance and viability. It should be noted that the Sustainable Neighbourhood Assessment was carried out in 2007. Since this point other community facilities have become available within the Tamerton Foliot area.

(4) The existing community centre has been closed since April 2014 and has resulted in residents within the local area using the community facilities in the South of the village. It is considered that the erection of a small community centre on this site would allow residents in the North of Tamerton Foliot to have access to a nearby community facility.

(5) Policy 2 (Delivering a city of sustainable linked neighbourhoods) of the Plymouth Plan states that the city will use its planning and other powers to ensure that changes within neighbourhoods serves to support and promote a city of sustainable linked neighbourhoods. This will be done by ensuring that the neighbourhood is a vibrant mixed use centre which meets the daily services and community needs and where appropriate dual uses of facilities within the community. It is officer's opinion that the erection of a community centre on this site would provide a mixed use of residential and community facilities within this area.

(6)The policy goes onto state that communities should have the facilities needed to meet the needs of all of the community, including provision of education and training opportunities, employment uses, health care, cultural and community facilities, leisure and recreation. It is officer's opinion that Tamerton Foliot meets the needs in terms of community facilities however the addition of this community centre would allow residents in the north to have direct access to a facility without heavily relying on transport.

(7)Policy CS30 relates to Sport, Recreation and Children's Play Facilities states that development proposal for new recreation, or the enhancement / replacement of existing facilities will be permitted provided that:-

- The development contributes to meeting identified shortfalls in provision
- The development is accessible by sustainable transport modes

It is considered that the erection of a community facility on this site will contribute positively to the surrounding area whilst providing a much more manageable sized facility and meeting the needs of the local community. It is also considered that the development is accessible via sustainable modes of transport as the majority of residents would be within walking distance. There is also a direct pedestrian link from Cunningham Road where there is a bus stop to this site.

Loss of a play area

(8)This application is for outline consent with all matters reserved therefore no design or layout has been provided. Officers note that the erection of the community centre would result in the loss of a play area however the drawing submitted with application illustrates that there are other areas within the vicinity that can accommodate a play space for the residents. The applicant is encouraged to address the loss of play space when applying at reserved matters stage.

Consultation with Local Residents

(9)Policy 14 (playing an active role in the community) of the Plymouth Plan states that the city will enable engaged and supportive communities by providing communities with access to information, advice and clear evidence to support collaborative decision making and ensure communities and voluntary organisations are informed of their rights. As a result of engaging with the community and ward members and the developers the previous application was withdrawn. The outcome of these discussions resulted in two separate proposals being submitted for consideration. One proposal is for the erection of the twelve units and one is for outline consent for a community centre. The developer has been actively engaged in discussions with the local residents and ward members.

Transport

(10)This application follows on from previous outline application number 15/00412/OUT with virtually the same proposal for a community building on the 'Hard Play Area' which is shown edged in red in the application details. The Local Highway Authority was unable to support the previous community building proposal due to a lack of car parking provision to serve the use, or the opportunity to provide any.

(11)This current application, along with the building plot itself, also includes three separate open grass areas of land edged in blue in the application, and shown on plan drawing numbered 14137 SD 100B, with the intention that they could in-principle be utilized for car parking provision to serve the proposed community building and use.

(12) This is again an outline application with all matters reserved for the erection of a community building on a site of 244 sqm in size, which is currently occupied by a hard-play sports court. The indicative site plan apparently shows the proposed community building to be approximately 80 sqms, and not taking up the whole of the site area.

(13) Parking provision to support the proposed community building use has not been shown in the application. But referring to the Council Development Guidelines SPD parking standards would suggest that a D2 Community Centre Use of less than 1000sqm would expect car parking provision to serve the use at a ratio of up to one off-street parking space for every 5.5sqm metres of main hall floor space. If that were to equate say to two thirds of the floor space, then up to ten off-street parking spaces would be required to serve the use, and help prevent overspill parking on the local streets. But further information would be required to establish the traffic impacts and the exact number of parking spaces that would be appropriate to serve the proposed Community uses. And it is recommended that car parking should be conditionally secured in any grant of planning permission.

9. Human Rights

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.

10. Local Finance Considerations

The proposal is CIL exempt.

11. Planning Obligations

None sought in relation to this application

12. Equalities and Diversities

The proposed development will be available to all members of the public and will not prejudice against age, gender, religion, sexuality, ethnic background or nationality. The site is accessible to people from all areas of the city.

13. Conclusions

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policies CS01 (Development of Sustainable Linked Communities), CS02 (Design), CS15 (Overall Housing Provision), CS12 (Cultural/ Leisure Development Considerations) CS22 (Pollution), CS28 (Local Transport Considerations), and CS34 (Planning Application Considerations) the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021 and the aims of the Council's Development Guidelines Supplementary Planning Document 'First Review' (2013) and is considered to be compliant with National Planning Policy Framework guidance.

13. Recommendation

In respect of the application dated **28/04/2015** and the submitted drawings I4137SD 100B, I4137 EX(90) 02A, it is recommended to: **Grant Conditionally**

14. Conditions

Pre-commencement Conditions

PRE-COMMENCEMENT: APPROVAL OF RESERVED MATTERS

(1) Approval of the details of Appearance, Landscaping, Layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required. This pre-commencement condition is required to ensure that full details are submitted at reserved matters stage.

PRE-COMMENCEMENT: CONTAMINATED LAND

(2) 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 shall not take place until sections 1 to 3 of this condition 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 section 4 of this condition has been complied with in relation to that contamination.

Section 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall 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
 - archaeological 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'.

Section 2. Submission of Remediation Scheme

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 shall 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.

Section 3. Implementation of Approved Remediation Scheme

The approved remediation scheme shall 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 the replaced 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.

Section 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section 2, 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 section 3.

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, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 120 – 123 of the National Planning Policy Framework 2012. This pre-commencement condition is required to ensure that risks to health through contamination are properly considered and addressed before building works commence.

PRE-COMMENCEMENT: ARBORICULTURAL METHOD STATEMENT

(3) No development shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall detail how trees are to be protected during construction. It shall include measures for protection in the form of barriers to provide a 'construction exclusion zone' and ground protection in accordance with Section 6.1 of BS: 5837:2012 Trees in relation to Design, Demolition and Construction - Recommendations. The measures contained in the approved statement shall be fully implemented and shall remain in place until construction work has ceased. This pre-commencement condition is required to ensure trees are protected during the construction phase

Reason:

To ensure that the trees on site are protected during construction work in accordance with Policy CS18 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

Pre-occupation Conditions

PRE-OCCUPATION: CAR PARKING PROVISION

(4) The building shall not be occupied or brought into use until adequate off-street car parking provision has been identified and provided to serve the development in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the parking area/s shall not thereafter be used for any purpose other than the parking of vehicles associated with the use.

Reason:

To enable vehicles used by occupiers or visitors 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 in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

Other Conditions

CONDITION: SUBMISSION OF RESERVED MATTERS

(5) Plans and particulars of the reserved matters referred to in condition (1) above, relating to the Appearance, Landscaping, Layout and scale, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required.

CONDITION: TIME LIMIT FOR COMMENCEMENT

(6) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason:

To comply with Section 92 of the Town and Country Planning Act 1990 and Section 51 of the Planning and Compulsory Purchase Act 2004.

CONDITION: EXISTING TREE/HEDGEROWS TO BE RETAINED/PROTECTED

(7) In this condition "retained tree or hedgerow" means an existing tree or hedgerow which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the commencement of development.

A: No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with BS 3998: 2010 Tree Work Recommendations.

B: If any retained tree or hedgerow is removed, uprooted or destroyed or dies, or pruned in breach of (a) above in a manner which, in the opinion of the Local Planning Authority, leaves it in such a poor condition that it is unlikely to recover and/or attain its previous amenity value, another tree or hedgerow shall be planted at the same place and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

C: The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with the approved plans and particulars in accordance with Section 6.2 of BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

To ensure that trees or hedgerows retained are protected during construction work and thereafter are properly maintained, if necessary by replacement, in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61,109 and 118 of the National Planning Policy Framework 2012.

Informatives

INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)

(1) 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.

INFORMATIVE: (NOT CIL LIABLE) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

(2) The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended)