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26 March 2013

CABINET (MEETING POSTPONED FROM 2 APRIL 2013)

Tuesday 9 April 2013
2pm
Council House (Next to the Civic Centre), Plymouth

Members:

Councillor Evans, Chair
Councillor Peter Smith, Vice Chair
Councillors Coker, Lowry, McDonald, Penberthy, Vincent and Williams.

At the request of the Leader, the meeting scheduled for 2 April 2013 has been postponed to 9 April 2013. Members are invited to attend the above meeting to consider the items of business on the agenda previously circulated and published.

This agenda acts as notice that Cabinet will be considering business in private if items are included in Part II of the agenda.

I apologise for any inconvenience.

Tracey Lee
Chief Executive

CABINET

AGENDA

PART I (PUBLIC MEETING)

1. APOLOGIES

To receive apologies for non-attendance submitted by Cabinet Members.

2. DECLARATIONS OF INTEREST (Pages 1 - 2)

Cabinet Members will be asked to make any declarations of interest in respect of items on this agenda. A flowchart providing guidance on member interests is attached to assist councillors.

3. MINUTES (Pages 3 - 8)

To sign and confirm as a correct record the minutes of the meeting held on 12 March 2013.

4. QUESTIONS FROM THE PUBLIC

To receive questions from the public in accordance with the Constitution.

Questions, of no longer than 50 words, can be submitted to the Democratic Support Unit, Corporate Services Department, Plymouth City Council, Civic Centre, Plymouth, PL1 2AA, or email to democraticsupport@plymouth.gov.uk. Any questions must be received at least five clear working days before the date of the meeting.

5. CHAIR'S URGENT BUSINESS

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

6. LOCAL DEVELOPMENT FRAMEWORK: ADOPTION OF DEVELOPMENT GUIDELINES SUPPLEMENTARY PLANNING DOCUMENT: FIRST REVIEW RELATING TO HOUSES IN MULTIPLE OCCUPATION (Pages 9 - 156)

The Director for Place will submit a report on the Local Development Framework: Adoption of Development Guidelines Supplementary Planning Document: First Review Relating to Houses in Multiple Occupation.

Background papers to this report can be accessed at the Council's website Council and Democracy/ Councillors and Committees/Library/Cabinet background papers or using the following hyperlink – <http://tinyurl.com/bdqqk2r>

7. ADOPTION OF COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE (Pages 157 - 172)

The Director for Place will submit a report on the Adoption of Community Infrastructure Levy Charging Schedule.

8. COMMUNITY INFRASTRUCTURE LEVY REGULATION 123 LIST (Pages 173 - 186)

The Director for Place will submit a report on the Community Infrastructure Levy Regulation 123 List.

9. EXEMPT BUSINESS

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve the likely disclosure of exempt information as defined in paragraph(s) of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

(Members of the public to note that, if agreed, you will be asked to leave the meeting).

PART II (PRIVATE MEETING)

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

that under the law, members are entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

Nil

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What matters are being discussed?



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Does the business relate to or is it likely to affect a disclosable pecuniary interest. These will include the interests of a spouse or civil partner (and co-habitees):

- any employment, office, trade, profession or vocation that they carry on for profit or gain;
- any sponsorship that they receive including contributions to their expenses as a councillor; or the councillor’s election expenses from a Trade Union;
- any land licence or tenancy they have in Plymouth;
- any current contracts leases or tenancies between the Council and them;
- any current contracts leases or tenancies between the Council and any organisation with land in Plymouth in they are a partner, a paid Director, or have a relevant interest in its shares and securities;
- any organisation which has land or a place of business in Plymouth and in which they have a relevant interest in its shares or its securities.

No ↓ Yes → Declare interest and leave

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Might a decision in relation to that business be reasonably be regarded as affecting (to a greater extent than the majority of other Council Tax payers, ratepayers or inhabitants of ward affected by the decision)

- Your well-being or financial position; or
- The well-being or financial position of:
 - A member of your family or any person with whom you have a close association; or
 - Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
 - Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your Authority; or
 - Any body exercising functions of a public nature, directed to charitable purposes or whose principal includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management?

↓ Yes

You must disclose the existence and nature of your personal interests



Would a member of the public, with knowledge of the relevant facts, reasonably regard your personal interest to be so significant that it is likely to prejudice your judgement of the public interest?

No →

You can participate in the meeting and vote (or remain in the room if not a member of the meeting)

↓ No

↓ Yes

– Does the matter affect your financial position or the financial position of any person or body through whom you have a personal interest?
 – Does the matter relate to an approval, consent, licence, permission or registration that affects you or any person or body with which you have a personal interest?
 – Does the matter not fall within one of the exempt categories of decisions?

No ↰

↓ Yes

Speak to Monitoring Officer in advance of the meeting to avoid allegations of corruption or bias

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Cabinet

Tuesday 12 March 2013

PRESENT:

Councillor Evans, in the Chair.

Councillor Peter Smith, Vice-Chair.

Councillors Coker, Lowry, McDonald, Penberthy, Vincent and Williams.

Also in attendance: Tracey Lee (Chief Executive), Anthony Payne (Director for Place), Paul Barnard (Assistant Director for Planning Services), Richard Bara (Urban Planning Co-ordinator), Kathryn Deeney (Green Infrastructure Team Leader), James Watt (Head of Land and Property), David Draffan (Assistant Director for Economic Development), Patrick Bowes (Urban Project Manager), Nick Carter (Housing Strategy and Development Manager), Adam Broome (Director for Corporate Services), Carole Burgoyne (Director for People), Pam Marsden (Assistant Director for Joint Commissioning and Adult Social Care), Claire Hodgkins (Project Manager), and Katey Johns (Democratic Support Officer).

The meeting started at 2.05 pm and finished at 2.55 pm.

Note: At a future meeting, the Cabinet will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

149. DECLARATIONS OF INTEREST

The following declarations of interest were made by members in accordance with the code of conduct –

Name	Minute	Reason	Interest
Councillor Penberthy	Minute 155 – Urban Enterprise – New Enterprise Units at Millfields Trust	Millfields Trust Board Member Chair of Millfields Inspired	Personal
Councillor McDonald	Minute 155 – Urban Enterprise – New Enterprise Units at Millfields Trust	Lifetime Vice-President of the Millfields CEDT	Personal

150. MINUTES

Agreed the minutes of the meeting held on 12 February 2013.

151. QUESTIONS FROM THE PUBLIC

One question was submitted by a member of the public for this meeting, in accordance with Part B, paragraph 11 of the Constitution, as set out below.

In the absence of Mr Sharpe, the question and the response were circulated and the written response would be sent to him.

Question No	Question By	Cabinet Member	Subject
13 (12/13)	Mr F E Sharpe	Councillor Peter Smith, Deputy Leader	Plymstock Swimming Pool
<p>Plymstock residents have been waiting years for a public swimming pool nothing is happening at Sherford. Please can Plymstock residents be consulted regarding a swimming pool in central Plymstock where the majority of residents want one, suggestion Downhorn Park.</p>			
<p>Response:</p> <p>A swimming pool still forms part of the development proposals for Sherford and it is anticipated that this strategic project will still go ahead. There are no proposals for a swimming pool on the Downhorn Park site there is no specific or deliverable project on which to consult.</p>			

152. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

153. **CENTRAL PARK MASTERPLAN**

The Director for Place submitted a written report seeking adoption of a Masterplan for Central park. The Masterplan updated the Council's approach and commitment to the enhancement of the park and set out a framework for investment in the park totalling £11.24m.

Councillor Vincent (Cabinet Member for Environment) presented the report.

Alternative options considered and reasons for the decision –

As set out in the report.

Agreed –

- (1) to adopt the Central Park Masterplan of Environmental Enhancement;
- (2) continued support for the Central Park Community Forum;
- (3) that a business case is prepared to ensure the financial sustainability of the ongoing operational costs, maintenance and upkeep in line with capital developments at Central park;

- (4) that funding equivalent to the value of any future capital receipts, gained as a result of enabling development in the Park, are utilised to support the delivery of the environmental enhancements as set out in this Masterplan.

154. **TRANSFER OF FREEHOLD OF DEVONPORT MARKET HALL BUILDING**

The Director for Place submitted a written report on a proposal to accept the transfer of the freehold of the Devonport Market Hall building to the City Council from the Homes and Communities Agency, together with a dowry sum of £2.57m by 31 March 2013.

The Assistant Director for Planning Services presented the report.

Alternative options considered and reasons for the decision –

As set out in the report.

Agreed to accept the offer from the Homes and Communities Agency to transfer the former Devonport Market Hall building and associated land together with a dowry sum of £2.57m to enable the transfer by 31 March 2013.

(Councillor Coker was absent for consideration of the above item).

155. **URBAN ENTERPRISE - NEW ENTERPRISE UNITS AT MILLFIELDS TRUST**

The Director for Place submitted a written report seeking approval to the Council acting as guarantor for Millfields Trust for repayment of the balance of the Trust's loan from the Local Enterprise Partnership outstanding to a maximum of £2.1m.

The Assistant Director for Economic Development and the Urban Project Manager presented the report.

Alternative options considered and reasons for the decision –

As set out in the report.

Agreed -

- (1) subject to a favourable outcome to both the ERDF and GPF applications, that the Council acts as guarantor for Millfields Trust for repayment of the balance of the Trust's loan from the LEP outstanding to a maximum of £2.1m in accordance with an agreed Heads of Terms between Plymouth City Council and the Millfields Trust which mitigates the potential financial impact upon the Council;
- (2) to delegate approval of the Heads of Terms to the Director for Place.

(Councillors McDonald and Penberthy declared personal interests in respect of the above item).

(Councillor Coker was absent for consideration of the above item).

156. **REVENUES AND BENEFITS PERFORMANCE UPDATE**

The Director for Corporate Services submitted a written report providing an update on the performance of the Revenues and Benefits Service.

Councillor Lowry (Cabinet Member for Finance) presented the report along with a proposal that, as he was now content with the service's direction of travel, it was no longer necessary to submit monthly updates to Cabinet and it would, therefore, be more appropriate for the service's performance to be monitored by the Support Services Overview and Scrutiny Panel.

Alternative options considered and reasons for the decision –

As set out in the report.

Cabinet noted the progress made by the service since the implementation of a new structure in November 2011 and agreed that future performance monitoring would be undertaken by the Support Services Overview and Scrutiny Panel.

157. **THE PENINSULA FRAMEWORK AGREEMENTS FOR INDEPENDENT SECTOR CHILDREN AND YOUNG PEOPLE'S PLACEMENTS**

The Director for People submitted a written report seeking renewal of the current Peninsula wide arrangements for the commissioning of independent sector children and young people's placements in: foster care; children's homes; special schools; and supported accommodation to help young people achieve independence.

Councillor Williams (Cabinet Member for Children and Young People) presented the report.

Alternative options considered and reasons for the decision –

As set out in the report.

Agreed -

- (1) to renew the membership of Plymouth City Council as a contracting body eligible to call off individual placement contracts from providers signed up to the Peninsula Framework Agreements for Independent Sector Children and Young People's Placements. In 2013/14 the children's social care independent sector placement budget will be £6,473,601;
- (2) that the lead authority, Devon County Council, enters into Framework Agreements with providers appointed under the Peninsula Framework Agreements for Independent Sector Children and Young People's Placements on behalf of members of the Peninsula Commissioning and Procurement Partnership. Plymouth City Council is a member of this partnership.

158. **YOUNG PERSON'S (AGED 16 - 25) ACCOMMODATION COMMISSIONING PLAN**

The Director for People submitted a written report proposing to remodel services to provide a living environment that enables young people to successfully transition into adulthood equipped with independent living skills. The expiration of the current contracts during the 2013/14 financial year provided an opportunity to –

- Align services along the pathway and make the HUB the single point of access into supporting accommodation so that young people were accessing the service most appropriate for their needs;
- Increase supported provision at the high support 'front end' of the pathway to provide more intensive support to a greater number of young people;
- Remodel provision for young parents to ensure that services are able to support young parents and families;
- Remodel provision for young people with high support needs to ensure that there are robust, secure, appropriate accommodation options in order to decrease the likelihood that young offenders will be remanded into expensive custody placements unnecessarily;
- Increase the provision available for young people on a low income, to reduce bottlenecks in supported accommodation and homelessness as a result of insufficient independent accommodation.

Councillor McDonald (Cabinet Member for Adult Social Care) presented the report.

Alternative options considered and reasons for the decision –

As set out in the report.

Agreed the Young Persons (Aged 16-25) Accommodation Commissioning Plan.

159. **ACCEPTANCE OF OFFER FOR SITE OF FORMER ERNESETTLE COMMUNITY CENTRE**

The Director for Place will submit a written report seeking approval of an offer from Aster Housing Group for the site of the former Ernesettle Community Centre for the provision of a 40 unit affordable extra care housing scheme for older people with associated community facilities.

Councillor Lowry (Cabinet Member for Finance) presented the report.

Alternative options considered and reasons for the decision –

As set out in the report.

Agreed that, to meet the city's agenda of accelerated and increased new and affordable housing delivery and the aims of the Charter for Older People, the site is declared surplus as per the Surplus Property Declaration No. 227 and the offer of £1 from the Aster Group for the former Ernesettle Community Centre is accepted.

160. **EXEMPT BUSINESS**

There were no items of exempt business.

PLYMOUTH CITY COUNCIL

Subject:	Development Plan: Adoption of Development Guidelines Supplementary Planning Document – First Review
Committee:	Cabinet
Date:	2 April 2013
Cabinet Member:	Councillor Vincent
CMT Member:	Anthony Payne (Director for Place)
Author:	Thomas Westrope (Planning Officer)
Contact details:	Tel: 01752 307803 e-mail: Thomas.westrope@plymouth.gov.uk
Ref:	TW/DGFR
Key Decision:	No
Part:	I

Purpose of the report:

This report relates to the adoption of the Development Guidelines Supplementary Planning Document (SPD) – First Review, which will be part of the package of Local Development Documents within the Development Plan (formally the Local Development Framework). As this document is part of the Council's Policy and Performance Framework, the Cabinet's decision will need to be formally ratified by Full Council.

The aim of this SPD is to provide guidance to support policies set out in the Core Strategy. It will assist the City Council in delivering the local, sub-regional, regional and national objectives in respect of sustainable development and includes information on residential, food and drink uses, shop fronts, signs and advertisements, refuse storage, telecommunications, parking standards & travel plans, and coastal development considerations.

The original Development Guidelines SPD was adopted by the City Council on 26 April 2010. Primarily the changes in this First Review concern amendments to Chapter 2 in relation to conversions to Houses in Multiple Occupation (HMOs) and flats and includes the guide of a 'threshold' approach to assessing whether a change of use would be harmful to an area's character having regard to the existing number of converted and non-family dwellings in the vicinity. The draft First Review was approved for consultation by the Cabinet Member for Environment and the decision was published on the 7 September 2012. Consultation was carried out between the 20 September 2012 and the 1 November 2012. Some minor amendments and clarification have been made to the document as a result.

Corporate Plan 2012-2015:

The Development Guidelines First Review SPD directly supports the objectives set in the Corporate Plan. Specifically, the SPD will provide additional guidance for the development of the City in line with the adopted Core Strategy and will contribute towards the 'Delivery of Growth'. The SPD will support and increase the range and quality of housing in safe, inclusive and sustainable communities (Level 1 indicator).

The SPD also supports the corporate priorities to Raise Aspirations, by contributing to the overall / general satisfaction with the local area (Level 1 indicator); to Provide Value for Communities, by providing guidance that supports the development standards expected of our policies, and; to Reduce Inequalities, by contributing towards improved standards of housing.

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

The costs associated with the recommendations of this report including publication of statutory notices and costs for the adoption of the SPD will be met from the Planning Services revenue budget.

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:

The guidance contained in the Development Guidelines SPD can contribute positively towards the issues mentioned above. Specifically, the changes made in this First Review in relation to Houses in Multiple Occupation will support the creation of sustainable communities and improve community cohesion.

Equality and Diversity

Has an Equality Impact Assessment been undertaken? Yes

An Equality and Diversity Impact Assessment was completed in relation to Cabinet's Decision to introduce an Article 4 Direction in Relation to Houses in Multiple Occupation. The resulting actions identified were also applicable in relation to the implementation of planning policy guidance. They were:

- Ensure consultation with diverse community groups regarding the A4D and any associated planning policy guidance.
- Ensure that communications are accessible to people with disabilities.
- To consider the adequate provision and acceptable distribution of HMOs through the drafting, consideration and implementation of planning policy guidance.

These resulting actions have been complied with fully.

Recommendations & Reasons for recommended action:

It is recommended that Cabinet:

1. Recommend to Full Council that the Development Guidelines Supplementary Planning Document SPD First Review (Appendix I) be formally adopted.

Reason: To provide detailed planning guidance to support the delivery of the Council's policies including the creation of sustainable communities.

2. Recommend to Full Council to delegate authority to the Assistant Director for Planning to approve the final publication version of the Supplementary Planning Document.

Reason: To ensure that the SPD is produced in a user-friendly format with appropriate illustrations and formatting.

Alternative options considered and rejected:

Do Not Adopt the SPD First Review: This would mean that the Council would continue to make decisions on planning applications for Houses in Multiple Occupation using the existing guidance. This option would not contravene any regulations but could result in different outcomes for planning issues considered by the Local Planning Authority.

Make Further Changes to the SPD: No further changes are considered to be necessary, however, should significant amendments be made a further consultation stage would be required.

Published work / information:

- Article 4 Direction: http://www.plymouth.gov.uk/article_4_direction.pdf
- Delegated Decision: Approval to Consult on the 'Development Guidelines SPD: First Review', 6 September:
<http://www.plymouth.gov.uk/modgov?modgovlink=http%3A%2F%2Fwww.plymouth.gov.uk%2FmgInternet%2FieDecisionDetails.aspx%3FID%3D2233>
- 'Development Guidelines Supplementary Planning Document First review – consultation draft', 6 September: Available from the Delegated Decision above.
- Development Guidelines Supplementary Planning Document (Original), April 2010:
<http://www.plymouth.gov.uk/developmentguidelinesoriginal.htm>
- Equality Impact Assessment, August 2011:
<http://www.plymouth.gov.uk/equalitiesimpactassessments.htm>
- Delegated Decision: Confirmation of Non-immediate Article 4 Direction in Respect of Houses in Multiple Occupation (HMO), 27 January 2012:
<http://www.plymouth.gov.uk/modgov?modgovlink=http%3A%2F%2Fwww.plymouth.gov.uk%2FmgInternet%2FieDecisionDetails.aspx%3FID%3D2133>

- Growth and Prosperity Overview and Scrutiny Panel Paper, Appendices and Minutes: Article 4 Direction in Respect of Houses in Multiple Occupation (HMO), 9 January 2012:
<http://www.plymouth.gov.uk/modgov?modgovlink=http%3A%2F%2Fwww.plymouth.gov.uk%2FmgInternet%2FieListDocuments.aspx%3FCId%3D914%26amp%3BMId%3D4669%26amp%3BVer%3D4>
- Cabinet Paper, Appendices and Minutes: Proposed Non-immediate Article 4 Direction for Houses in Multiple Occupation, 23 August 2011:
<http://www.plymouth.gov.uk/modgov?modgovlink=http%3A%2F%2Fwww.plymouth.gov.uk%2FmgInternet%2FieListDocuments.aspx%3FCId%3D254%26amp%3BMId%3D4699%26amp%3BVer%3D4>
- Student Housing in Local Communities January 2011 (ARUP):
<http://www.plymouth.gov.uk/studenthousing.htm>

Background papers:

Title	Part I	Part II	Exemption Paragraph Number							
			1	2	3	4	5	6	7	
Appendix I - Development Guidelines SPD First Review (Attached)	Y									
Consultation Summary	Y									
Consultation Statement (Regulation 12)	Y									
Summary of Main Changes	Y									
Strategic Environmental Assessment & Habitat Regulations Assessment Screening Report	Y									

Sign off:

Fin	PC.PlaceF PC1213 019.190313	Leg	JAR/1712 1 200313	Mon Off	TH00 98	HR	NA	Assets	NA	IT	NA	Strat Proc	NA
Originating SMT Member Paul Barnard, Assistant Director for Planning, Directorate of Place													
Has the Cabinet Member(s) agreed the contents of the report? Yes													

1. INTRODUCTION

- 1.1 This report relates to the formal adoption of the 'Development Guidelines Supplementary Planning Document (SPD): First Review', following the making of amendments to the draft SPD in response to public consultation. A schedule of amendments is available as a background paper to this report. The First Review of the SPD primarily concerns changes to the original document's guidelines on changes of use to Houses in Multiple Occupation (HMOs). The Review was triggered by the Council's removal of permitted development rights for HMOs in parts of the city through an Article 4 Direction.

2. BACKGROUND

- 2.1 On the 23 August 2011, Cabinet resolved to make a non-immediate Article 4 Direction in line with recommendations contained in the evidence base report, *Student Housing in Local Communities* (January 2011). The decision also included a resolution to prepare supporting planning guidance to amplify existing policy in relation to changes of use to HMOs.
- 2.2 The Article 4 Direction was subsequently confirmed on the 14 February 2012 and came into effect from the 14 September 2012. The effect of the Article 4 Direction is to require the submission of a planning application for properties within the designated area for changes of use to C4 HMOs (properties that are occupied with between 3-6 unrelated individuals subject to certain caveats). Changes of use to 'sui-generis' HMOs (those that are occupied with more than 6 unrelated individuals) already require planning permission. Details of use classes can be found in 'Circular 08/10: Changes to Planning Regulations for Dwellinghouses and Houses in Multiple Occupation'.
- 2.3 The area of the Article 4 Direction covers (approximately) the existing high concentration areas of Mutley & Greenbank, and the City Centre. It also provides controls in the most at risk parts of the surrounding neighbourhoods of Stonehouse, Stoke, Peverell, Beacon & Pennycross, Hartley & Mannamead, Higher Compton, Efford, Lipson & Laira, Mount Gould and East End, where future pressures could harm the balance and sustainability of these communities. This, in effect, creates a 'buffer' to ensure that latent demand for HMO housing is not merely located immediately adjacent to existing high concentration areas.
- 2.4 On the 6 September 2012, a delegated decision was made by the Cabinet Member for Environment, to publicly consult on the 'Development Guidelines Supplementary Planning Document First Review Consultation Draft' in accordance with The Town and Country Planning (Local Development) (England) Regulations 2012. The results of this consultation are summarised in Section 5 below.

3. PURPOSE OF THE DEVELOPMENT GUIDELINES SPD

- 3.1 The Development Guidelines SPD provides further guidance and explanation to the adopted Core Strategy and will be used to inform planning decisions. In particular it serves to amplify Policy CS34 (planning application considerations). It aims to help improve the quality of development in Plymouth by providing

user-friendly planning guidance and enabling applicants to better understand the planning criteria by which their application has been determined.

3.2 Specific guidance in the SPD is included on:

- House alterations and extensions
- Conversions to Houses in Multiple Occupation
- Conversions to flats
- Purpose-built student housing
- New residential development including Lifetime Homes and children's play areas
- Food and drink uses
- Shop fronts
- Adverts and signs
- Refuse storage
- Telecommunications
- Parking standards and travel plans
- Coastal development considerations

4. THE CONSULTATION DOCUMENT

- 4.1 The changes proposed in the First Review of the SPD are primarily to provide additional guidance about how planning applications for HMOs received by the Council will be considered. A high concentration of shared homes can sometimes cause problems, especially if too many properties in one area are let to short term tenants with little stake in the local community. Existing policies in the Core Strategy seek to create Sustainable Linked Communities (eg Policy CS01 & CS15) and guidance in the proposed SPD First Review provides advice on how this can be achieved.
- 4.2 The SPD proposed a 'threshold' approach to assessing the concentrations of HMOs. This is to allow for considered decisions to be made on a case by case basis using an understanding of the area to assess the impact that the proposal may have using the evidence available.
- 4.3 It is proposed that applications are assessed at three scales – the street, the Census output area and the local area – to provide a complete picture. Evidence held by the Council regarding Council tax exempt properties, licensed properties and those known to have planning permission, along with any reasonably verifiable information provided by the community or applicant, subject to certain criteria, can be used when reaching a decision.
- 4.4 The proposals continue to provide a presumption in favour of purpose built student accommodation rather than smaller HMOs in order to meet the needs of the city and reduce pressure on the city's housing stock.

5. CONSULTATION PROCESS AND RESULTS

- 5.1 Formal consultation was carried out on the document for six weeks between the 2012 September to 1 November 2012. The consultation process included a press advertisement, publication on the Council's website, notification through the consultation portal and availability at libraries and First Stop. The consultation process was carried out in accordance with our Statement of Community Involvement and the statutory requirements for the adoption of Supplementary Planning Document contained in The Town and Country Planning (Local Development) (England) Regulations 2012.
- 5.2 Through the consultation nine responses were received. Five were from members of the public. Four were on behalf of British Sign and Graphics Association, the Environment Agency, English Heritage and Natural England. In addition, three responses were also received in relation to the associated 'Strategic Environmental Assessment & Habitat Regulations Assessment Screening Report' from the Environment Agency, English Heritage and Natural England.
- 5.3 All of the comments received during the consultation process have been summarised into a 'consultation statement' which includes responses and how those comments have been addressed in the SPD. The consultation statement is available as a background paper to this report. It should be noted that although the main focus of the review was the guidance on planning applications relating to HMOs, representations were able to be submitted on any part of the original SPD and this is reflected in the representations received.
- 5.4 As a result of the comments received some minor amendments have been made, a summary of which is below:
- Contact details updated for Devon Sea Fisheries
 - Updated reference to advertisement regulations
 - Revised wording and clarification in relation to advertisement guidance. Paragraphs 5.3.3, 5.3.5, 5.3.7 and 5.3.8.
 - Reference to the Water Framework Directive included.
- 5.5 As a result of the comments received some amendments have also been made to the Strategic Environmental Assessment & Habitat Regulations Assessment Screening Report, a summary of which are is set out below:
- Specific reference in section 2 on the Core Strategy Policies that the document amplifies.
 - Addition of an appendix summarising the conclusions of the Core Strategy HRA (Habitat Regulations Assessment).
 - Additional detail on how the marine developments section of the SPD address the need identified in the Core Strategy HRA.

6. NEXT STEPS

- 6.1 Subject to Cabinet approval the document will go before Full Council for a resolution to formally adopt the document. Subject to Full Council's approval, the document will then be adopted and published. An Adoption Statement will

be produced and this will be published alongside the SPD as soon as reasonably practicable.

- 6.2 The Development Guidelines SPD First Review will continue the important role in helping to raise the quality of development within the city. It will be used as a material consideration in the determination of planning applications.

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1 Introduction

1.1 Introduction

1.1.1 The aim of this Supplementary Planning Document is to provide guidance to support policies set out in the Local Development Framework Core Strategy. This document will form part of the package of Local Development Documents within the Development Plan as required under the Planning and Compulsory Purchase Act 2004. It will assist the City Council in delivering the local, sub-regional, regional and national objectives in respect of sustainable development. It has been prepared in accordance with the Government's National Planning Policy Framework and the associated Town and Country Planning (Local Planning) (England) Regulations 2012.

1.1.1a The Development Guidelines SPD was first adopted on the 26 April 2010. This First Review incorporates amendments to Chapter 2 in relation to conversions to HMOs and flats. Primarily the additional guidelines are relevant to planning applications for changes of use to Houses in Multiple Occupation (HMOs). The amendments have been necessary because of the creation of an Article 4 Direction by the Council which requires planning permission for changes of use to HMOs that would otherwise not require consent.

1.1.2 This document is designed to be thought provoking by identifying planning considerations and guidance in relation to different types of development. It is also designed to be informative – providing clear explanations and links to further sources of information and guidance.

1.1.3 The aim is to:

- Improve the quality of planning applications by providing user-friendly guidelines
- Improve the speed and quality of planning decisions
- Improve the transparency of decision-making so that applicants can better understand the criteria by which their application has been decided
- Signpost developers, applicants and officers to further sources of information and additional considerations
- Improve the quality of development in Plymouth.

1.1.4 The guidance in this Supplementary Planning Document relates to the following types of development:

- Residential (including house extensions and alterations)
- Food and drink uses
- Shop fronts
- Signs and advertisements
- Refuse storage
- Telecommunications

- Parking standards and travel plans
- Coastal development considerations.

1.1.5 This Supplementary Planning Document should be read alongside the Design Supplementary Planning Document which provides detailed guidance about the distinctive elements and unique characteristics of the city and how these should be recognised and used to inform new development in order to support the development of sustainable neighbourhoods. The Development Guidelines Supplementary Planning Document complements the Design Supplementary Planning Document by providing guidance on detailed planning considerations relating to a range of development, including householder development.

1.1.6 The inclusion of guidance on coastal development issues within this Supplementary Planning Document removes the requirement for a separate coastal Supplementary Planning Document.

1.2 Status of this Supplementary Planning Document

1.2.1 This Supplementary Planning Document will be one of a number of documents constituting important material considerations in the determination of planning applications. Proposals for development will need to take into consideration the guidance set out in this Supplementary Planning Document, wherever relevant, within the context of the policies that are identified in the Core Strategy, other relevant Development Plan Documents and national policy.

1.2.2 The guidance set out in this SPD will be implemented primarily through the development management process.

This Supplementary Planning Document represents the Council's most up-to-date guidance, superseding the following Supplementary Planning Guidance Notes:

- 1 – House Extensions (1995)
- 2 – House and Roof Alterations (1995)
- 3 – Shopfront Design (1995)
- 4 – Shop Signs and Advertisements (1995)
- 5 – Food and Drink (1995)
- 6 – Houses in Multiple Occupation (1999)
- 7 – Protecting and Providing for Wildlife in Development (1999)
- 8 – Childcare Facilities (1999)
- 9 – Refuse Storage Provision in Residential Areas (1999)
- 10 – Amusement Centres (1999)

11 – The Provision of Children’s Play Space in New Residential Development (1999).

1.3 How to use this Supplementary Planning Document

1.3.1 The Supplementary Planning Document is divided into nine chapters – each dealing with a different aspect of development. Each chapter is structured as follows:

- An introduction to the topic with links to relevant Core Strategy policies and national guidance
- Planning considerations in relation to the development
- Links to further sources of information and guidance
- A checklist for planning applications.

1.4 Contacts for further advice

For advice on submitting a planning application please contact:

Development Management Unit
Department of Development and Regeneration
Plymouth City Council
Civic Centre
Plymouth
PL1 2AA

Email: planningconsents@plymouth.gov.uk

Tel: 01752 304366

For general planning policy advice please contact:

Planning Policy
Department of Development
Plymouth City Council
Civic Centre
Plymouth
PL1 2AA

Email: planningpolicy@plymouth.gov.uk

Tel: 01752 304145

2 House extensions and alterations, residential conversions and development of new homes

2.1 Introduction

2.1.1 The purpose of this chapter is to provide guidance in relation to certain types of residential development. The aim of this guidance is to achieve high quality development that reflects the needs and aspirations of existing and future residents.

2.1.2 The guidance in this chapter primarily supports Core Strategy Policy CS15 (Overall Housing Provision) and Policy CS34 (Planning Application Considerations) but also relates to Policy CS01 (Development of Sustainable Linked Communities), Policy CS02 (Design), Policy CS20 (Sustainable Resource Use) and Policy CS22 (Pollution). It also reflects national guidance in Planning Policy Statement 3 (PPS3) which seeks to ensure that everyone has the opportunity of living in a decent home. PPS3 requires residential development to:

- Integrate with, and complement, the neighbouring buildings and the local area in terms of scale, density, layout and access
- Facilitate the efficient use of resources, during construction and in use
- Adapt to and reduce the impact of, and on, climate change
- Take a design-led approach to the provision of car-parking space
- Create, or enhance, a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity
- Provide for the retention or re-establishment of the biodiversity within residential environments.

2.1.3 The chapter covers planning considerations in relation to:

- House extensions and alterations
- Residential conversions to:

Houses in Multiple Occupation
Flat conversions

- Detailed considerations for residential development
- Purpose-built student housing
- Lifetime Homes.

2.1.4 Guidance is also included on the design of children's play space as part of new residential developments.

2.1.5 The planning considerations and guidance related to these types of residential development are presented in the following sections:

Sections 2.2 - 2.4 – Householder extensions and alterations

Sections 2.5 - 2.7 – Conversions to HMOs and flats

Sections 2.8 - 2.10 – Detailed considerations for residential development

2.1.6 The guidance set out in this chapter does not aim to be overly prescriptive. The Council recognises that the characteristics of each site will be different and that what is inappropriate at one location could be appropriate in another. Additionally, the Council does not wish to discourage imaginative design solutions appropriate to their context. This guidance does, however, set out a benchmark for protecting the character and amenities of local neighbourhoods and for driving up the quality of the urban environment.

2.2 Householder extensions and alterations

2.2.1 House extensions or alterations can provide valuable additional space for households and improve the quality of accommodation. However, if not thoughtfully carried out, they can lead to problems for adjoining householders and can contribute to a decline in residential amenity. As most dwellings were not originally designed to be extended, careful thought must be given to the impact any additions could have on adjoining properties, and the visual appearance of an area.

2.2.2 The aim of this section is to set out guidance and considerations to ensure that house extensions and alterations:

- Are in keeping with the appearance of the existing house and character of the area
- Provide a satisfactory standard of accommodation to occupants of homes that are to be extended and to neighbouring properties.

2.2.3 This section covers the following considerations:

2.2.4 Considerations applicable to all householder development, including:

- Visual impact
- Physical impact on neighbours.

2.2.5 Considerations relating to specific types of house extension and alteration, including:

- Front extensions
- Side extensions
- Corner plot extensions
- Rear extensions
- Roof extensions
- Garages, car ports and hard-standings
- Boundary walls and fences
- Extensions for dependent relatives.

2.2.6 Some proposed house extensions will be permitted development and in these cases you will not need to make a planning application. If you intend to extend your home it is always advisable to check with planning officers whether a planning application is required.

2.2.7 The construction of an extension which requires but does not have planning permission can have frustrating and costly implications for the owners. The Council can take legal action against any unauthorised extensions.

2.2.8 In the case of high density development, where a site has been developed to capacity, the option of removing permitted development rights for house extensions will be considered.

2.2.9 In respect to extensions to houses which are listed or located within a Conservation Area, particular care will be needed to protect the property's and area's historic character. Special considerations may thus apply to proposals. Special advice concerning these matters and the consents that you will need can be obtained from the Council's planning officers.

Further information is also available on the Council's website: www.plymouth.gov.uk/historicenvironment

2.2.10 If your extension is for someone with a disability it is best to consult with planning officers at an early stage. Wherever possible, we will support proposals that are for the sole benefit of someone with a disability. However, it is still important to apply the design principles in this guide, in particular to ensure that neighbours are not adversely affected by your proposals.

Visual impact

2.2.11 Extensions and alterations should relate well to the main dwelling and character of the area. They should generally follow the same architectural style and use the same materials as the original dwelling. Proposals should also respect the character of the area, including building form and layout, architectural style and materials. Diagrams 2.1 and 2.2 illustrate some common design terms associated with house alterations and extensions.

2.2.12 Occasionally, extensions which differ or even contrast with the original property can be acceptable. It is not the aim of the Council to stifle imaginative schemes. However, even where materials or designs contrast there should still be a harmonious relationship with the main body of the property being extended.

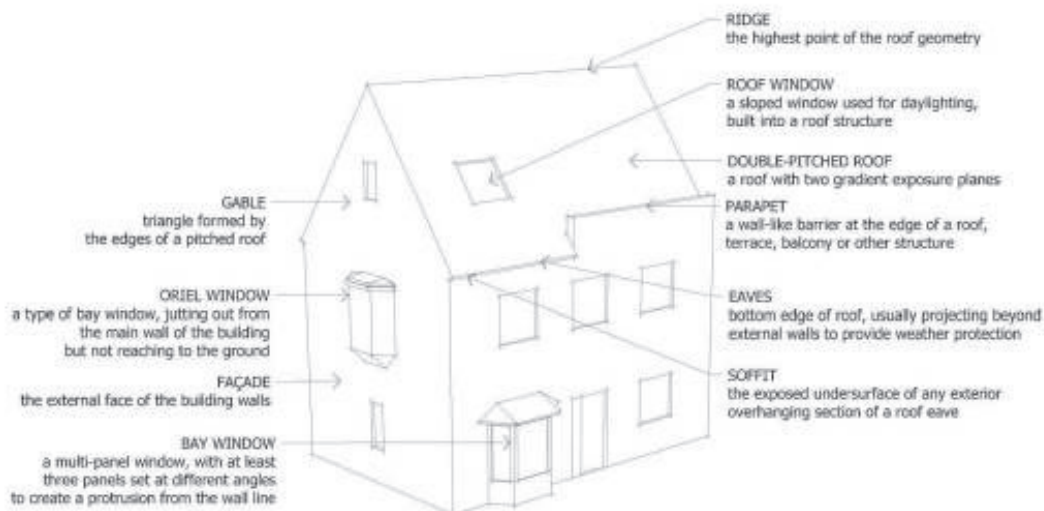


Diagram 2.1 - Technical terms for house design

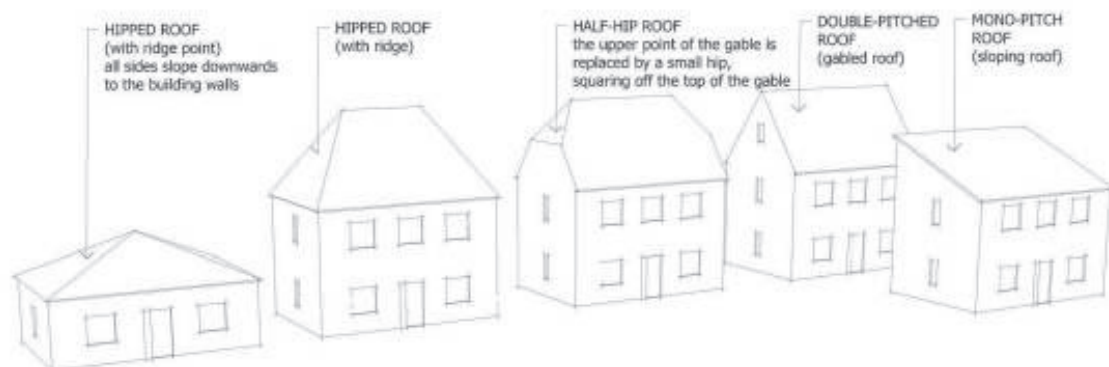


Diagram 2.2 - Technical terms for roof designs

Materials

2.2.13 Materials used in house alterations or extensions should generally match those of the existing house and relate to the surrounding area. It is important to consider the impact of weathering on the colour and texture of materials and ensure that small but important details, such as mortar colour and bonding style, are correct.

2.2.14 Using good quality materials will improve the appearance of the property and lead to lower maintenance costs over time.

2.2.15 A condition may be applied to require particular materials to be used; for example, to match the appearance of the existing house.

Roofs

2.2.16 The shape and pitch of roofs on house extensions should mirror those of the original home. Flat roofs will be discouraged where they are not a feature of the original house, although they can sometimes be acceptable at the rear of properties, particularly where they are not prominent and help to reduce the height of an extension.

2.2.17 The colour and shape of roofing materials should reflect those of the original home, especially where the roof is visible from the street.

Windows

2.2.18 The positioning and design of windows is crucial to achieving a unified exterior. The windows in an extension should reflect the proportions of the existing windows. The size, shape and materials of windows should correspond with the existing windows and it is vital that the horizontal and/or vertical divisions of individual windows match.

2.2.19 Habitable room windows should be positioned to maximise available daylight and sunlight.

Physical impact on neighbours

2.2.20 Applicants should be aware of the Council's responsibility to protect the existing amenities of all people. This section sets out guidance in order to ensure that any alteration or extension does not have an unsatisfactory effect on the standard of living offered to occupants of homes that are to be extended and their neighbouring properties.

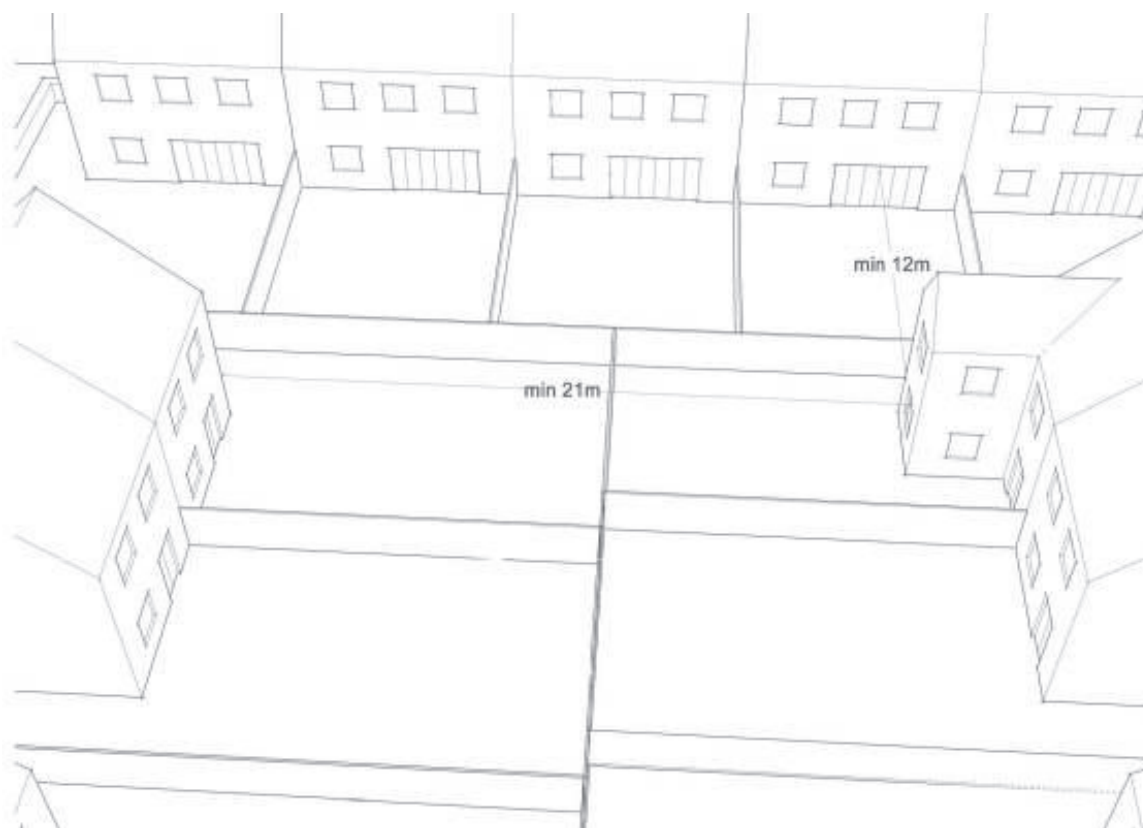
Privacy

Diagram 2.3 - Minimum distance between habitable room windows

2.2.21 The levels of privacy expected from a residential environment will differ depending upon the location. Within the older, more densely developed neighbourhoods of Plymouth such as the Barbican, Stonehouse and Devonport, it is not unreasonable to assume that privacy might be less than in lower-density neighbourhoods of the city.

2.2.22 The following guidelines are intended to ensure that house extensions and alterations do not result in a harmful loss of privacy to neighbouring properties, but should be applied flexibly to reflect the character of the neighbourhood.

2.2.23 Habitable room windows facing directly opposite one another should normally be a minimum of 21 metres apart for a two-storey development, as shown in Diagram 2.3. This distance should be increased to 28 metres when one or more of the buildings are 3 storeys in height. An exception may be allowed where the proposed extension is single storey and there is a boundary wall between the properties.

2.2.24 Problems concerning privacy can sometimes be overcome by relocating windows, or by the installation of roof lights. Obscure glass can be an appropriate solution if the facing window serves a non-habitable room such as a bathroom.

2.2.25 The following requirements may be applied as planning conditions to protect privacy.

A requirement for:

- Obscure glazing of windows
- Non-opening windows.

Balconies and roof gardens

2.2.26 Balconies and roof gardens are often unacceptable in urban areas because of the impact they can have on the privacy of neighbours. In assessing a proposal for a balcony or roof garden the degree of overlooking will be considered.

2.2.27 Balconies or roof gardens in proposed extensions should not be sited so that they impinge to an unacceptable extent on the privacy of neighbours' gardens or habitable rooms. However, a balcony that is set back within an extension on the rear elevation of a house may sometimes be acceptable as the extent of potential overlooking is then reduced.

Decking, terraces and patios

2.2.28 Decking and other similar developments can lead to problems of overlooking, particularly in sloping gardens, and will therefore be resisted if they would create an unacceptable loss of privacy for neighbouring properties.

2.2.29 Screening or fencing may be used to overcome any overlooking problems but must be of a scale that does not unreasonably affect the outlook or daylight of the neighbouring property. Overlooking can also be reduced by positioning decking, a terrace or patio away from the property boundary.

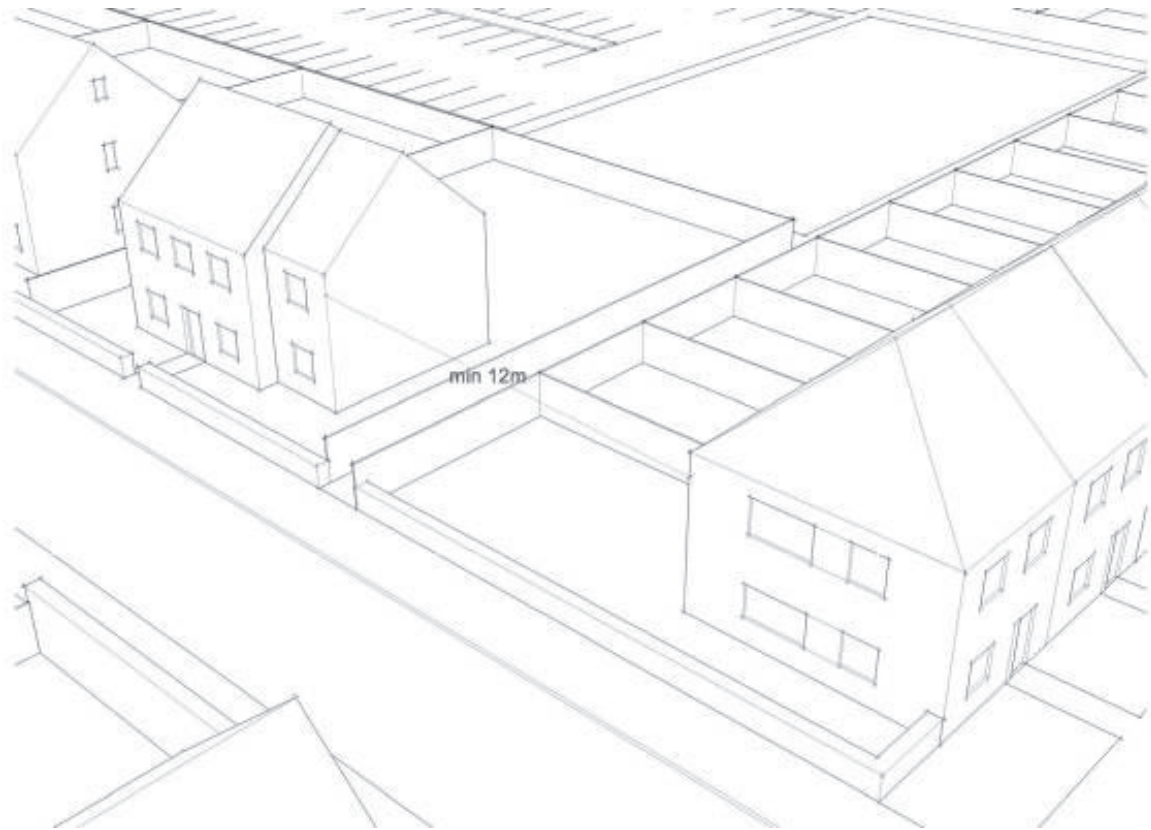
Outlook

Diagram 2.4 - Distance between habitable room window and blank facing wall

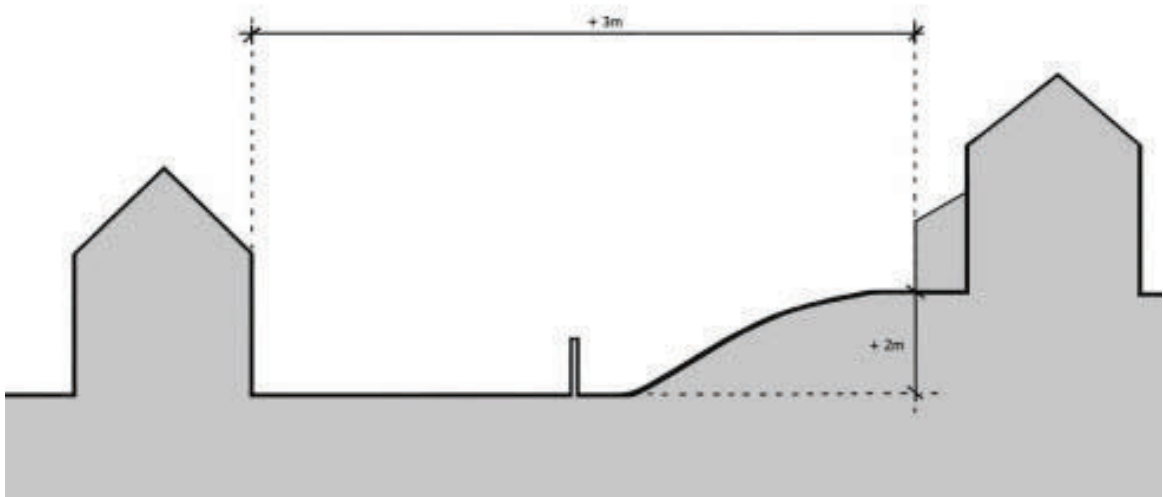


Diagram 2.5 - Difference in ground level

2.2.30 An extension should not be constructed in close proximity to either a main window of a neighbouring property, or its private garden, where it would have an unacceptable overbearing effect on a household's outlook. Views from a private house or garden, however, are not safeguarded by planning legislation.

2.2.31 In order to protect the outlook of neighbouring properties, the minimum distance between a main habitable room window and a blank wall, should normally be at least 12 metres (see Diagram 2.4). This distance should be increased for a three-storey development, normally to at least 15 metres.

2.2.32 Where there is a difference in ground levels between neighbouring properties, then the minimum distance between them should be increased, normally by an extra 3 metres for every 2 metres increase in height, as shown in Diagram 2.5.

Daylight and sunlight

2.2.33 Extensions should not result in a significant loss of daylight or sunlight to habitable rooms of neighbouring properties, such as kitchens, living rooms or bedrooms. An extension should also not lead to an unsatisfactory loss of light to the property being extended.

2.2.34 Proposals which would result in a harmful loss of daylight or sunlight to a neighbouring property will be refused.

2.2.35 In order to ensure that a proposed development will not cause a harmful loss of daylight the 45 degree guideline should be followed.

The 45 degree guideline

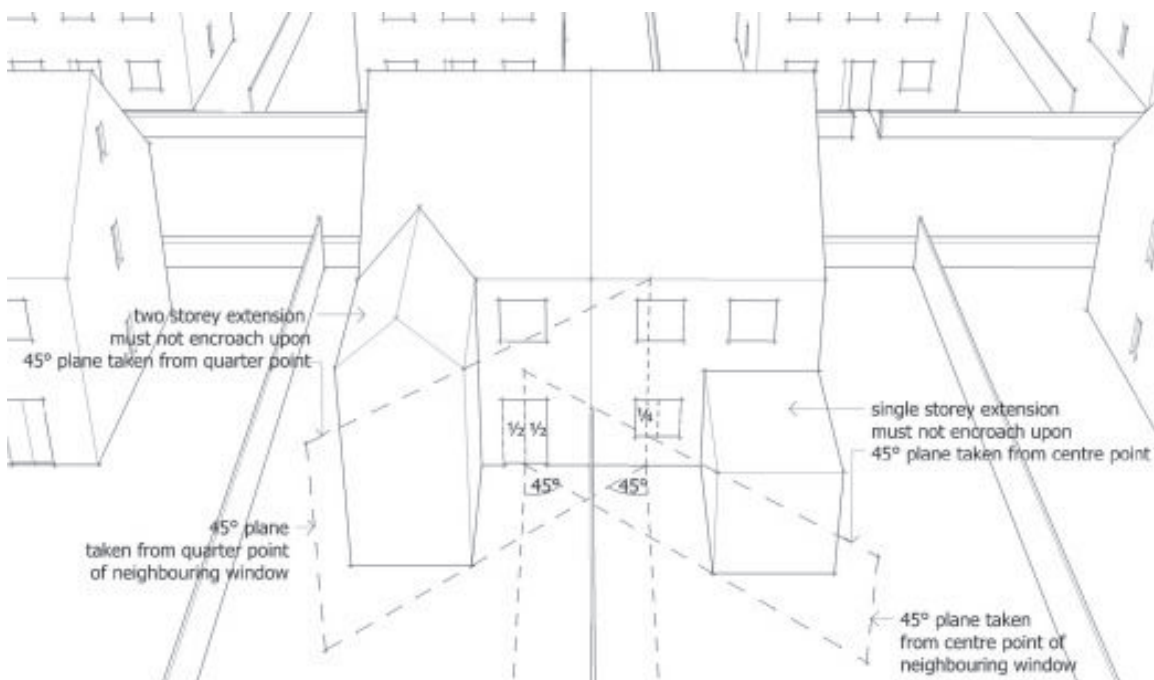


Diagram 2.6 - The 45 degree guideline

2.2.36 The Council uses the 45 degree guideline to assess a proposal's impact on light to neighbouring properties.

2.2.37 An imaginary line at an angle of 45 degrees is drawn from a point within the window of the closest ground floor habitable room of the neighbouring property towards and across the site of the proposed extension or new development (see Diagram 2.6). If there is more than one window lighting this room, the line is taken from the window which is the main source of light. This line will show the maximum width and/or depth that a proposed extension can build up to without obstructing light or views to a neighbouring property.

2.2.38 The 45 degree guideline is relevant to both single and two-storey house extensions. For a single-storey extension, the line is drawn from the mid-point of the window. For a two-storey extension, the line is taken from the quarter point closest to the boundary (as shown in Diagram 2.6).

2.2.39 House extensions are normally only considered acceptable if they do not cross the 45 degrees line. Relaxation of this guideline may be considered for light-weight, transparent structures such as conservatories, or where the orientation of the properties concerned means that the guideline can be relaxed. Relaxation may also be considered where there is a difference in ground levels between adjacent sites or where there is a high boundary wall between two properties.

Front extensions

2.2.40 The front of a dwelling is usually the most visible part of the building. It often follows a clear building line, helping to define the character of the street.

2.2.41 Extensions that project forward of the existing house will generally be resisted. Where a street has a clear established building line, the only development that might be acceptable at the front is likely to be a small, sympathetically designed porch (see Diagram 2.7). In certain circumstances an exception may be allowed where there is no obvious building line, where the property is set back from other houses, or where front extensions are a feature of houses in the street.

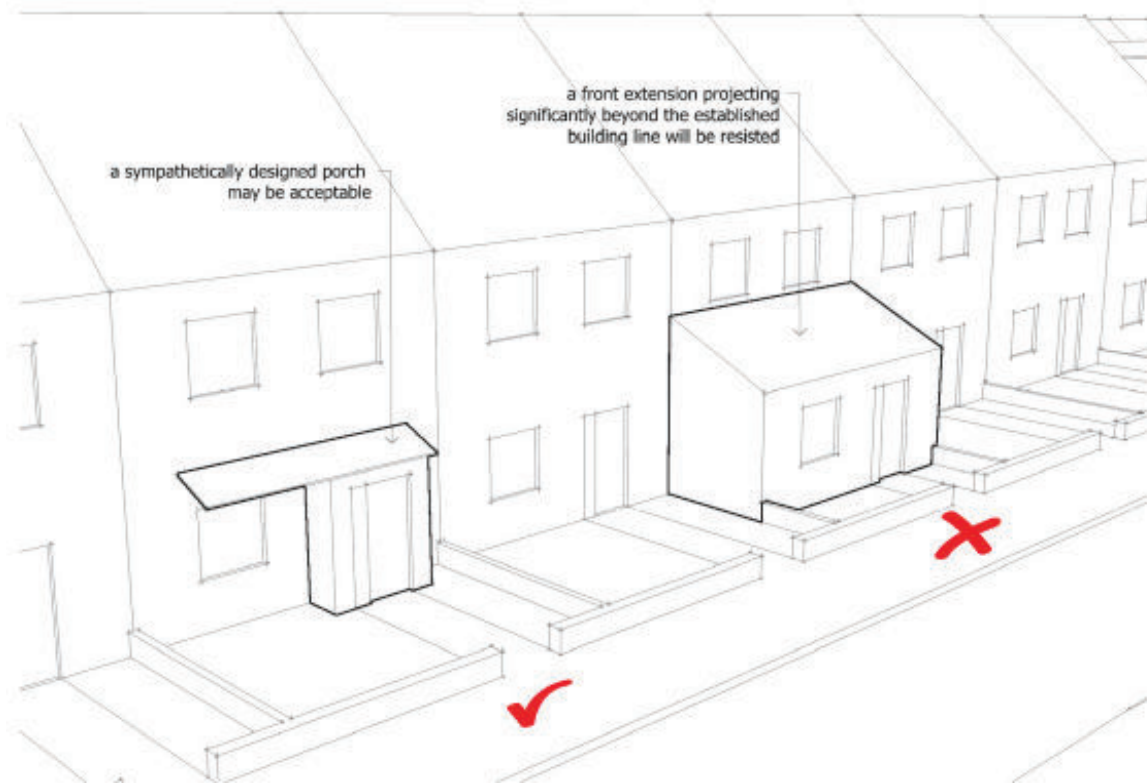


Diagram 2.7 - Front extensions

Side extensions

2.2.42 In order to ensure that a side extension does not over-dominate the existing house or street-scene, it should generally be subordinate (smaller) in scale to the original dwelling and set back from the front of the property, especially in a street characterised by regularly spaced properties of similar design and scale.

2.2.43 The individual characteristics of the site and proposal will determine the exact set back distance required, however a distance less than 1 metre will rarely be considered acceptable, as shown in Diagram 2.8.

2.2.44 Where an extension is set back, the roof of the extension should be lower than that of the main house. This ensures that the extension is subordinate. Side extensions should also be of a width to ensure they appear less important than the original dwelling.

2.2.45 In some situations the erection of a two-storey side extension could create or contribute to an effect known as 'terracing'. This is where side extensions almost link up with neighbouring properties, leading to the appearance of a terraced street (as shown in Diagram 2.8). Piecemeal joining up of individual properties is also likely to appear shoddy and the loss of space can be harmful to the whole character and amenity of an area.

2.2.46 To avoid a terracing effect, a gap should be left between the extension and the boundary with the neighbouring property. This gap should generally be at least 1.5 metres wide (refer to Diagram 2.8). Where it is not feasible to leave a gap, an alternative is to set the extension further back from the front of the house. The required set-back distance to avoid the appearance of terracing will vary, however a set-back distance of at least 2 metres may be necessary.



Diagram 2.8 - Side extensions and terracing effect

2.2.47 Where there is an existing or a proposed ground floor extension that is not set back from the front of the house, then a proposed first floor extension should normally be set back by at least 2 metres to ensure that subordination is maintained and terracing avoided.

2.2.48 Exceptions to these guidelines may be allowed in detached buildings which have their own individual design.

Corner plot extensions

2.2.49 Corner plots are prominent sites. Often corner plots are left undeveloped to create a spacious feel in an area or to ensure highway safety.

2.2.50 A corner extension should demonstrate that it will have a positive effect on the street-scene. It should be set back from both front and rear elevations, and generally be at least 3 metres from the pavement edge (see Diagram 2.9). Two-storey side extensions have a greater visual impact than single-storey

extensions. For such cases, particular care will be needed to ensure that both the front and side elevations relate well to the street-scene of the adjacent streets. Blank walls should be avoided as they detract from the street-scene and reduce natural surveillance.

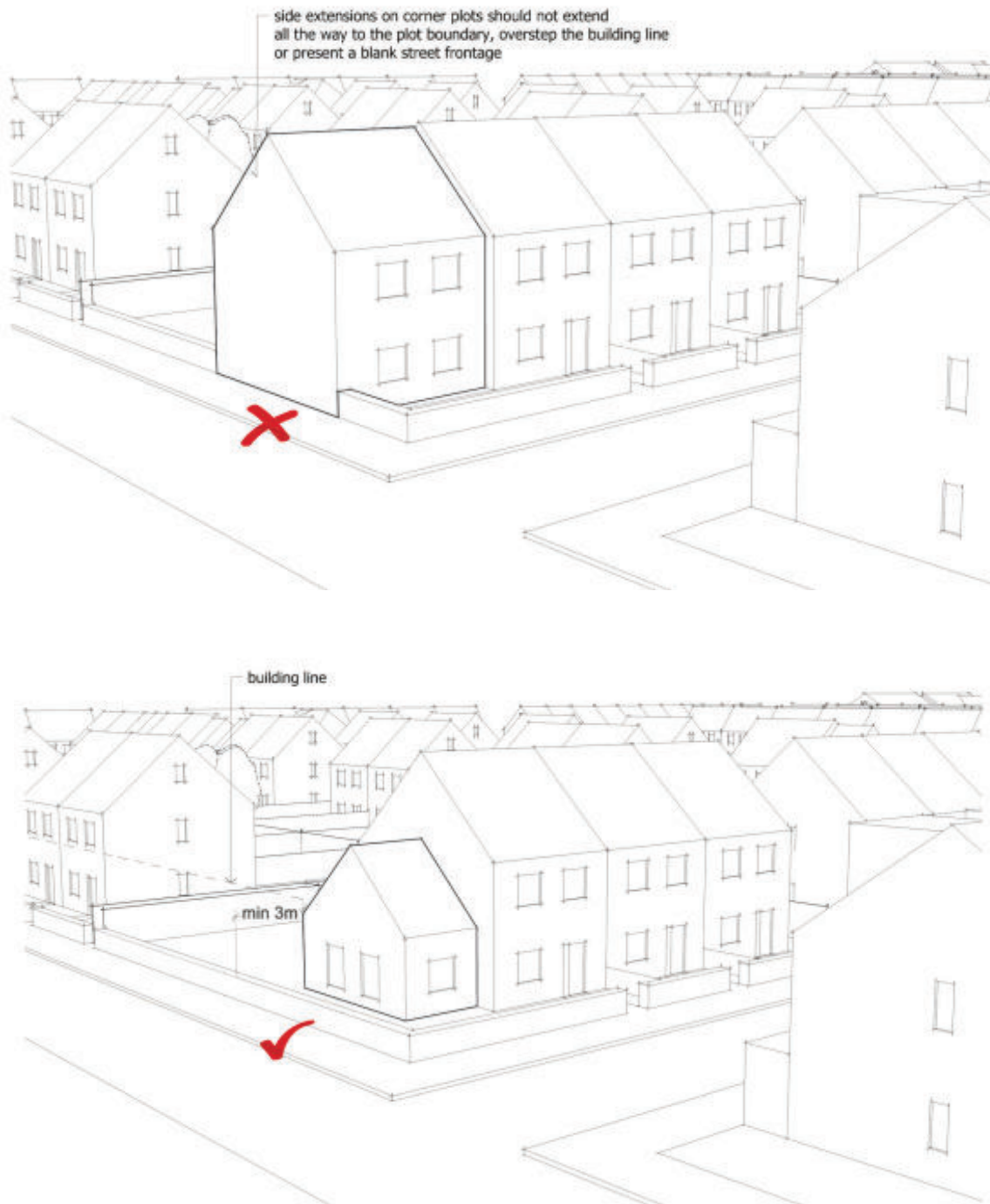


Diagram 2.9 - Corner extensions

Rear extensions

2.2.51 An extension at the rear of a dwelling is usually less visible than a side or front extension; however it can sometimes be seen from public areas. A rear extension should be in keeping with the main dwelling and the character of the area. An extension that follows an unusual layout may affect the character of the area and will therefore need careful consideration.

Roof extensions

2.2.52 Extending into roof space is a popular way of creating more residential accommodation, but roof extensions are likely to be prominent over a wide area because of their height. It is important therefore to ensure that all roof alterations are of a high quality and relate well to the original home and the street-scene.

2.2.53 Wherever possible, a roof extension should be located at the rear of the property to minimise its impact on the street. Where the rear of the building is very prominent, such as at the end of a terrace or street, roof extensions must be of exceptional quality to be acceptable. Side extensions on hipped roofs are also particularly sensitive because of their prominence and impact on the symmetry of a building.

Roof windows/ skylights

2.2.54 These types of window usually lie flush with the profile of the roof. Providing enough head room can be created, these are normally the best option for roof extensions as they allow the profile of the roof to remain intact and are likely to have less visual impact on neighbouring properties.

Dormer windows

2.2.55 Proposals for dormer windows will be considered based on their impact on the dwelling, the street-scene and neighbours' amenity. Dormer windows should not dominate a building and should sit comfortably within the roof space. If it is necessary to create a large area in the roof space it is generally preferable to construct a number of small dormers rather than a single large roof extension.

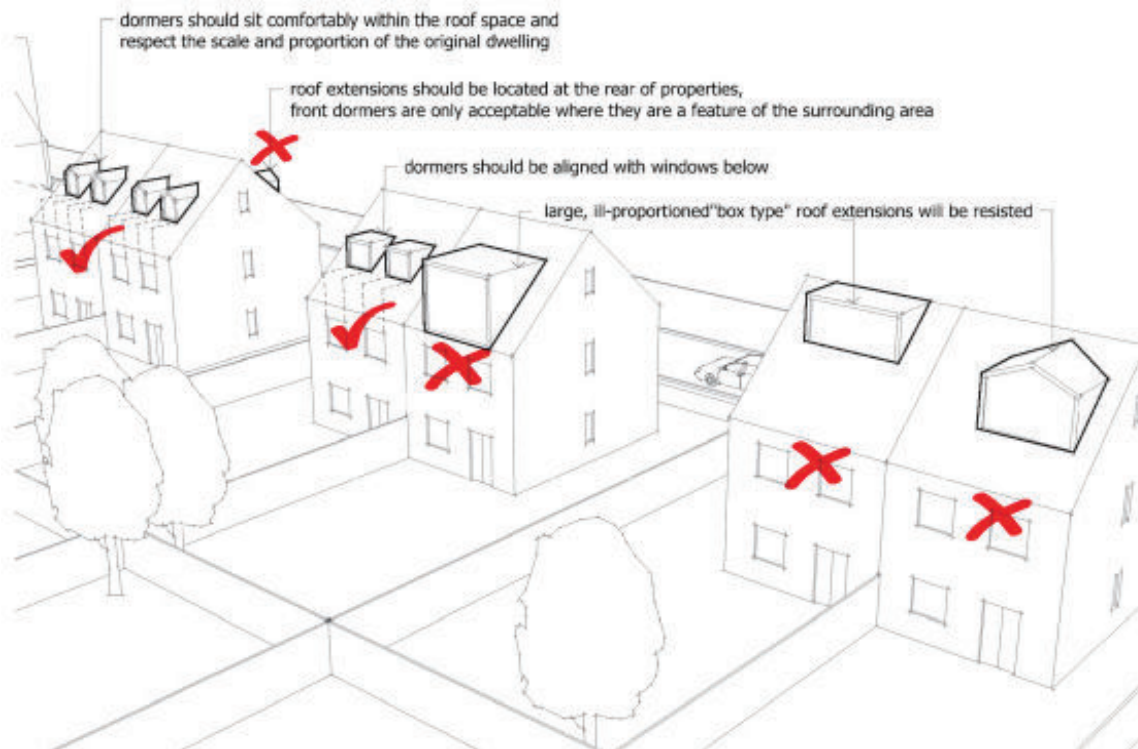


Diagram 2.10 - Dormer windows

2.2.56 Dormer windows should relate well to the building with respect to materials, scale, shape and angle of roof. The front and sides of the dormer should be covered in a material that matches, or is in harmony with, that of the existing roof. The style and sub-division of windows should relate to those that exist elsewhere on the building.

2.2.57 The positioning of dormer windows is important. They should not appear squashed towards any of the roof edges and should be proportionate to the existing windows below as shown in Diagram 2.10.

2.2.58 Dormer windows are only acceptable on the front roof of a property if this is a feature of nearby properties and if they are sensitively designed and located.

2.2.59 Dormer windows on side roofs are particularly sensitive because of their prominence and impact on the symmetry of a building. Side dormers that unbalance the symmetry of a building are generally unacceptable. Only small, appropriately designed and positioned dormers are likely to be acceptable.

2.2.60 Dormer windows are generally more appropriate at the rear of a property providing they are located below ridge height and are sympathetically designed. Where the rear of the building is very prominent, such as at the end of some terraces, design criteria will be stricter.

2.2.61 It is particularly important to ensure that the positioning of dormer windows does not cause harm to the privacy of neighbouring properties.

Garages, car ports and hard-standings

2.2.62 Provision for off-road car parking is popular, especially where on-street parking is limited, but must be carried out in a sensitive way so as not to detract from the character of the area or reduce highway or pedestrian safety.

2.2.63 The following considerations apply:

- Highway safety
- Impact on neighbours
- Visual amenity/ street-scene.

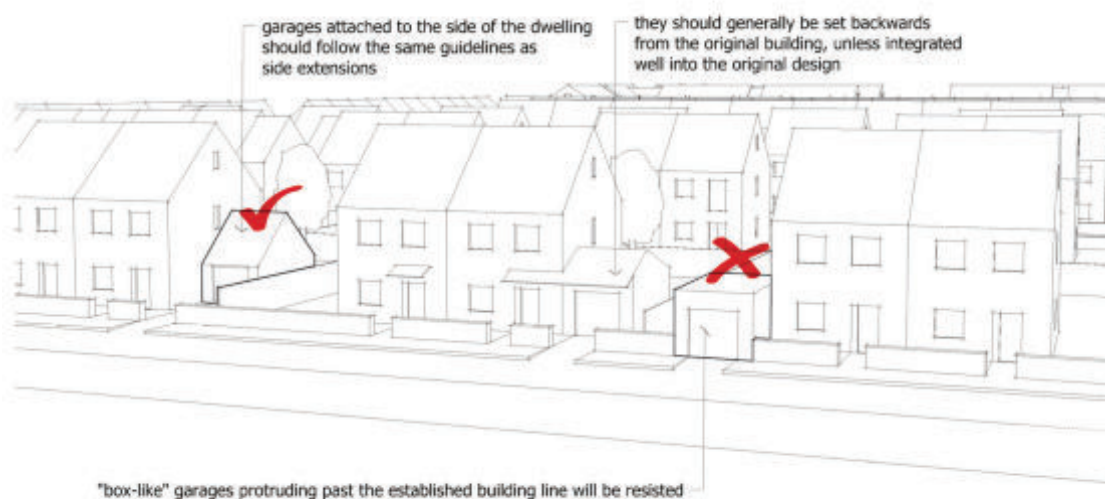


Diagram 2.11 - Garages

Highway safety

2.2.64 When determining planning applications the protection of both pedestrian and vehicle safety is paramount.

Further information on garage and driveway dimensions can be found in the Devon Design Guide: www.devon.gov.uk/highwaysdesignguide

2.2.65 It is important that obstruction is not caused to the highway. For example, garage doors must not project over a pavement or road either during opening or when open. Off-road car parking must be designed so that cars do not overhang the highway, for example when a car is parked prior to a garage being opened. To

overcome this, when a driveway is in front of a garage, it should be a minimum of 5.5 metres long. Where a driveway is used by pedestrians to gain access to a property it should be at least 3 metres wide.

2.2.66 To enable easy manoeuvring in and out of a garage or car parking area, entrances should be designed so that a vehicle can enter or exit in a single turning movement. Where the entrance is on to a classified road, then there must be room for the vehicle to enter and exit in a forward gear.

Impact on neighbours

2.2.67 The construction of an off-street parking area should not negatively affect occupants of neighbouring properties. Proposals which are likely to create a disturbance in a residential area will be refused permission.

2.2.68 With respect to garages, particular attention needs to be paid to the impact on neighbours' outlook and light (please refer to guidance set out in paragraphs 2.2.20 to 2.2.39).

Visual amenity/ street-scene

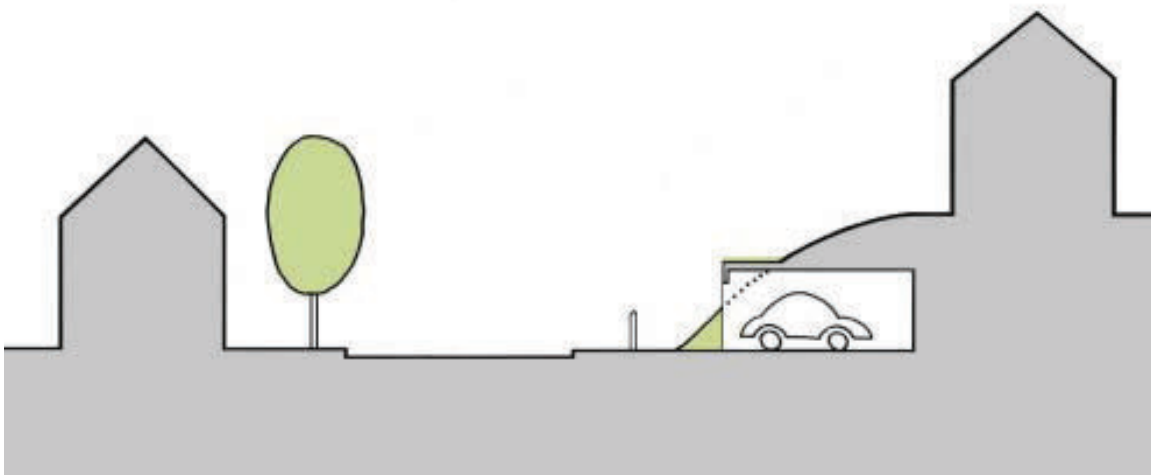


Diagram 2.12 - Garages in sloping front garden

2.2.69 The design of a garage, whether attached to the property or freestanding, should relate well in scale and proportion to the original dwelling and to the surrounding area (see Diagram 2.11). Attention should be paid to the design of all parts of the structure including doors, walls and roofs. Where a garage is attached to a house it is usually preferable to set it back from the front of the property unless it can be linked into the front of the house in a pleasing manner (refer to paragraphs 2.2.42 to 2.2.48 for side extensions).

2.2.70 Garages in front gardens will generally be resisted as these are prominent sites and can detract from the street-scene. In exceptional circumstances, garages in sloping front gardens may be allowed if the majority of the garage can be built into the garden (see Diagram 2.12).

2.2.71 Proposals should not lead to the destruction of trees or walls that are important to the street-scene.

Hard-standings

2.2.72 It has become popular to pave over front gardens to provide parking space. Although this may be a convenient way of providing off-street parking, it can be detrimental on amenity, safety and environmental grounds.

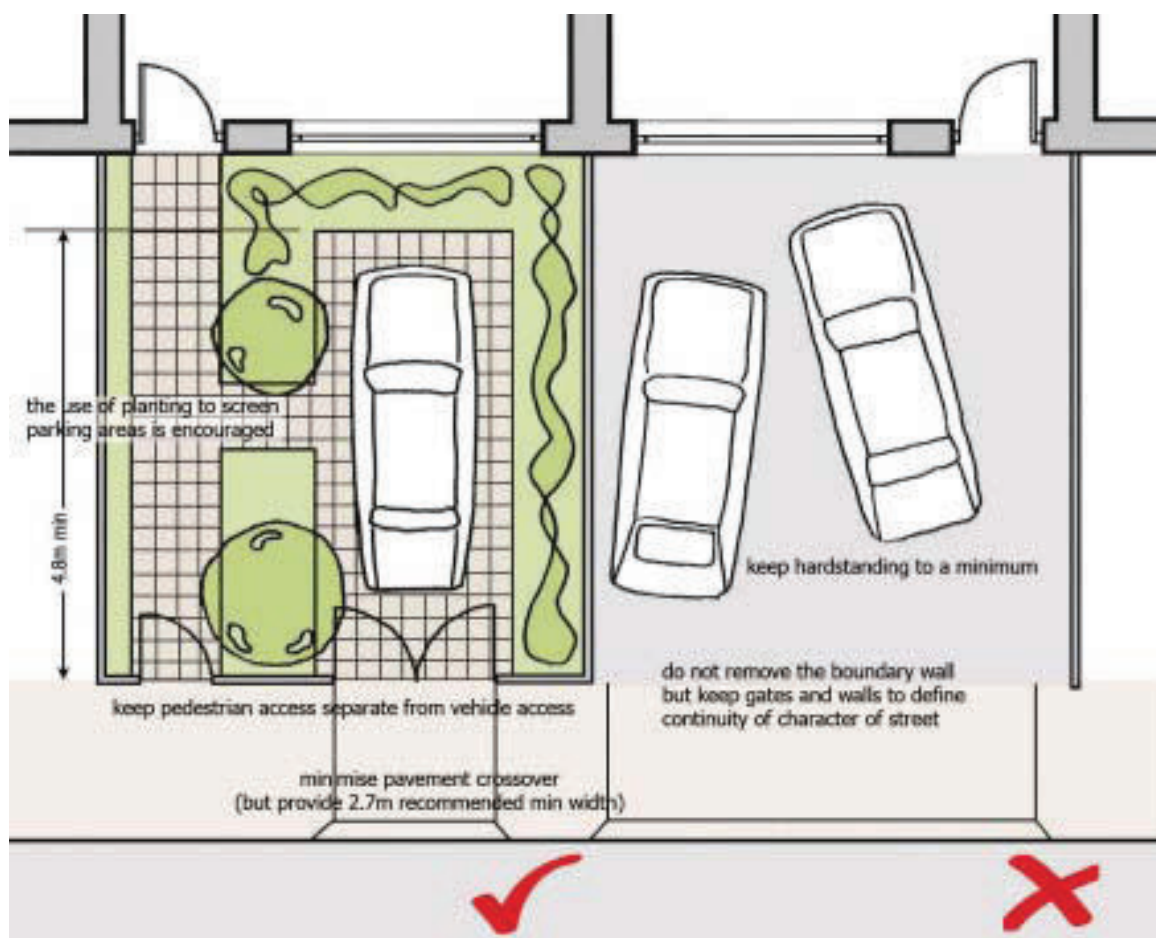


Diagram 2.13 - Hard-standings

2.2.73 In assessing proposals, the Council will have regard to the impact of the proposal on the street-scene, highway safety and drainage.

2.2.74 The following guidelines should be borne in mind:

- Retain as much original walling, fencing or railings as practical to ensure the appearance of enclosure is preserved. Full frontage crossings will not generally be permitted.

- Incorporate sufficient space for soft landscaping to screen cars and minimise the visual impact of the hard surfaced area, as shown in Diagram 2.13.
- Use permeable or porous surfacing material, such as gravel, permeable concrete block paving or porous asphalt, to allow rainwater to drain through to the subsoil, or allow the rainwater to drain into a lawn or border.

More information about how to pave your front garden in a sustainable way is available on the Planning Portal (www.planningportal.gov.uk). You can also refer to the publication 'Guidance on the permeable surfacing of front gardens' which is available on www.communities.gov.uk

Parking to the rear of a property

2.2.75 The Council will resist any planning applications which propose the total removal of rear boundary walls, and/or opening up of rear curtilages to accommodate off-street parking where this would be prejudicial to security and visual amenity.

Boundary walls and fences

2.2.76 Boundary walls and fences mark the boundary of a property and maintain the privacy and security of occupiers. The design and location of walls and fences can, however, have a significant impact on the appearance of the street-scene and on highway safety.

2.2.77 Whether or not you need to submit a planning application when building or replacing a fence, garden wall or gate depends on a number of factors, including height and position.

2.2.78 In determining planning applications for the erection or alteration of boundary walls/ fences, the Council will normally have regard to the following considerations:

- Visual impact
- Highway safety
- Impact on neighbours.

More information about garden walls and fences is available on the Planning Portal (www.planningportal.gov.uk).

Visual impact

2.2.79 The height and appearance of walls and fences should reflect the character of the existing street-scene, as shown in Diagram 2.14. Materials should relate to their surroundings in respect of colour and texture. Clearly, a wall or fence positioned at the front of a property is usually quite sensitive and should not normally be of a height or material that would appear bleak, intimidating or out of character with its surroundings.

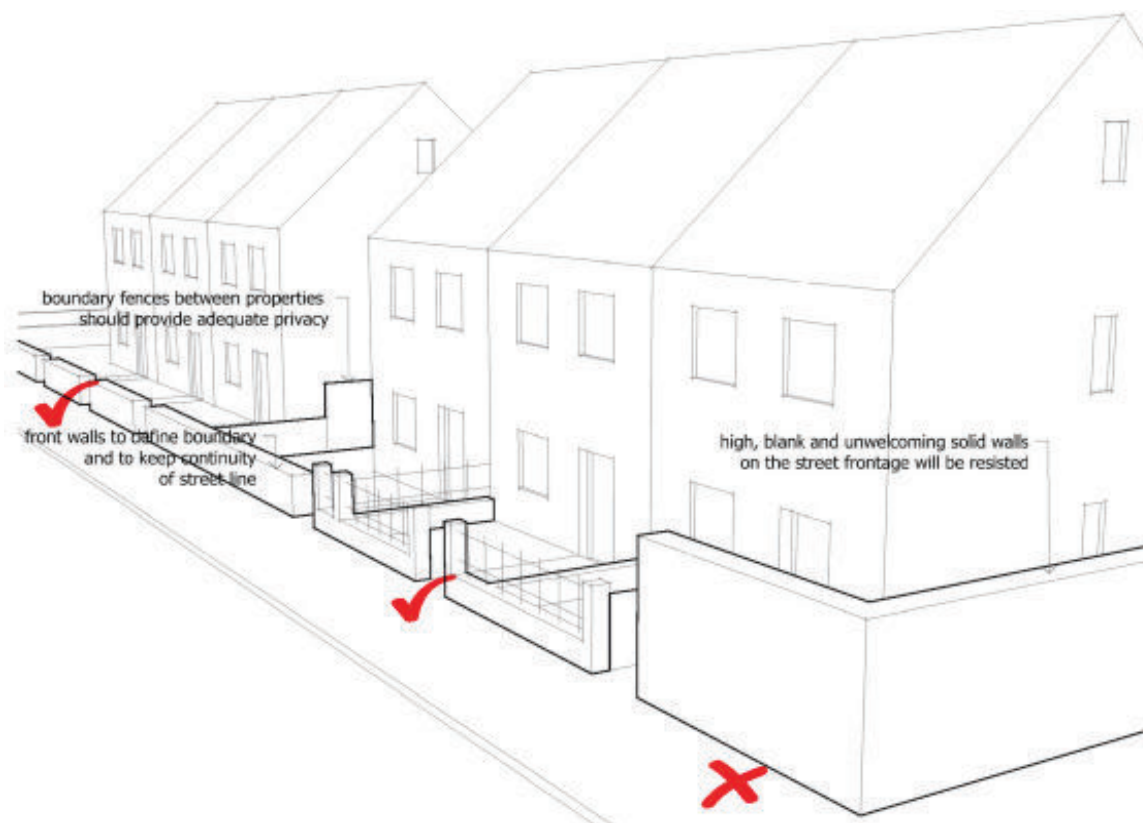


Diagram 2.14 - Boundary walls and fences

2.2.80 In residential areas which are open plan in nature, especially when they are subject to a restrictive condition imposed on the original planning permission, the erection of any front wall or other means of enclosure will normally be unacceptable, although a very low wall may be acceptable in some cases. Where there is no planning condition, there may still be a covenant restriction on front enclosures.

2.2.81 Walls or fences over 1 metre high at the front of a property, or at the side where the property is a corner plot may reduce natural surveillance and are likely to be resisted.

Highway safety

2.2.82 The height and positioning of walls or fences should not impinge on highway safety. Particular care should be taken at junctions and bends in the highway. Walls or fences which restrict visibility for road users will be unacceptable.

Impact on neighbours

2.2.83 Fences and walls should be designed and located so that they do not restrict light entering a neighbouring property or have an unacceptable effect on outlook.

2.2.84 Refer to paragraphs 2.2.20 to 2.2.39 for guidelines on privacy and outlook.

Extensions for dependent relatives

2.2.85 Residential extensions such as ‘annexes’ can provide accommodation which enables families to care for elderly or disabled or other dependent relatives. Problems can arise, however, where this type of development constitutes a self-contained unit either severed from the main house or which could, with little or no adaptation, potentially be severed from the main dwelling to form a separate unit. This can result in the creation of sub-standard accommodation with inadequate privacy, access provision, parking and amenity space.

2.2.86 When considering whether an extension is capable of being occupied independently of the main house, the Council will have regard to its general arrangement, in particular the extent to which facilities such as bathrooms, kitchens and toilets are shared.

2.2.87 In order to be acceptable, these types of extensions should be designed to form an integral part of the main dwelling with access to the accommodation via the main dwelling and not by means of an independent access.

2.2.88 The guidelines relating to house extensions will also apply (refer to paragraphs 2.2.1 to 2.2.84).

2.2.89 Self-contained extensions will not normally be allowed, but where exceptionally such an arrangement is allowed in special and justified circumstances it will be subject to a condition restricting occupancy to a member of the main dwelling’s household.

2.3 Further information and additional considerations relating to house extensions and alterations

2.3.1 The Planning Portal (www.planningportal.gov.uk) is a one-stop-shop for all planning information and services. The Planning Portal contains a wealth of information to help you plan your house extension or alteration. The Interactive House Guide provides a useful visual guide to householder development and provides information on permitted development and Building Regulations.

2.3.2 Irrespective of the need for planning permission, most extensions require Building Regulations approval.

Further information about Building Regulations can be found on the Council’s website: www.plymouth.gov.uk/buildingcontrol or by contacting a member of the Building Control team.

2.3.3 If your proposal requires a dropped kerb and footway/verge vehicle crossing, you will need to apply to Highways for permission.

Further information and the application form are available on the Council’s website: www.plymouth.gov.uk/droppedkerb

Biodiversity

2.3.4 Core Strategy Policy CS19 (Wildlife) states that development should retain, protect and enhance features of biological interest and seek to produce a net gain in biodiversity. The Design SPD sets out guidance on development affecting protected species and when a species or habitats survey is required.

2.3.5 The aim is to encourage even small developments such as house extensions to include measures to protect and enhance biodiversity.

2.3.6 There are many wildlife-friendly features that can be included in development designs to encourage wildlife, including ponds, bat bricks, reptile hibernacula, bird boxes, wildflower planting and planting of berry-bearing native shrub species. Wildlife sensitive gardening will ensure that any enhancements remain valuable to wildlife.

Further information on bat disturbance licences is available from Natural England's Wildlife Management and Licensing Service: www.naturalengland.org.uk

Information on protecting bats is available from the Bat Conservation Trust: www.bats.org.uk.

Information on wildlife-friendly gardening is available from the Royal Society for the Protection of Birds: www.rspb.org.uk/advice/gardening/wildlife-friendly_garden.asp.

Energy saving and renewable energy

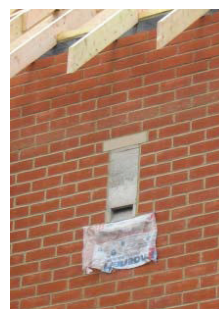
2.3.7 The Design SPD requires development to be designed to minimise its carbon footprint. Minor residential development such as extensions and alterations can also incorporate measures to reduce energy consumption.

Guidance on how you can make your house extension energy efficient, together with information about installing solar panels and wind turbines, is available on the Planning Portal: www.planningportal.gov.uk.

Advice and information about energy-saving measures can be found on the Energy Saving Trust Website at: <http://www.energysavingtrust.org.uk>. The leaflet: 'Energy Efficient Domestic Extensions (CE122)' provides much useful information.



Bat Roost



Bat Brick

2.4 Checklist for planning applications: house extensions and alterations

- Does the proposal respect the scale, form, proportions, and materials of the original dwelling, and complement the character of the area?
- Will the proposal cause loss of daylight, privacy or outlook to adjoining properties?
- Are proposed boundary walls and fences appropriate to the character of the area, amenity and highway safety?
- If off-street parking is proposed, is it appropriate in terms of protecting the character of the area, highway safety, and sustainability?
- Does the proposal provide an appropriate level of amenity for occupiers?

2.5 Conversions to HMOs and flats

2.5.1 This section covers considerations relating to:

- Houses in Multiple Occupation
- Flat conversions.

Houses in Multiple Occupation (HMOs)

2.5.2 HMOs can make a valuable contribution to the private rented housing stock and provide essential housing suited to predominantly young and single people, including students, and those on low incomes.

What is an HMO?

2.5.3 On 6 April 2010 the Government amended the Town and Country Planning (Use Classes) Order to introduce a new Use Class (C4) for HMOs. The new C4 Use Class covers small shared dwelling houses occupied by between 3 and 6 unrelated individuals who share basic amenities. Small bed-sits are also classified as C4. Large HMOs, with more than 6 people sharing, are '*sui generis*' (not in a use class).

Further guidance on the C4 Use Class and amendments to the C3 Use Class (Dwelling Houses) is set out in Circular 08/10: *Changes to Planning Regulations for Dwellinghouses and Houses in Multiple Occupation* available from www.communities.gov.uk.



**House in multiple occupation,
Devonport**

2.5.4 The Council have made an 'Article 4 Direction' which, from 14 September 2012, will require planning permission from the Council in some areas of the City for changes of use to C4 HMOs from a C3 dwellinghouse. Planning permission is already required for changes of use to 'sui generis' HMOs (a sui generis use is a term for all uses that have not been given a specific use class. They have no permitted development rights for changes of use).

Please contact the Planning Service at the Council for advice on whether your application will be considered as an HMO. Advice on HMOs and information about the Article 4 Direction, including a map showing the area it applies to, can be found on www.plymouth.gov.uk/hmoarticle4.

2.5.5 Physical alterations to a building, such as an extension, may require planning permission, regardless of whether there is a change of use. Where planning permission is required for physical alterations the considerations set out in section 2.2 will apply.

2.5.6 Further guidance on purpose-built student accommodation is set out in paragraphs 2.8.46 and 2.8.54.

2.5.7 Remember, it is always best to check with the Planning Service as to whether you need to make a planning application before carrying out any work or change the use of your property.

2.5.8 The following planning considerations will be taken into account when assessing an HMO application:

- Impact on residential character, including the mix of housing stock, and creation of sustainable communities
- Impact to neighbours
- Standard of accommodation
- Transport and parking.

Impact on residential character

2.5.9 The conversion of family dwellings into HMOs reduces the local stock of family dwellings and changes the character of the neighbourhood. HMOs are often associated with negative impacts such as noise, on-street car parking, anti-social behaviour and run-down properties. The degree of impact of a proposed HMO will depend on the location and the nature of the existing and resulting housing stock, and the number of existing HMOs and other non-family dwellings in the area. Proposed HMOs should not cause the loss of a viable use that it is considered important to retain given the Council's objective of creating sustainable, linked communities (see particularly Core Strategy Strategic Objective 3 and Policy CS05). It is also important to consider opportunities to provide family dwellings to help re-balance communities where appropriate when considering conversions from other uses.

2.5.10 Many HMOs are occupied by students, and the transient nature of the student population can change the character of local services, shops and food and drink outlets. Recent growth in the student population has brought benefits to Plymouth in terms of widening educational opportunity, injecting spending power into the local economy, enhancing the city's academic status and contributing to the city's culture and long term growth. However, the uneven distribution of the student population and other HMOs has put pressure on the housing stock in certain parts of the city.

2.5.11 Core Strategy Policy CS15 seeks to protect the character of areas within the City. The aim of the policy is to continue to provide HMO accommodation to meet the city's housing needs but to manage the supply of new HMOs to avoid high concentrations of this use in an area. Applications for HMO conversions in areas where there is already a high concentration of non-family dwellings will normally be resisted unless they can demonstrate that the conversion will not lead to, or worsen, imbalanced communities, amenity concerns or loss of residential character.

2.5.12 In the absence of any formal definition of what constitutes a balanced community, there have been attempts by local authorities to establish a threshold at which a community can be said to be/or becoming imbalanced. The outcome of the 'threshold' approach which is set out in this document is intended to be a guide in relation to HMO applications and will be an important aspect for understanding the context of a proposal, but it cannot be regarded as the determining factor in deciding any planning application.

2.5.13 Evidence showing aggregated data, including concentrations of Council Tax exempt properties in census output areas and any other data that is considered appropriate, will be published in a separate document to support the considerations in this SPD and will be updated yearly to reflect changes within the City. Information will be gathered from available sources including Council Tax records, the Council's records of Licensed properties, Address Information and properties that are known to be in HMO use through the planning process. It may not be possible to publish the detailed evidence on a property by property basis because of data protection laws. If specific data can not be published, the Council's Officer will report the relevant aggregated data to the planning application in the officer's report, for example in relation to the street's (see below for definition) known concentrations.

2.5.14 Due to the types of information and resources available to the Council, it is not possible to identify all of the HMOs within the city. In some circumstances, information provided by the applicant or in letters of representation can be used as evidence to support the Council's decision, where the information can be reasonably verified. Unsupported statements about the use of a property or properties will normally carry very little weight. The local community, or applicant, may choose to carry out research to produce an evidence base showing a detailed understanding of their area. It will be expected that such research is carried out professionally (normally by a professional accredited with the RTPI, RICS or another relevant

institute) and in accordance with good practice and ethical considerations. It may be necessary for the Council to revise the threshold set below in the interests of good planning if significant numbers of additional HMOs come to our attention.

2.5.15 In Plymouth it is considered that a threshold of 25% is an appropriate ceiling to maintain balanced communities. This figure is the number of buildings that are in HMO use as a percentage of all residential buildings. Changes of use that would result in a concentration of HMOs higher than 25% will normally be resisted. A balanced judgement will be sought depending on the circumstances of the Planning Application and it is recommended that consideration is given to the concentration of HMOs in the local area, the census output area and at the street level.

2.5.16 For the purpose of this assessment a 'local area' will normally be a cluster of contiguous Census Output Areas (see Diagram 2.14a). This approach is believed to be consistent and robust as it is one which is related to statistical information and at a sufficiently large scale to be statistically significant.

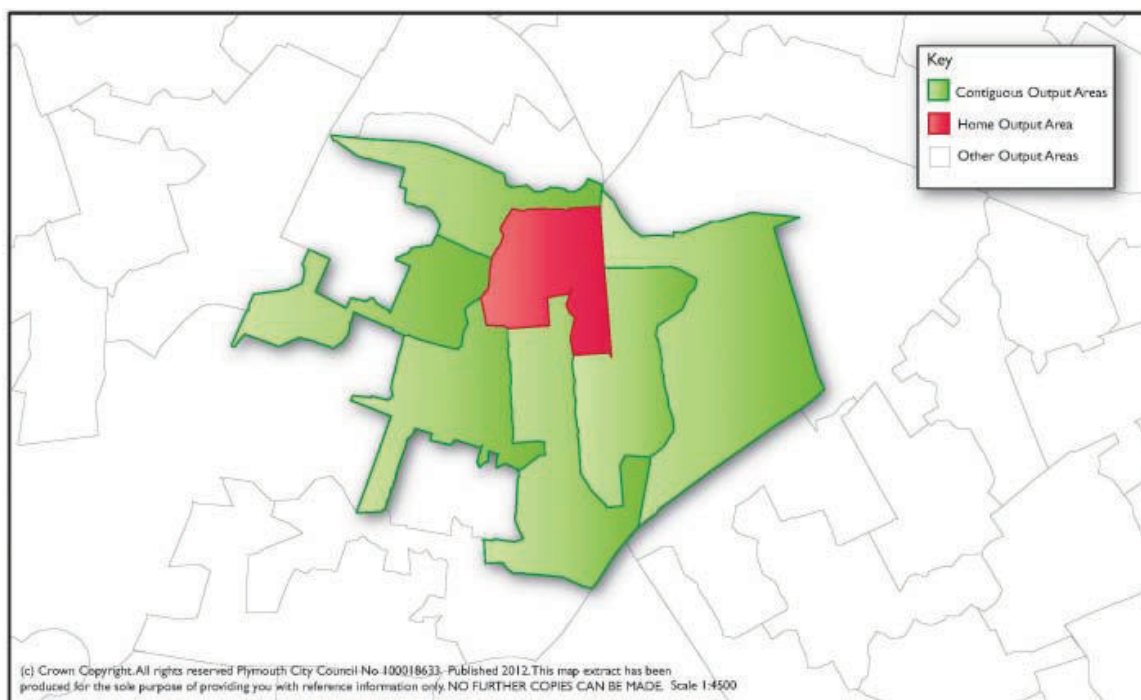


Diagram 2.14a

2.5.17 For the purpose of this assessment a 'street' will normally be a 100m distance in each direction measured along the adjacent street frontage on either side, crossing any bisecting roads and also continuing round street corners (see Diagram 2.14b).



Diagram 2.14b

2.5.18 In some circumstances, the concentration of HMOs in an individual street may be so high that it would not be appropriate to restrict the remaining family housing from conversion. There will be a presumption in favour of applications for changes of use to HMOs in streets where in excess of 90% of the properties are already in use as HMOs. As far as possible these streets will be identified in a separate evidence document.

2.5.19 Some properties, due to their large size, may no longer be appropriate as modern family dwellings. Consideration will be given to these circumstances and potential alternative uses when balancing the impact of a proposal on the character of an area and the effective use of buildings and land.

Impact to Neighbours

2.5.20 Converting or sub-dividing a house to an HMO results in more people living in the property and the potential for greater noise levels. Noise is by far the greatest direct cause of disturbance to neighbours. Reducing noise is also important for the amenity of occupiers (see 2.5.25).

2.5.21 HMOs within residential areas generally have less impact on neighbours if they are located in large, detached properties. If the proposal involves a semi-detached or terraced house, then good sound insulation will be needed to prevent any noise disturbance to neighbours.

2.5.22 Guidance on external staircases set out in paragraph 2.5.39 also applies to HMOs.

Standard of accommodation

2.5.23 Core Strategy policy CS15 states that houses of less than 115 m² gross floor area are not suited for conversion to HMOs or flats. When assessing proposals, the Council calculates the gross floor area of the dwelling as the area of the building 10 years prior to the application. This prevents the extending of 'family' accommodation purely to take it above the 115 m² floor area criteria. With regard to HMOs this policy was originally introduced in the context of 'sui generis' HMOs. In the context of 'C4' HMOs, the guidance in paragraphs 2.8.25 – 2.8.30 regarding space standards will also be considered when determining the suitability for a conversion.

2.5.24 In addition, it is important that the accommodation is of a decent standard for occupiers. Further information about HMO standards of accommodation is set out in paragraphs 2.6.2 and 2.6.3. To ensure that sufficient standards are maintained it may be appropriate to attach a condition to the planning permission that requires certain rooms to be retained for communal use.

2.5.25 Noise disturbance within the dwelling can be reduced by ensuring that communal rooms such as lounges, bathrooms and kitchens do not immediately adjoin sleeping accommodation on the same floor. Soundproofing can also be put in internal vertical walls surrounding sleeping accommodation on the same floor, and between floors. Stairwell walls can be sound-proofed. Adjoining communal rooms and sleeping accommodation between neighbouring properties should also be avoided where possible and good sound insulation should be considered.

Transport and parking

2.5.26 Additional pressure for on-street or off-street parking arising from an HMO conversion can be reduced if the HMO is located within easy walking distance of shops and services and public transport services.

2.5.27 A location well served by public transport or close to local facilities will also benefit occupiers of HMOs by providing easy access to services and facilities.

2.5.28 Where off-street parking is proposed, the guidance set out in paragraphs 2.2.62 to 2.2.75 will apply. Chapter 8 sets out guidance on parking standards and travel plans for residential development.

Conversions to flats

2.5.29 Flat conversions for purchase or for rent are an important component of the housing market and add to the range and choice of available accommodation, particularly for those new to the housing market, for those on limited incomes or for those who do not want the expense or responsibility of maintaining a house.

2.5.30 In order to protect the stock of family dwellings, Core Strategy policy CS15 states that houses of less than 115 m² gross floor area are not suited for conversion to HMOs or flats. When assessing proposals, the Council calculates the gross floor

area of the dwelling as the area of the building 10 years prior to the application. This prevents the extending of 'family' accommodation purely to take it above the 115 m² floor area criteria.

2.5.31 To subdivide a house into multiple units you must obtain planning permission. The following considerations will be applied to applications for flat conversions:

- It is important that flat conversions respect the scale and character of the original building and other buildings in the neighbourhood
- The property should be large enough to accommodate the number of flats proposed and provide the necessary amenities without the need for significant alterations or extensions.

2.5.32 The guidelines on off-street parking, flat size and outdoor amenity space in this Chapter, refuse storage in Chapter 6 and parking standards and travel plans in Chapter 8 are all relevant considerations.

2.5.33 A self contained flat is where all the dwelling's rooms and basic amenities are accessible from behind a single entrance door.

Conversions of vacant or under-used buildings

2.5.34 In recent years the government has encouraged the conversion of vacant or under-used space over shops into flats in order to bring more life back into city, district and local centres and to make more efficient use of available space. The conversion of other non-residential buildings, such as vacant office or warehouse space into flats has also been encouraged.



Flat conversion, Royal William Yard

2.5.35 Strategic Objective 15 of the Core Strategy (Delivering Community Well-being), however, states that key community infrastructure should be safeguarded. Policy CS01 (Development of Sustainable Linked Communities) also requires development to meet the needs of the neighbourhood. Some non-residential buildings – such as public houses and social centres – may be unsuitable for residential conversion if they are the only one serving the local community.

2.5.36 The Council will take the following considerations into account when considering suitability for conversion:

- The proposed development should not cause the loss of a viable use that it is considered important to retain given the Council's objective of creating

sustainable, linked communities (see particularly Core Strategy Strategic Objective 3 and Policy CS05)

- There will be no adverse effect on the vitality and viability of shopping centres
- The location and situation of the premises will provide an acceptable living environment, having regard to the nature of the area and adjacent uses.

Standard of accommodation

2.5.37 It is important for the quality of life of the occupiers that flat conversions provide a decent standard of accommodation. Further information about standards of accommodation is set out in paragraph 2.6.4.

2.5.38 In addition, the following considerations for layout apply:

- Generally, there should be no more than one unit per floor, except in larger buildings where the layout permits more units of accommodation
- The proposal should not generally involve the provision of self-contained flats within basements and rear tenements
- Internal layouts should provide rooms that can accommodate standard size furniture. All flats for two persons or more should provide a bedroom of sufficient size to accommodate a double bed with access on both sides
- Where possible, 'stacking' principles should be adhered to with living rooms above living rooms, bedrooms above bedrooms, etc.
- All flats must be self-contained
- Adequate provision must be made for sound proofing, both for horizontally and vertically adjoining rooms
- Principal habitable rooms should receive adequate levels of natural daylight, and single aspect flats should generally be avoided.

External staircases

2.5.39 External staircases can cause problems for neighbours' amenity in relation to noise and privacy and often look unsightly. They can also compromise the safety of occupiers as they may be poorly lit and become slippery in wet and cold weather conditions. For these reasons they will rarely be acceptable. The presumption is that staircases should be accommodated internally.

2.6 Further information and additional considerations for conversions to HMOs and flats

2.6.1 The Housing Act 2004 defines a House in Multiple Occupation (HMO) as: an entire house, flat or converted building which is let to three or more tenants who form two or more households, who share facilities such as a kitchen, bathroom or toilet.

A detailed definition of an HMO under the Housing Act 2004 can be found on the following website:

<http://www.plymouth.gov.uk/hmo.htm>

2.6.2 The Housing Act 2004 introduced measures to ensure that all dwellings provide adequate standards of accommodation. HMOs must comply with the health and safety requirements of the Housing Health and Safety Rating System (HHSRS). This requires accommodation to be healthy and safe, have adequate natural and artificial lighting and sound insulation.

2.6.3 Larger HMOs, occupied by five or more people and of at least three storeys high, must obtain an HMO license from the Council.

The Council's standards for HMO licensed properties are set out in the publication *Licensing of Houses in Multiple Occupation, Application Guidance and Standards 2009*, available on the Council's website www.plymouth.gov.uk.

Further information on the HHSRS and the Council's HMO standards is available from the Housing Private Rented Team at the Council, who will also advise you of any schemes available to assist you.

You may also wish to read the following publication – *Plymouth City Council (2007) Advice for private Landlords – Houses in Multiple Occupation*

2.6.4 All flat conversions must also comply with the health and safety requirements of the Housing Health and Safety Rating System (HHSRS).

2.7 Checklist for planning applications: conversions to HMOs and flats

- Does the proposal involve the loss of family housing or other uses that contribute towards the balance of a community? If so, will this have an unacceptable impact on the residential character of the area or the community's sustainability?
- Will the proposal contribute towards or the creation of a sustainable community?
- Is the building suitable for the proposed residential conversion?
- If off-street parking is proposed, is it appropriate in terms of protecting the character of the area, highway safety, and sustainability?
- Is the proposal located in a sustainable location to reduce the need for car ownership?
- Does the proposal provide a decent standard of accommodation?

2.8 Detailed considerations for residential developments

2.8.1 This section covers considerations relating to:

- Natural site context
- Built context
- Sunlight and daylight
- Internal space guidelines
- Outdoor amenity space
- Children's play space.

2.8.2 This section also includes considerations relating to:

- Purpose-built student housing
- Lifetime homes.

2.8.3 The guidance is intended to complement the guidance set out in the Design SPD in relation to residential development.

2.8.4 This section should be read in conjunction with guidance in Chapter 6 (Refuse storage facilities) and Chapter 8 (Parking standards and travel plans).

2.8.5 In assessing the impact of new residential development on neighbouring property, and the outlook from new developments, the Council will have regard to the criteria on privacy and outlook set out in paragraphs 2.2.20 to 2.2.39.

2.8.6 Area Action Plans include design and delivery statements for proposed development sites. These set out acceptable uses and number of dwellings. Other key sites (including some within Area Action Plan areas) will have Site Development Statements to assist developers to prepare suitable schemes. Where detailed statements have been prepared they will take precedence over general considerations set out in this document.

Does the development respect the natural site context?

2.8.7 The Design SPD highlights Plymouth's distinctive topography and geology and the need for new development to respect and reinforce this. This includes the need to consider retaining existing trees and existing natural features in order to enhance biodiversity and protect landscape character.

2.8.8 Natural features on or adjacent to a site, such as trees, hedges or water courses, provide valuable wildlife habitats and contribute to biodiversity. Such features should be protected and incorporated into the layout of the development wherever possible. They can also benefit the development as they provide interest and help to assimilate the development into its surroundings. However, potential negative effects should also be considered in the design to avoid, for example, overshadowing by large trees or risk of flooding from streams.

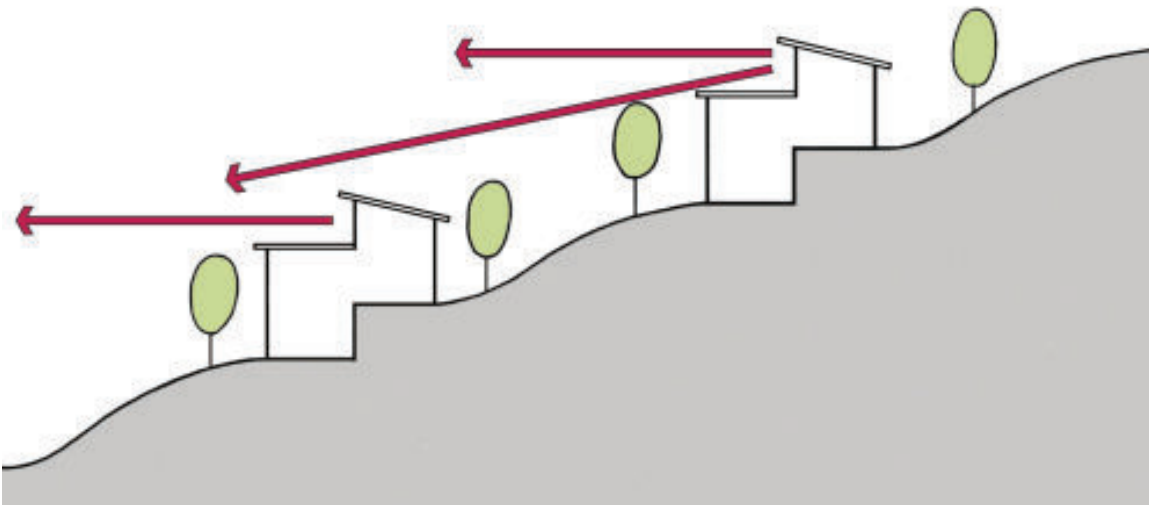


Diagram 2.15 - Using the natural contours of the site

2.8.9 The layout should work with the natural contours of the site. This will maximise efficient use of natural resources and will reduce the amount of cut and fill that is required.

2.8.10 The topography can influence micro climates, for example by funnelling wind, or creating shaded areas and frost pockets. A sloping site can add interest and value to development by allowing variation in designs, and maximising views out to the surrounding area (as shown in Diagram 2.15).

Does the development respect the built context?

2.8.11 The Design SPD highlights the varied characteristics of Plymouth's neighbourhoods and the need for development to reflect local distinctiveness, including urban setting, density, scale and layout.

2.8.12 New development should normally reflect the existing scale and massing of its surroundings. The existing block sizes, plot sizes, and street patterns should influence the layout.

2.8.13 Views into and out of the development can positively contribute to integrating development into its surroundings. There may also be occasions when the layout should be designed to minimise the negative effect of an adjacent existing development such as a major road, or an unsightly or unneighbourly use. Where negative impacts cannot be overcome by design, or mitigation, the site might be considered inappropriate for housing.

Does the development maximise sunlight and daylight?

2.8.14 The Design SPD requires new development to be designed so as to maximise the potential for passive solar gain. Maximising the availability of sunlight and natural daylight to a dwelling has two main benefits:

- It improves the living conditions of residents and thereby provides health benefits
- It makes a building more energy efficient by reducing the need for artificial lighting and also reduces heating costs through solar heat gain.

2.8.15 The Council expects that all new residential development is planned to maximise the benefits of sunlight and daylight by following the following guidance:

Orientation and layout

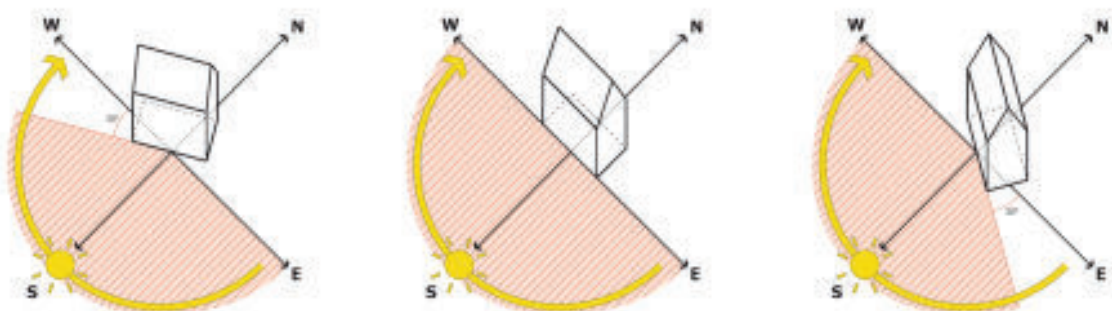


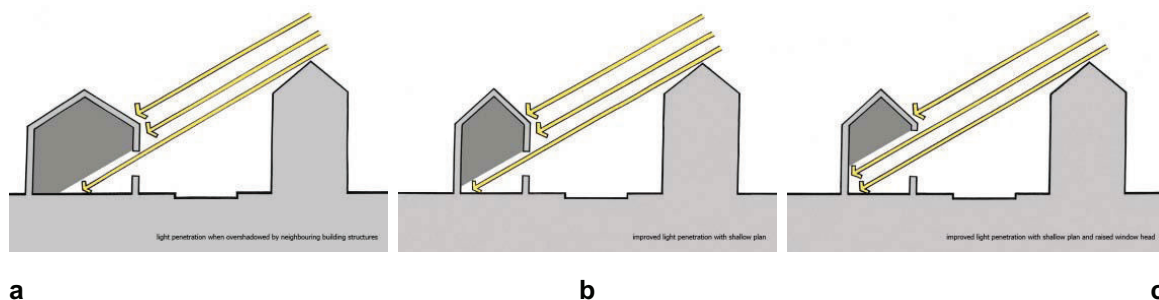
Diagram 2.16 - Orientations to maximise sunlight

2.8.16 The main orientation of new dwellings should be within 30 degrees of south to maximise sunlight, as shown in Diagram 2.16. The most frequently used rooms should be located on the south side of the building.

2.8.17 Spaces on the north side of a building, such as hallways, utility rooms and bathrooms, should have smaller windows to minimise heat loss.

2.8.18 In the case of flat developments, single-aspect flats should generally be avoided. Even in prime locations, north-facing single aspect units are generally unacceptable.

2.8.19 Housing scheme layouts should be designed to facilitate the penetration of light: for example, by providing appropriate breaks in terrace blocks or in the layout of semi-detached houses.

Plan depth**Diagram 2.17 - Plan depth and window height**

2.8.20 It is particularly important that principal habitable rooms receive adequate levels of natural light. Housing plans with front to back dimensions of 9 to 13 metres provide good sun and daylight penetration. Plan depth also affects natural ventilation.

2.8.21 Plan depths exceeding 13 metres should be avoided as they result in poor light penetration to the centre of the building; therefore increasing the need for artificial lighting (as shown in Diagram 2.17a).

2.8.22 Where buildings are closely spaced, the amount of daylight can be maximised by keeping rooms shallow in plan and raising window head heights (as shown in Diagram 2.17b and c).

Windows

2.8.23 Windows should be large enough to provide adequate daylight to habitable rooms. For principle habitable rooms, windows should cover an area equal to at least 15% of the room's floor area.

Natural shading

2.8.24 It is important to consider the shading effect that landscaping schemes will have on sunlight and daylight once the landscaping matures.

Internal space guidelines

2.8.25 Ensuring that new dwellings have sufficient space for basic daily activities and needs is important for the quality of life for occupiers. The minimum standards set out in Table 2.1 are guidelines to encourage new dwellings that will meet the needs of occupiers. The sizes relate to gross internal floorspace (including storage cupboards, hallways and staircases).

Type of dwelling	Size (m ²)
One-bedroom flat	40
Two-bedroom flat	55

Type of dwelling	Size (m ²)
Three-bedroom flat	65
Four+ bedroom flat	75
Two-bedroom house	72
Three-bedroom house	82
Four+ bedroom house	106

Table 2.1 – Minimum size for dwellings

Does the development provide enough outdoor amenity space?

2.8.26 Outdoor amenity space, including patios and balconies, is important for providing a high quality residential environment. Good design can ensure that even dense residential developments incorporate effective amenity space. The size and nature of the space will depend upon the type of dwelling, and its location. Within the older, more densely developed neighbourhoods of Plymouth, or in the City Centre, district or local centres, it is not unreasonable to assume that outdoor amenity space provision might be lower.

2.8.27 The following guidelines set out recommended minimum standards of provision:

- Detached dwelling – 100 m²
- Semi-detached dwelling – 75 m²
- Terraced dwelling – 50 m²
- Flats – 50 m² per development, plus 5 m² per additional unit over 5 units. This will normally be in the form of a communal space. Private balconies can be included in the calculation of amenity space, provided that they are a useable size of at least 3 m².

2.8.28 It is not appropriate to define leftover spaces as communal areas.

2.8.29 Communal outdoor amenity areas should be:

- Located to give a degree of privacy from streets, or other public areas
- Be accessible to all residents
- Laid out in a way which will provide good amenity to residents
- Be located so as to be able to be supervised by residents in order to make them feel safe.

2.8.30 These guidelines do not refer to the provision of public open space.

Does the development provide children's play space?

2.8.31 Successful play spaces provide high quality, sustainable and memorable play experiences for children and carers. However, too often play spaces are poorly designed and maintained and provide poor quality play spaces. They can also be perceived as a nuisance to residential amenity or even as a hazard to children.

2.8.32 This section supports Policy CS30 (Sport, Recreation and Children's Play Facilities) and reflects national guidance which requires new residential development to provide, or enable good access to, play space.

2.8.33 In particular, where family housing is proposed, it is important to ensure that there is good provision of play areas and informal play space. These should be well designed, safe, secure and stimulating areas with safe pedestrian access.



Children's play area, Astor Park

2.8.34 The Plymouth local standard and tariff for play space is set out in the Planning Obligations and Affordable Housing Supplementary Planning Document. Whether on- or off-site provision is required will depend on the size of the proposed development and local circumstances and needs. Decisions about new play space will be made in conjunction with the Council's Parks Services and Children's Services with reference to the Play Policy and Strategy for Plymouth 2007 – 2010 and Plymouth's Green Space Strategy 2008 – 2023.

2.8.35 The following considerations for play space apply in relation to development applications:

Is it located on accessible green space?

2.8.36 Play space should be located on accessible green space (i.e. space that is freely accessible for informal recreation) where this is feasible. This will encourage children to engage in free as well as static play, and will provide a buffer between the play area and the built up area.

What sort of boundary is proposed?

2.8.37 Play spaces need not always be fenced off. Other types of boundaries such as low hedges, rocks or a low wall can be just as effective in demarcating the play area and can make more attractive and welcoming spaces.

Is it well overlooked?

2.8.38 Play spaces should be located where there is good natural surveillance from nearby houses or from the street to enhance safety and reduce vandalism. Play areas away from residential areas can be located near to other facilities where there will usually be people about.

Does it include opportunities for free as well as static play?

2.8.39 Play spaces do not have to consist solely of static play equipment. Free play can be encouraged by innovative design and use of natural features such as trees and rocks.

Is it easily and safely accessible?

2.8.40 Play areas should not be located next to busy main roads. Play areas should be located in areas that are safe and easy to reach on foot or bicycle and that do not involve crossing busy roads. They should also be accessible for wheelchair users or carers pushing buggies.

Does it include provision for disabled children and carers?

2.8.41 Successful play spaces offer enjoyable play experiences for disabled children as well as non-disabled children. Children with different abilities can play together in well-designed play spaces. Carers may also be disabled. It is important to remember that there are many different types of disability, including visual and hearing as well as physical. Play areas that cater to a variety of senses and physical abilities will be most inclusive.

Does it cater to children of different ages?

2.8.42 Successful play spaces should contain play elements catering for a range of age groups and abilities. Through careful design, play spaces can include elements for both younger and older children without being prescriptive about who uses what.

Have local children and residents been consulted about the design?

2.8.43 Successful play spaces reflect local needs. Involving children and young people in the design of play space will ensure that it meets local needs and priorities. Taking time to explore people's concerns is essential.

Does the play space include flexible spaces?

2.8.44 Including some 'slack space' into the layout of the play area with no predefined function can help introduce the potential for change and evolution. It also provides space for free play.

What sort of surfacing will be used?

2.8.45 The type of surfacing material used should fit the proposed play activities. Loose-fill surfacing, such as sand or bark chips, can offer young children greater play value than more solid surfaces. Bound rubber surfaces have great potential for wheeled play and high speed games, and provide better access for wheelchair users. Grass can be suitable for areas with less intensive play but is not suitable for areas that will have high usage.

Further information about children's play space can be found in:

Developing Accessible Play Space – a Good Practice Guide (2003) available at: www.communities.gov.uk.

Design for Play: a guide to creating successful play spaces (2008): www.playengland.org.uk

Play in Plymouth: the Play Policy and Strategy for Plymouth 2007 – 2010: www.plymouth.gov.uk

Plymouth's Green Space Strategy 2008 – 2023: www.plymouth.gov.uk

Purpose-built student housing

2.8.46 Purpose-built student accommodation in the form of cluster flats and studio developments, in accessible locations, with on-site management staffing, relieves the pressure on family-sized dwellings in popular locations such as Mutley and Greenbank and Derriford and reduces the need for students to commute by car. The Council supports this form of student accommodation as long as it is well designed, provides a decent standard of accommodation and is suitably located to minimise any negative impacts on residential amenity.



Student accommodation, University of Plymouth

Impact on residential character

2.8.47 Purpose-built student housing can have a significant impact on the character of an area in terms of scale and associated impacts from increased activity, noise or disturbance, either from the proposal itself or combined with existing similar accommodation, especially in residential neighbourhoods.

2.8.48 It is important that student housing is located where it will not have an unacceptable impact on residential character or amenity. Residential areas that already have a considerable amount of non-family housing may be particularly sensitive to further student accommodation.

Transport considerations

2.8.49 The majority of students wish to live close to where they study and also close to shops. The Council and University wish to encourage students not to use their cars; therefore locations close to public transport routes to the University main campus or to the Peninsula Hospital School and within easy walking distance of the City Centre or a local or district centre are most appropriate. Student housing should also be located within easy walking distance of accessible open space and leisure/ recreation facilities.

2.8.50 The Council's guidance on parking standards and travel plans for residential development are set out in Chapter 8.

Standard of accommodation

2.8.51 It is important that student housing provides a decent standard of accommodation for occupiers.

2.8.52 Larger schemes (10+ study bedrooms) should include a laundry room with communal washing and drying facilities.

2.8.53 A planning condition will be attached to purpose-built student housing to restrict occupancy to full time students.

2.8.54 Codes of practice have been introduced to raise the quality of purpose-built student accommodation. More information is available on the following websites: www.universitiesuk.ac.uk and www.anuk.org.uk.

Lifetime homes – design principles

2.8.55 Policy CS15 (Overall Housing Provision) requires 20% of new dwellings to be built to Lifetime Homes standards. This applies to developments of 5 dwelling units or more. Lifetime Homes standards are a set of simple home features that make housing more functional for everyone, including families, disabled people and older people. They also include future-proofing features that enable cheaper, simpler adaptations to be made when needed. For example, they make getting in and around the home easy for everyone, whether they have small children or limited mobility.

2.8.56 Key features of Lifetime Homes include: a level or gentle sloping approach to property; doors wide enough to allow wheelchair access; the living room at entrance level; an entrance level toilet; walls able to take adaptations; a bathroom giving side access to toilet and bath; low window sills and electrical sockets and controls at convenient heights. The requirements are set out in Table 2.2.



Flats built to Lifetime Homes Standard

	Standard	Requirement	Comment
1	Car parking	Where car parking is adjacent to the home it should be capable of enlargement to attain 3.3m width.	A general parking space width of 2400mm should have a grass verge or footway running beside and level with it to enable it to be enlarged if required.
2	Access to the home from car parking	The distance from the car parking space to the home should be kept to a minimum.	A level approach is preferable.
3	Approach	The approach should be level or gently sloping.	Where topography prevents this, a maximum gradient on an individual slope is permissible as follows: 1:12 if the slope is less than 5m; 1:15 if it is between 5m – 10m; 1:20 where the slope is more than 10m. There must be top, bottom and intermediate 1200mm clear landings. Paths should be a minimum 900mm wide.
4	External entrances	All entrances should be illuminated, have a covered main entrance, and have level access over the threshold.	Any upstand should not exceed 15mm.
5	Communal stairs	Communal stairs should provide easy access, and where homes are reached by a lift, it should be fully accessible.	Communal stairs should provide: Uniform rise not more than 170mm, uniform going not less than 250mm. Handrails extend 300mm beyond top and bottom step, handrail height 900mm from each nosing. Lifts: Clear landing entrances minimum 1500mm x 1500mm Minimum internal dimensions 1100mm x 1400mm

	Standard	Requirement	Comment
			Controls between 900 – 1200mm from floor and 400mm from the lift's internal front wall.
6	Doorways and hallways	<p>The width of internal doorways and hallways should conform to Part M, except that when the approach is not head on and the hallway width is 900mm, the clear opening width should be 900mm rather than 800mm.</p> <p>There should be 300mm to the side of the leading edge of the doors on entrance level.</p>	This standard goes beyond Part M, because of the requirement for 300mm to the leading edge of ground floor doors to facilitate opening for wheelchairs, and for 900mm clear opening off a 900mm corridor.
7	Access for wheelchairs	There should be space for turning a wheelchair in dining areas and living rooms and adequate circulation space for wheelchairs elsewhere.	A turning circle of 1500mm or a turning ellipse of 1700mm x 1400mm is required in living rooms and dining areas.
8	Living rooms	The living room should be at entrance level.	
9	Two or more storey requirements	In houses of two or more storeys, there should be space on the entrance level that could be used as a convenient bed space.	This could be a temporary measure, but there should be enough space to make one without compromising the living room.
10	Toilets and shower	In houses with three bedrooms or more there should be a wheelchair accessible toilet at entrance level with drainage provision enabling a shower to be fitted in the future. In houses with two bedrooms the downstairs toilet should conform at least to Part M.	For properties of two-bed and below, a part M toilet is acceptable, for three-bed and larger then the wheelchair user should be able to close the door and do a sideways transfer on to the toilet. Minimum requirement is 1100mm in front of the toilet pan.
11	Bathroom and toilet walls	Walls should be capable of accepting adaptations such as hand rails.	Walls may need to be strengthened between 300mm, and 1500mm from the floor.

	Standard	Requirement	Comment
12	Stair lifts	The design should incorporate provision for a future stair lift and a suitably identified space for a through the floor lift from the ground floor to the first floor, for example to a bedroom next to the bathroom.	There must be a minimum of 900mm clear distance between the stair wall (on which the stair lift would normally be fixed) and the edge of the opposite handrail/balustrade. Unobstructed 'landings' are needed at the top and bottom of the stairs.
13	Main bedroom	The design and specification for a potential hoist from a main bedroom to a bathroom.	One solution would be a removable panel between the bedroom and a bathroom. New hoist design does mean that a straight run is no longer needed.
14	Bathroom layout	This should be designed to allow for easy access to bath, toilet and wash basin.	Although there is no requirement for a turning circle in bathrooms sufficient space should be allowed so that a wheelchair user can conveniently use the facilities.
15	Windows	Living room window glazing should be no higher than 800mm from floor level, and windows should be easy to open/close.	Wheelchair users should be able to see out of the window whilst seated and be able to operate at least one window in each room.
16	Fixtures and fittings	Switches, sockets, services, ventilation controls etc. should be at a height useable by all (i.e. between 450mm and 1200mm from the floor).	This exceeds part M as it applies to all floors, and all controls.

Table 2.2 – Lifetime Homes Standards

2.8.57 While Lifetime Homes will meet the needs of the majority of those with mobility impairments there is an unmet need for wheelchair housing. Developers are encouraged to consider the provision of wheelchair housing in their schemes. Wheelchair/disabled housing specification exceeds that of Lifetime Homes.

Details of the wheelchair/disabled housing specification are available on the Homes and Communities Agency website (www.hca.gov.uk) and by contacting the relevant Plymouth City Council Planning, Housing or Access Officer.

2.9 Further information and additional considerations for residential development

2.10 Checklist for planning applications: residential development considerations

- Does the development respect the natural site context?
- Does the development respect the built context?
- Does the design maximise sunlight and daylight?
- Does the proposal include a sufficient amount of internal space?
- Does the proposal include an appropriate level of outdoor amenity space?
- Where applicable, does the proposal follow the guidelines on the provision of children's play space?
- In the case of student housing, is the proposal acceptable in terms of location and amenity?
- Where applicable, does the proposal include lifetime homes principles in the design?

3 Food and drink uses

3.1 Introduction

3.1.1 Food and drink uses, including cafés, street cafés, restaurants, public houses and hot-food takeaways, can serve important local needs, create employment and contribute to the vitality of city and district centres. They form an important part of the Evening and Night Time Economy (ENTE) of Plymouth. However, an over-concentration of uses can detract from the retail vitality and viability of centres. In some locations proposals can also cause apprehension amongst residents because of the negative amenity impacts that these uses can have. The Council recognises these fears and expects all proposals to respect householders' standards of amenity.



Street Café, Barbican

3.1.2 This chapter provides planning guidance relating to food and drink uses and nightclubs. The policies contained in the LDF Core Strategy that relate to food and drink uses are:

- CS13 (Evening/Night-Time Economy Uses)
- CS10 (Changes of Use in the City Centre)
- CS11 (Changes of Use in District and Local Centres)
- CS22 (Pollution)
- CS34 (Planning Application Considerations)

3.1.3 Policies CS10 and CS11 seek to protect the retail vitality and viability of designated centres. Policy CS13 seeks to ensure that any ENTE proposals do not have an unacceptable impact on neighbouring uses through noise, traffic or disturbance, harm residents' amenity, or contribute to existing problems of disorder and nuisance. They should contribute to the vitality of the City Centre and waterfront areas. Policy CS22 seeks to protect people from unacceptable noise, nuisance or light pollution.

3.1.4 This chapter seeks to clarify and lend support to these policies. It sets out guidance on the following planning considerations in relation to the amenity impacts of food and drink uses:

- Noise and disturbance (including light pollution)
- Cooking odours
- Visual amenity
- Refuse
- Litter

- Cumulative impact
- Access and parking.

3.1.5 Additional guidance is provided on considerations relating to smoking shelters and street cafés.

3.1.6 In assessing proposals for food and drink uses, the Council will have regard to the nature and character of the locality. What is acceptable in the city or a district centre will differ from what is acceptable in a residential area.

3.1.7 Food and drink uses include the A3 (restaurants and cafés), A4 (drinking establishments) and A5 (hot food takeaways) Use Classes. Planning permission is required for certain changes of use - for example, a café would need planning permission to become a hot food takeaway.

3.1.8 Night clubs are classed as *sui generis* uses meaning ‘in a class of their own’ because of the large scale impacts that they can have. This means that planning applications for night clubs will be considered on an individual basis. However, many of the considerations for food and drink uses are also relevant for nightclubs and similar uses.

3.1.9 Regulations concerning the sale of food and drink are quite complex and failure to comply with statutory planning legislation can have serious consequences. It is strongly recommended that anyone considering erecting or altering a building for an A3, A4 or A5 Use or a night club contacts the Planning Service for advice.

3.1.10 Planning permission may be required for the use of some external areas for eating or drinking (e.g. street cafés) and for a material alteration in the appearance of a shop front and the erection of some types of signs and advertisements (see Chapters 4 and 5 for guidance on shop fronts and signs and advertisements).

3.2 Planning considerations

Will there be noise and disturbance from customers?

3.2.1 Food and drink uses are often open beyond normal working hours so the potential for conflict with residential uses can be high. Noise can be generated from:

- The use itself, including noise from cooking, extraction and general ventilation systems, e.g. air conditioning or cooling systems and vibration and resonance arising from use of the equipment.
- People travelling to and from the use or from smoking areas. Food and drink uses, especially hot food takeaways, can generate an abundance of short term visits from the public, especially in the evenings and at weekends.

3.2.2 For these reasons the Council will take a cautious approach to food and drink applications, particularly in residential areas and when opening times extend beyond ‘normal’ shop hours.

3.2.3 In order to assess likely levels of noise and disturbance, the following information should be submitted with the planning application:

- The sound power level and the likely resultant noise level of equipment at the site boundary for all noise-producing machinery such as extract ventilation systems, refrigeration equipment etc. that is likely to be installed
- How any noise-generating plant or equipment will be located and installed so as to reduce noise impacts on neighbouring properties
- The intended hours and days of operation
- Proposed developments immediately adjoining (including below or above) residential premises should provide full details of sound insulation measures.

3.2.4 Noise disturbance from food and drink uses can be controlled by:

- Specifying hours of use
- The appropriate design and position of entrances. Two sets of doors, with an internal lobby, may be necessary to reduce the volume of noise from inside the premises reaching the street. Doorways should be sited to avoid noise and disturbance affecting residents
- Screening proposed car parking areas from adjoining residential properties to prevent the transmission of noise.

3.2.5 A Planning Condition may be imposed to restrict opening hours in order to safeguard residential amenity.

Are there cooking odours?

3.2.6 Cooking odours are required to be dispersed under public health legislation. The impact of cooking odours is largely dependent on the proximity of premises to neighbouring uses and the type of odour and wind direction.

3.2.7 In most cases, natural ventilation is insufficient and an extract duct with a fan and grease filters is required for ventilation although, in practise, it is virtually impossible to completely eliminate all cooking smells, irrespective of the extraction equipment installed. In older properties, fumes and odours can often penetrate the fabric of the building and can have a significant detrimental impact on the occupiers of adjacent properties. Applicants must be able to prove that nuisance or pollution from cooking odours will not be caused by the proposed use.

3.2.8 In order to assess the likely impact of cooking odours, the following information should be provided with the planning application:

- All A3, A4 and A5 Use applications must include details of proposed fume extraction systems. This must include details of the size, design, siting, finish, acoustic treatment and odour abatement techniques of the flue extraction system.

3.2.9 If a flue needs to be fixed to a building it should:

- Be located to minimise its visual impact on the street-scene
- Terminate at least 1 metre above the ridge height of the building to which it is attached, unless this will create an unacceptable impact on the character of the street-scene, for example in areas of historic character
- The route ducting should avoid proximity to residential or office windows on neighbouring properties and should be designed to minimise noise from the extraction process.

3.2.10 Occasionally, internal ducting is required due to the design of the building. In these cases Building Regulation approval may be required and a suitable fire risk assessment undertaken.

3.2.11 Planning Conditions can be imposed requiring extraction and filtration of cooking odours to safeguard the amenity of an area.

What is the impact on visual amenity?

3.2.12 All proposals for food and drink uses should be designed and sited in a way that they:

- Enhance the street-scene
- Protect the safety and free flow of pavement users
- Have no detrimental impact on the amenity of neighbouring residents.

3.2.13 Proposals should be well designed, use appropriate materials and be in character with existing buildings in the area. Guidance is set out in Chapter 4 relating to shop front design. This guidance also applies to food and drink uses.

3.2.14 Special considerations will apply for proposals that are within a Conservation Area or affect a listed building.

What provision is made for disposal of waste products?

3.2.15 A3, A4 and A5 Uses can cause significant problems for the drainage system as a result of the disposal of cooking fat/grease from these premises. A build-up of fat deposits may block the drain either locally or further down the sewerage system. To prevent blockages and consequent problems, suitable grease traps must be installed on all drains.

3.2.16 Guidance on refuse storage requirements is set out in Chapter 6.

What provision is made to prevent litter?

3.2.17 To avoid the generation of litter around food and drink uses from people entering or leaving the premises, food and drink uses will normally be required to provide a litter bin outside the premises at all times when the business is open. Applicants may wish to consider how litter arising from the use of the premises will be dealt with.

Will the proposal lead to an unacceptable concentration of uses or cumulative impact?

3.2.18 Where several food and drink uses are located in close proximity to each other, unacceptable cumulative impacts may occur. The development of clusters of food and drink uses can also undermine the mixed use character of an area and can result in the displacement of other uses, especially retail uses, that contribute positively to the character of an area and to the range of facilities and services provided. It is important that such uses do not detract from the primary retail function of the centres, or result in the loss of shops to the detriment of local residents.

3.2.19 Further guidance on district and local centres to support policies CS10 and CS11 of the Core Strategy will be set out in the Shopping Centres Supplementary Planning Document.

What impact will the proposal have on access and parking?

3.2.20 Food and drink uses may attract customers from a wide area, and it is important that they are in easily accessible locations. They should be close to a public transport route. Provision for car and cycle parking should follow the Council's guidance on parking standards and travel plans (see Chapter 8).

3.2.21 Adequate provision should be made for the loading and unloading of goods and servicing of premises, including refuse collections (see Chapter 6). Traffic routes should be planned to avoid the need for vehicles to reverse, particularly in public areas.

Special considerations in relation to smoking shelters

3.2.22 The Health Act 2006 introduced a statutory smoking ban in 'enclosed' and 'substantially enclosed' premises. This includes all food and drink uses. In response, many businesses provide outdoor smoking shelters or spaces for their employees and customers.

3.2.23 Planning permission from the local authority will normally be required for permanent external smoking shelter structures – whether freestanding or attached to existing buildings.

3.2.24 Applications for smoking shelters should include calculations to demonstrate that the structure will not be 'substantially enclosed'. This means that walls (including windows and doors) take up less than half the sides of the structure – i.e. that the structure is predominantly open.

3.2.25 The following considerations are important to ensure that any proposal for a smoking shelter does not have an adverse amenity impact:

- Does it overlook adjacent residential premises?
- Does it cause light pollution?

- Is it sited adjacent to doors, windows or air intake systems?
- Could there be secondary smoke infiltration into adjacent residential or commercial premises?
- Will it introduce or intensify activity and disturbance near to noise sensitive premises, particularly in the late evening? The opening hours of the premises to which the structure relates will be a consideration here
- Will it result in the loss of parking spaces? Will this have an impact on parking in the vicinity?
- Will it obstruct or block an adjacent public footpath or road to the detriment of pedestrian or traffic safety? In general, canopies, shelters, heaters or similar structures sited on the public highway or on other public spaces are unlikely to be permitted
- Is it in a Conservation Area or does it affect a listed building? Special considerations will apply
- Is it accessible to people with a disability?

Special considerations applying to street cafés

3.2.26 Tables and chairs placed outside buildings can provide enjoyable facilities and contribute to the vibrancy and character of an area as long as they do not obstruct pedestrian access or endanger pedestrian safety.

3.2.27 The following planning considerations will apply to proposals for outdoor chairs and tables in association with a food and drink use, as illustrated in Diagram 3.1:

- Street cafés need to relate positively to the existing street-scene and movement of pedestrians
- There should be at least 2 metres clear unobstructed footway width between the edge of the street café and the edge of the carriageway. A greater width may be required in some locations
- Where the use directly fronts the premises from which the refreshments are served then an unobstructed corridor to the shop entrance of at least 2 metres must be retained
- Tables/ chairs should be sufficiently spaced to enable wheelchairs and prams access
- When tables and chairs are proposed directly outside a shop front on a public highway then a physical barrier of about 1 metre in height will be required to guide visually impaired persons safely around the use
- The style of furniture should reflect its purpose and location. Domestic 'patio style' furniture is unlikely to work in the city or a district centre setting. Particular attention needs to be given to outdoor furniture design in Conservation Areas.

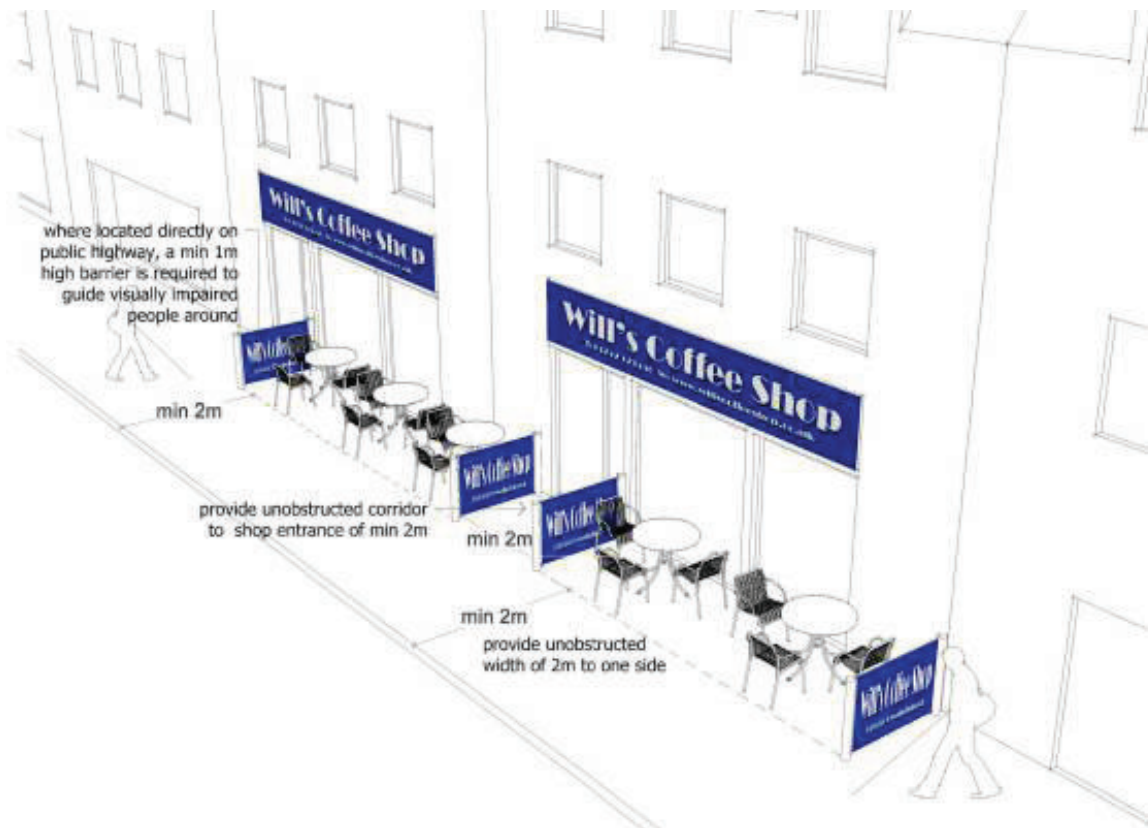


Diagram 3.1 - Street café planning considerations

3.2.28 The following considerations are important to ensure that any proposal for street cafés does not have an adverse amenity impact:

- Does it overlook adjacent residential premises?
- Will it introduce or intensify activity and disturbance near to noise sensitive premises, particularly in the late evening? The opening hours of the premises to which the structure relates will be a consideration here
- Will it result in the loss of parking spaces? Will this have an impact on parking in the vicinity?
- Will it obstruct or block an adjacent public footpath or road to the detriment of pedestrian or traffic safety?
- Is it in a Conservation Area or does it affect the historic character of the area or the setting of a listed building? Special considerations will apply
- Are additional litter bins required?

3.3 Further information and additional considerations for food and drink uses

3.3.1 Always check with the Council what consents are required before opening or altering an A3, A4 or A5 Use or nightclub.

3.3.2 Licences are required for activities such as the sale of alcohol, provision of various forms of public entertainment, the installation of gaming machines and the use of doormen.

3.3.3 The licensing authority recognises that licensing applications should not be seen as a repeat of the planning application process and that there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned.

3.3.4 Businesses operating between 23.00 hours and 05.00 hours may require a licence issued under the Licensing Act 2003.

3.3.5 The Council has adopted a cumulative impact policy to control the licensing of premises issued under the Licensing Act 2003 in six areas of the city. These are: Barbican, North Hill, Stoke Village, Mutley Plain, Union Street and Derry's Cross. Within these areas the Council as the licensing authority may take into account matters such as:

- The character of the surrounding area
- The impact of the licence on the surrounding area
- The nature and character of the proposed operation
- Impact of the application in terms of crime, disorder or public nuisance, public safety and protection of children from harm.

Guidance on activities covered by the Licensing Act can be found via the link – http://www.plymouth.gov.uk/regulated_entertainment-2.pdf

General advice on Licensing and on complying with smoke free legislation and smoking shelters can be found on the Council Website: www.plymouth.gov.uk

3.3.6 Environmental Health advice will always be sought on planning applications for smoking shelters and related features.

3.3.7 It is necessary to obtain an annual permit from the Council to place tables and chairs on the public highway. Hours of operation will be specified in the permit.

Information on how to apply is available on the Council website: www.plymouth.gov.uk/highways_permit_cafe_licensed.pdf

3.3.8 Food businesses will need to register with the Council's Public Protection Service www.public.protection@plymouth.gov.uk

3.3.9 Businesses that provide food or drink for consumption on the premises or provide entertainment must have a suitable number of toilets in accordance with British Standard 6465. Suitable provision must be made for the disabled.

3.4 Checklist for food and drink planning applications

- What uses surround the proposed use and are these shown on a plan?
- Does the application specify hours of use and include information on expected noise levels and sound-proofing measures?
- If applicable, are details of flume extraction systems provided?
- Will the proposed use be acceptable in terms of visual impact on the street-scene?
- Are details of disposal of waste products and refuse storage provided?
- Are details provided about car and cycle parking?

4 Shop fronts

4.1 Introduction

4.1.1 This chapter provides guidance on the design of shop fronts. It applies to shops in general (A1 uses) but also to other 'A' Use Classes including banks, estate agents, restaurants, cafés and pubs.



Shop front, City Centre

4.1.2 Shop fronts play a vital role in contributing to the character and appearance of the street-scene as well as attracting customers. Well designed shop fronts can contribute to creating an attractive and distinctive environment while poorly designed shop fronts can contribute to the perception of a neglected and low quality environment.

4.1.3 The guidance supports Core Strategy policies CS02 (Design) and CS34 (Planning Application Considerations). The aim is to ensure that shop fronts contribute positively to the street-scene.

4.1.4 If a shop front is installed, altered, or replaced, planning permission will generally be required.

4.1.5 The first part of this chapter covers general principles for all shop fronts. Section 4.3 sets out special considerations relating to historic shop fronts, while section 4.4 refers to special considerations for shop fronts within the City Centre.

4.1.6 Shop signs may also need Advertisement Consent (see Chapter 5 for guidance).

4.1.7 If you are a tenant the consent of the landlord/ ground landlord will be required before undertaking alterations.

4.2 Planning considerations

Is the shop front an integral part of the building?

4.2.1 Shop fronts should not be designed in isolation, but considered as part of the architectural composition of the building. The shop front and upper floors should be seen together rather than as separate entities, and should be well related to each other in terms of scale and design.

4.2.2 Where existing shop fronts are a distinctive and original element of the building, the Council encourages them to be retained or replicated.

4.2.3 Any replacement shop front should respect the scale and proportions of the building.

Are the shop front components appropriately proportioned?

4.2.4 Shop fronts are commonly made up of several different components as shown in Diagram 4.1. It is important to ensure these components within the shop front work together as a whole, and are in proportion with the scale and architectural style of the building.

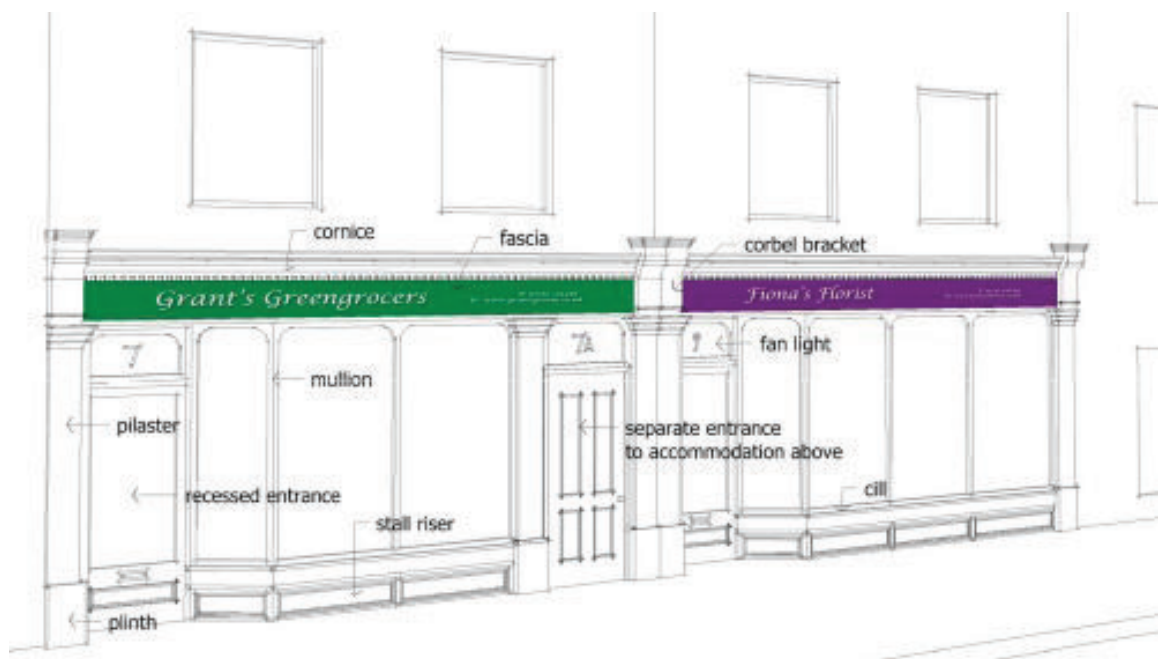


Diagram 4.1 - Traditional shop front showing shop front elements

Fascia and pilasters

4.2.5 The *fascia* and *pilasters* are important elements as they frame the shop front. The fascia provides the backdrop for the shop sign and is often the most noticeable part. The pilasters define the shop width and support the upper floors.

4.2.6 **Broken link - possible circular reference** **Broken link - possible circular reference** Special care should be taken to ensure that the proportion and design of the fascia is sympathetic to the rest of the shop front and building. If oversized, the fascia will unbalance the shop front. Generally, the depth of the shop front fascia should be no more than a quarter of the depth from the pavement level to the bottom of the fascia. There should also be a visual gap between the top of the fascia and the window sills above. Diagram 4.2 shows a good and a poor example of a shop front.

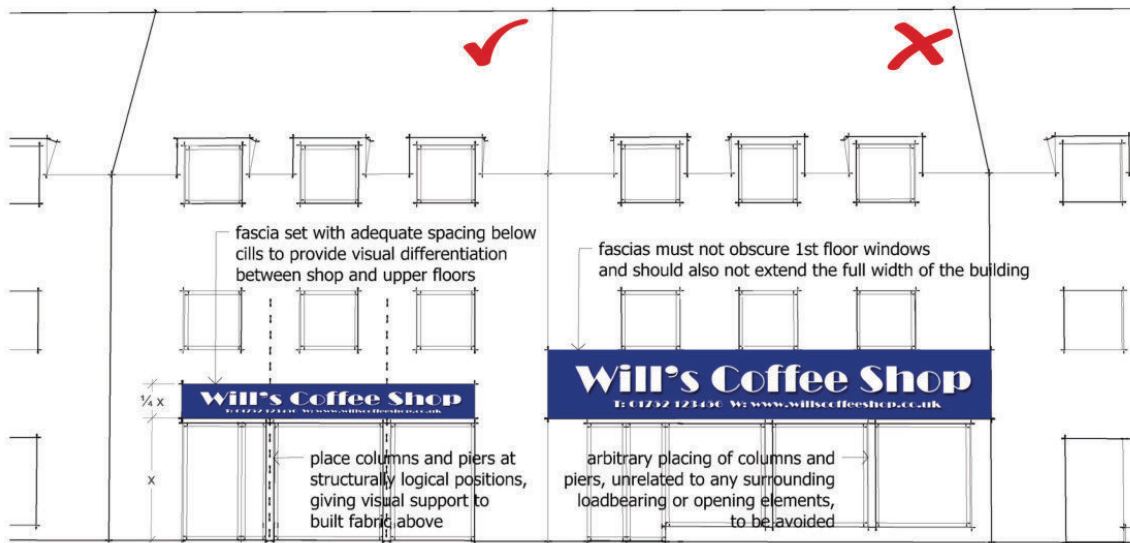


Diagram 4.2 - Modern shop fronts showing good and poor examples of shop front design

4.2.7 Where the existing shop front is badly proportioned, the replacement shop front design should rectify this by applying the above principles.

4.2.8 Where a false ceiling is proposed inside a shop, it will not be acceptable to increase the depth of the fascia in line with this. The change in level can be dealt with through careful detailing of the shop window itself – e.g. transom lights with opaque glass or by setting the false ceiling back within the shop (as shown in Diagram 4.3).

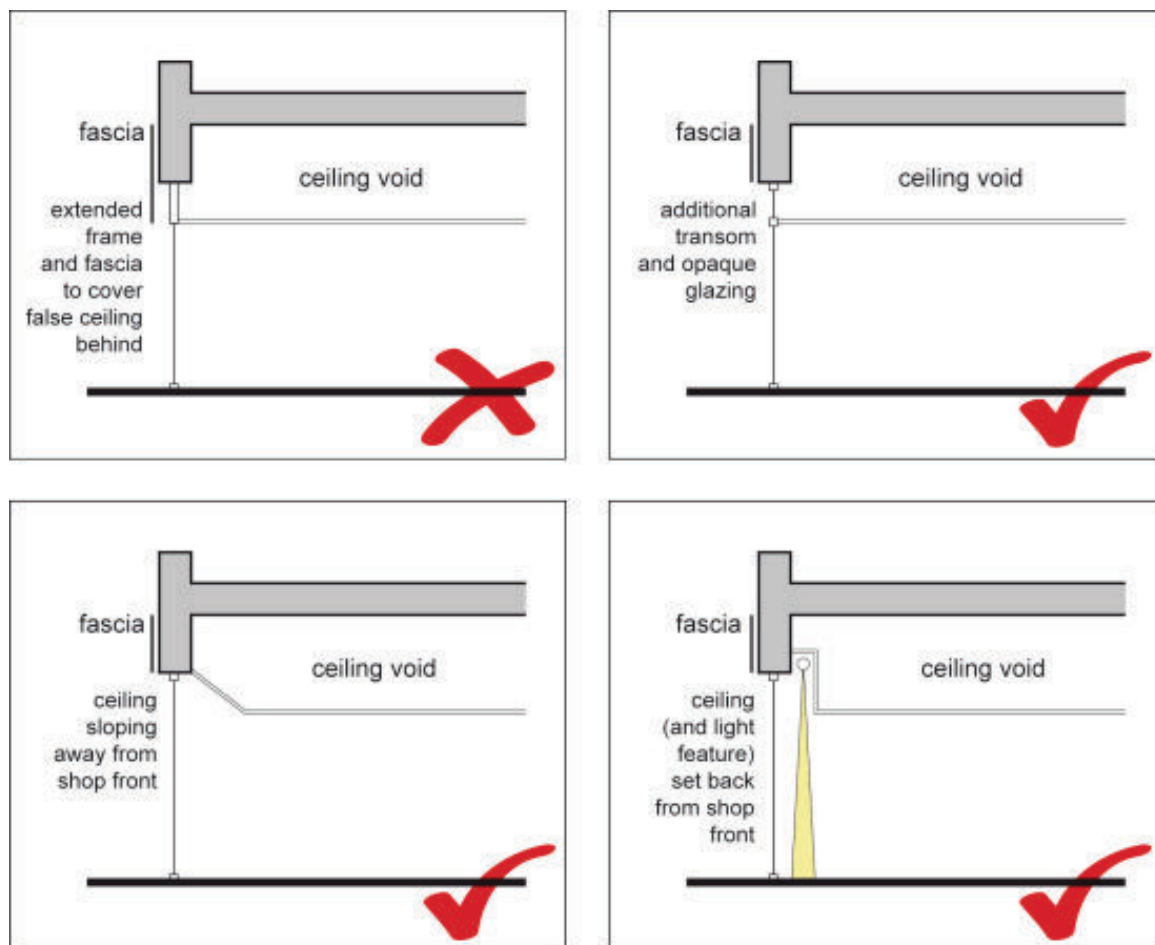


Diagram 4.3 - How to design a false ceiling without increasing fascia depth

Cornice

4.2.9 The *cornice* is the horizontal moulding at the uppermost part of the shop front and is a common feature of traditional shop fronts (see Diagram 4.1). As well as serving a practical purpose in providing weather protection it also provides a visual break between the shop front and the upper floors. The use of a cornice may be applied to a modern building and can be useful in providing an upper frame to the fascia and shop sign.

Stall riser

4.2.10 The *stall riser* serves a practical purpose in anchoring the shop front to the ground (see Diagram 4.1). Shop fronts with no stall riser at all will appear top heavy. However, stall risers in modern shop fronts may be minimal.

4.2.11 The design of the stall riser should reflect the character of the area. Where stall risers are of a common height or material, this should be followed in the design. In Stoke Village, for example, the late Victorian shop fronts had rendered stall risers.

Windows and displays

4.2.12 Window displays can make a big difference to the appearance of a building and a street. It is important to ensure that window displays fronting highways do not endanger public safety. The Council will encourage traders to be imaginative in the design of their window displays even if the shop does not have goods to display. Traders are encouraged to pay attention to the appearance of windows in the upper floors of buildings. Where windows serve as storage areas, traders should consider introducing display windows or obscuring windows so that storage is not visible.

4.2.13 The method of subdivision of windows should reflect the scale and style of the building. In general, there is more subdivision in traditional shop fronts than modern shop fronts.

4.2.14 Finishes to glazing can add interest to the appearance of a shop front. For example, glass engraving may be used to create variety. This may provide a high quality advertising opportunity, or an opportunity to say something about the nature of the business.

4.2.15 Should a cash machine be installed, it must be an integral part of the design of the shop front, using materials that are sympathetic to the building. It should be positioned where there is a sufficient degree of natural surveillance and where users will not impede pedestrian movement (refer to Diagram 4.4). It should also be well lit.

Doors

4.2.16 Shop front doors and entrances should meet the specified Building Regulation standards for accessibility. They can either be flush with the shop front or recessed. Doors must not open over the highway.

4.2.17 In the case of a very long shop front, such as for a department store, frequent openings should be provided to keep a vibrant, lively shop frontage.

4.2.18 Door furniture should be appropriate to the character of the door, shop front and building.

Blinds and canopies

4.2.19 The use of blinds or canopies can be useful to a business in protecting goods from direct sunlight, as well as providing shade and shelter to shoppers. They can also add interest and colour to a street.

4.2.20 Blinds and canopies should be designed as an integral part of the design of the shop front and relate satisfactorily to the features of a building and the general street-scene in both the open and retracted state.

4.2.21 The following guidelines should be followed:

- They should normally cover the full width of the shop front between the pilasters
- Blinds should be made of canvas or a similar non-reflective material
- They should sit beneath the fascia level and should be constructed so that when fully erected will not cause obstruction to passers-by
- Where a blind or canopy overhangs the public highway it should have a minimum height clearance of 2.4 m
- If the shop front is not being altered, it may be appropriate to position the blind mechanism above the cornice
- It is essential that, whether modern or traditional, the blind box is incorporated into the shop front design and not simply applied
- Fixed 'dutch' blinds or the use of plastic will not normally be acceptable as they can look unattractive and permanently obscure the shop front
- Blinds should be avoided over doors alone or on upper storey or basement windows
- Any lettering / design on the canopy should not be allowed to dominate it and the style should relate to the design of the whole shop front, especially the fascia sign.



This shop has a well-designed fascia and canopy

Does the proposal respect the character of the area?

4.2.22 The character of an area must be respected and care taken to ensure that standard designs are not imposed on areas, or even individual streets, with distinct architectural, historic or social character. The Council will expect corporate images to be adapted and modified to suit each particular location and will refuse proposals which seek to impose a standard, corporate solution at the expense of distinctive local characteristics.

Does the shop front create an active ground floor frontage?

4.2.23 When designing a shop front it is important to ensure that activities within the property can be seen through a substantial proportion of the glazed area in order to enliven the street-scene and promote natural surveillance, although it is acceptable for part of the shop front to include a window display area.

4.2.24 All shop fronts should have clear glazed windows that allow inside activity to be seen from the outside.

4.2.25 Sometimes, shop front proposals may have window posters or cash machines integrated into their frontage, resulting in the loss of active frontage. In most cases, allowing more than one third of the width of the window shop front to be obscured will result in significant harm to the visual amenity of the street-scene and to natural surveillance and will therefore be resisted.

4.2.26 The correct shop front proportions to ensure an active ground floor frontage are illustrated in Diagram 4.4. However, each proposal will be considered on its own merits, taking into account the prominence of the shop front, its position in the street, the amount of existing ground floor frontage in the area, and the width of the shop front.



Diagram 4.4 - Shop front with active ground floor shop front

4.2.27 A planning condition may be attached to require the ground floor commercial windows or specified windows to remain as active windows or window displays.

Are high quality materials and finishes used?

4.2.28 High quality materials and finishes are required for all shop fronts. In designing a shop front, consideration should be given to:

- The sustainability and longevity of the materials and finishes
- Their appropriateness to the character of the area and building
- Visual relationship with the upper floor and adjacent buildings (particularly if part of a terrace).

4.2.29 The colour scheme selected should harmonise with any colour on the building above, and on adjoining buildings and shop fronts. Colour contrast is important for people with visual impairments, but garish contrasts and vivid colours should be avoided.

Does the shop front use appropriate security measures?

4.2.30 Security is an important issue which should be integrated into the design of shop fronts at the outset. Security measures should not create a negative impact on the street-scene, particularly at night. For example, a street of solid shutters can create a hostile appearance and poor image.

Shutters and grilles

4.2.31 External solid or perforated metal shutters and grilles are unattractive as they present a blank frontage to the street and can be subject to graffiti and vandalism, and will normally be resisted by the Council. The following alternative means of security are recommended (in order of preference):

- Security glass – this is usually laminated and has the capacity to remain intact even when broken
- Internal shutter grilles – these can be fitted discreetly behind the shop window and are retractable and should be open mesh if feasible
- External open mesh grilles – there may be instances where these are acceptable. This would be subject to the shop front design and the building. If acceptable, the window display must still be visible and the shutter box housing integrated within the shop front, i.e. behind the fascia or be recessed and flush with the shop front.

4.2.32 Careful thought must be given to the need, design and siting of alarms. They should never be sited on architectural features such as pilasters or decorative mouldings.

4.3 Historic shop fronts guidance

4.3.1 Shop fronts of listed buildings, in Conservation Areas or in other areas with historic character need to respect the historic setting. The following guidance sets out special considerations. Diagram 4.1 illustrates many of the design principles for historic shop fronts set out in this section.

Historic shop fronts: fascias and pilasters

4.3.2 The depth of the fascia should be in proportion to the width of the pilasters and sit below the cornice. Above the pilasters, corbel brackets should be used to frame the fascia and support the cornice.

Historic shop fronts: windows and displays

4.3.3 Traditionally, the shop window extended from the stall riser to the fascia, maximising the glazing. Large, undivided areas of glass look out of place and must be avoided. The window could be divided vertically with mullions, usually of moulded timber or cast iron, and sometimes, depending on the proportions, also with a horizontal transom rail. Usually mullions and transoms are slender in profile and can have decorative mouldings. Traditionally, a timber cill overhanging the stall riser is provided as a weathering detail.

Historic shop fronts: doors

4.3.4 Overlights are often placed above the door and in some cases the doors are set back from the shop windows. This gives the shop front an interesting three-dimensional character and allows the entrance to be ramped and sheltered from the elements. If a set back is needed in a new doorway, this should be no more than 1.5 metres in depth, incorporating sensitive lighting.

4.3.5 Traditional fittings, often of brass, should be considered.

Historic shop fronts: blinds and canopies

4.3.6 Traditionally blinds/awnings were made of canvas and retracted into a blind box designed as integral to the shop front. The blinds were often used to display advertising. If historic blinds or a blind box exist, then consideration should be given to repairing these or reinstatement. They were traditionally hand operated with winders but can be made with motor operation if desired.

Historic shop fronts: materials and finishes

4.3.7 Materials and finishes should be in keeping with the historic character of the building. The use of uPVC will not be acceptable on shop fronts of listed buildings or in Conservation Areas. Varnish or artificial graining may sometimes be appropriate.

4.4 City Centre shop fronts planning guidance

4.4.1 Policy CC01 (Place making and the Historic Environment) of the City Centre Area Action Plan submission document seeks to enhance the most successful elements of the City Centre's historic environment.

4.4.2 The guidance in this section is additional to the guidance set out in section 4.2 and seeks to ensure that shop fronts in the City Centre enhance the historic character of the buildings and the street-scene. Shop front designs should respect the 'civic scale' of these buildings. Special guidance on City Centre shop signs is set out in section 5.4.

4.4.3 Shop fronts may be composed in many different ways to reflect the needs of traders. Designs should, however, respect the following specific guidance.

City Centre: stall risers

4.4.4 Stall risers should generally be designed to take account of floor levels and form a suitable plinth to the shop front, but should not be excessively large. Robust materials should be used. The use of natural stone such as granite, local limestone, Portland Stone or local slate should be used to create a high quality, sustainable and long-lasting stall riser. This may be polished where appropriate. Other materials, such as high quality metal, will be considered if it can be demonstrated that they relate well to the wider building and to the composition of the shop front as a whole.

City Centre: fascias and pilasters

4.4.5 In many instances these form part of the original building design and are finished in stone. Where possible, the original fascias and pilasters should be retained. New display windows should be inserted within the openings framed by the original fascias and pilasters. Fascia signs should follow specific guidance for City Centre signs in chapter 5 (section 5.4).

City Centre: windows and framing

4.4.6 The area between the top of the stall riser and bottom of the original fascia must have an overall appearance that is 'light-weight'. This should be achieved by:

- Maximising the height of display windows or glazing
- Avoiding the installation of box fascias



City Centre shop front with contemporary appearance

- Using clerestories of clear/translucent/obscure glazing or other light-weight treatments to minimise the extent of solid in the frontage.
- Framing elements (glazing bars, door frames, transoms and mullions) form an important part of the structure of the shop front and should be integral to the whole composition. Generally, they should be designed in a modern way, employing high quality materials. For example, a contemporary appearance that relates well to the wider building can be achieved by composing the frontage entirely in glazing with no solid framing, or by using a very thin section of framing to create a 'light-weight' appearance. Generally, the extent of framing should be minimised to ensure that shop fronts are of a suitable scale.

4.4.7 The following materials may be appropriate for framing:

- Metal with a high quality applied finish such as bronze, stainless steel or similar.
- Timber provided that it is of suitable contemporary style and has a good quality section.
- Powder or nylon-coated metals provided they have a suitable colour and finish and that sections are of a high quality. Standard square or rectangular sections will generally not achieve a suitable quality.
- Plastic framing will generally not create an appropriate quality finish.

City Centre: canopies and blinds

4.4.8 Many buildings have solid canopies between ground and first floor. These are part of the original building design and provide important shelter. Within solid canopies roller blind boxes for canvas awnings are housed. The use of traditional roller blinds in these positions is acceptable. Where traditional-style canvas awnings are proposed in other locations, the Council will have regard to the individual characteristics of the building.



City Centre shop front with solid canopy

4.4.9 Blinds or canopies will generally not be permitted on the upper floors of buildings.

4.5 Further information and additional considerations for shop fronts

4.5.1 Where a shop front blind or canopy overhangs a public highway a licence will be required under the Highways Act.

4.5.2 Shop front proposals should meet the access requirements as set out in Approved Document M of the Building Regulations.

4.6 Checklist for shop front planning applications

- Is the shop front designed as an integral part of the building?
- Are the components of the shop front appropriately proportioned?
- Does it respect the character of the area?
- Does it create an active ground floor frontage?
- Are high quality materials and finishes used?
- Does the shop front use appropriate security measures?
- Is it accessible to all?
- If applicable, has the guidance on historic shop fronts or City Centre shop fronts been followed?

5 Outdoor signs and advertisements

5.1 Introduction

5.1.1 Outdoor signs and advertisements, including shop signs, are important for the economic viability of business and for the health of the local economy. Signs can be informative and add interest to drab urban environments. However, if poorly designed in relation to their surroundings, and uncontrolled, they can cause significant harm to the appearance of a building or area, as well as endanger public safety.

5.1.2 The guidance in this chapter expands on Policies CS02 (Design) and CS34 (Planning Application Considerations) in the Core Strategy. The aim is to ensure that advertisements and signs contribute positively to the street-scene.

5.1.3 Guidance is given on the design of popular advertising formats, including shop front signs, to ensure they fit in with their surroundings and do not endanger public safety. Additional guidance is provided for shop signs on historic buildings and shop signs in the City Centre historic area.

5.1.4 It is strongly recommended that you contact the Planning Service for advice before erecting any sign or advertisement. The display of signs or advertisements without the necessary consent is a criminal offence and the Council has widespread powers under the Regulations to seek their removal and to prosecute offenders.

5.1.5 The advertisement control system rules are set out in the Town and Country Planning (Control of Advertisements)(England) Regulations 2007 (amended July 2007). It is the responsibility of the local planning authority to decide whether a particular advertisement should be permitted or not under these rules.

5.1.6 The local planning authority can decide on matters relating to the size, siting, design and illumination of signs and advertisements but not content. Some categories of advertisements can be displayed without the planning authority's specific consent, such as advertisements displayed within a building and not within one metre of the shopfront window. Others have 'deemed consent' which means that they can be displayed without application being made to the planning authority, such as bus stop signs or rail station signs. However, many types of advertisements do need the Council's 'express' consent. This includes:

- Virtually all poster hoardings
- Some illuminated signs
- Fascia signs and projecting signs on shop fronts or business premises where the top edge of the sign is more than 4.6 metres above ground level
- Many advertisements on gable ends.

5.1.7 Highway Authority approval may be required in addition to any planning consent.

5.2 Planning considerations

5.2.1 When considering an application for an advertisement or sign, the Council will consider its impact on visual amenity, noise and public safety.

Visual amenity

5.2.2 Most buildings have a distinctive character and this should be the starting point when designing a sign. Advertisements will not be acceptable if they are visually intrusive, dominant, or contribute to visual clutter. For example, too many signs on a building can create visual clutter. Advertisements must be sympathetic in scale, size, proportion, materials, colour and design in relation to their surroundings. Further guidance on the design of shop front signs is given below.

Noise

5.2.3 Advertisements should not make excessive noise, especially where they are located close to residential uses.

Public safety

5.2.4 Advertisements will not be acceptable if they endanger public safety. Public safety can be described as being the safety of people using any form of travel likely to be affected by the advertisement.

5.2.5 The vital consideration in assessing the impact of an advertisement in terms of public safety is whether the advertisement and its location would be so distracting or confusing that it creates a hazard for, or endangers, people who are taking reasonable care for their own, and others', safety. Particular care needs to be taken where an advertisement is to be positioned close to a road junction where drivers may be distracted. Extra care should also be taken to ensure that illuminated advertisements do not distract drivers, or cause confusion with illuminated traffic signs and signals. Advertisements placed on the pavement (for example, outside shop fronts) may pose a hazard to pedestrians.

5.2.6 Appendix B of Circular 03/07 Town and Country Planning (Control of Advertisements) (England) Regulations 2007 sets out public safety considerations in relation to advertisements and consultation requirements.

Special considerations for shop front signs

5.2.7 Nearly all shops display signs or advertisements. It is important that their size and position within the shopfront is considered at the earliest stage. Signage that bears little relationship to a shopfront can ruin an otherwise attractive design.

Fascia signs

5.2.8 Fascia signs, the principal form of advertisement on retail premises, have a major impact on the quality of the street-scene. Most properties have an established or logical position for the fascia sign and this should be adhered to.

5.2.9 A fascia sign should be set within the shop front fascia, in proportion with the composition of the shop front and building (refer to paragraphs 4.2.5 to 4.2.8).

5.2.10 Applications for fascia advertisements on poorly proportioned shop fronts raise a number of concerns and must be carefully considered. The presence of a poorly proportioned fascia space will not normally be considered a sufficient reason to allow an advertisement that is detrimental to the visual amenity of an area. The applicant may consider redesigning the shop front or should design the sign so as to compensate for the fascia's poor proportions. The guidance on fascia design set out in Chapter 4 should be followed.

Projecting signs

5.2.11 Projecting signs can be an effective way of drawing attention to a shop but can result in a cluttered appearance if allowed to proliferate. Therefore, only one projecting sign per shop front will be acceptable, although there are circumstances, such as in the City Centre, where projecting signs may not be appropriate (see section 5.4).

5.2.12 Signs should normally be in line with the fascia panel and below first floor level. In some cases, it may be appropriate to place a projecting sign at a higher level where this is in keeping with the proportions and character of the building. The size of the sign will be determined by its proportion with the fascia. Materials and bracketing should reflect the character and style of the building.

5.2.13 Projecting signs will be resisted where they might become a safety hazard to pedestrians, road users, or where they may cause disturbance to occupants of upper floors.

High level signage in shop fronts

5.2.14 Advertisements located above the level of first floor windows are generally not acceptable. They may be allowed exceptionally where they relate to a use which is not found on the ground floor of a property. In these instances advertising should be restrained and relate well to the building and any existing signs. The painting of lettering or signs on window glass is often the most visually attractive way of achieving this.

Lighting

5.2.15 If overlit or using obtrusive equipment, shop front signs can spoil the appearance of a building or detract from the character of an area.

5.2.16 The following principles should be followed:

- The use of individual fittings to highlight certain parts of the fascia may be acceptable, subject to design and impact on the shop front
- There may be opportunities to fit linear lighting discreetly in the fascia design or possibly beneath the soffit of the cornice
- The illumination levels of advertisements should be in accordance with the standards set by the Town and Country Planning (Control of Advertisement) Regulations 2007
- Any illumination should use low energy lighting.

5.3 Historic buildings: shop front signs

5.3.1 Signs and advertisements on listed buildings, within conservation areas or other areas of historic character should be particularly sensitive to the location and its setting.

5.3.2 Advertisements displayed on Listed Buildings will require Listed Building Consent irrespective of whether Advertisement Consent is required.

Historic buildings: fascia signs

5.3.3 Traditional fascias must always be retained or replicated. Large modern box fascia signs made of plastic or metal will not be accepted on historic shop fronts as they can obscure architectural features and can look bulky. Fascias that do not detract from the special interest, historic character or appearance of the building as a whole or of the area will be supported.

5.3.4 On existing historic shop fronts, painting directly onto the fascia or individually applied three dimensional letters will normally be expected.

Historic buildings: projecting signs

5.3.5 Modern plastic box signs are not acceptable as rarely do these relate well to historic shop fronts.

5.3.6 Many 'pre-modern' signs were made of timber with the signs painted directly onto them. Brackets were made of cast or wrought iron. The use of these materials and traditional designs will be encouraged.



A street scene in the Barbican showing traditional projecting signs

Historic buildings: advertisement lighting

5.3.7 A good window display with internal low energy lighting is the preferred option. Lighting of external advertisements can often detract from the historic character and setting of a building and therefore is discouraged on grounds of visual amenity. However, in some circumstances the use of quality and sensitive lighting might be acceptable.

5.3.8 Large, internally lit box fascia signs will be resisted, as they can obscure architectural features, and appear bulky and dominant.

5.4 City Centre: shop front signs

5.4.1 Shop front signs proposed in the City Centre should follow the guidelines below in addition to the guidelines in section 5.2. These guidelines complement the guidelines for City Centre shop fronts in section 4.4.

5.4.2 Where original stone (or similar) fascias exist, fascia signs must be applied within them. Solid fascias positioned below the original shop front fascia will not normally be acceptable.

5.4.3 Buildings which have original stone fascias should have signs that take the form of well designed individual raised lettering applied directly to the original fascia. Lettering should relate well in style, scale and use of materials to the rest of the shop front of which they form a part. Some forms of plastic raised lettering can appear crude against a natural stone backdrop.

5.4.4 Where original fascias are considered to be too high in relation to the rest of the shop front, designers may consider how lettering might be applied differently. For example, raised lettering may be applied to the top of a transom and occupy the clerestory space in a display window. Solid backdrops should be avoided in such instances.

5.4.5 The use of fascia backing boards (particularly timber or perspex) or box fascia signs, applied directly onto original fascias, will not be acceptable, unless it can be demonstrated that this treatment would be visually appropriate.

5.4.6 Where original fascias do not exist, new fascias should be designed so that their height and length fit suitably within the design of the remainder of the shop front.

5.4.7 Projecting signs in the City Centre will not normally be acceptable due to the architectural clean, modern lines of the buildings. Furthermore, the Council does not in any case approve projecting signs as ground landlord of these buildings. Box signs in the identified 'civic scale' buildings in the City Centre will not be accepted, due to the architectural and historic significance of these buildings.

5.4.8 Illumination of signs is welcomed as it adds to the colour and vitality of the City Centre at night.

5.4.9 Discrete external illumination of signs will often be better than internal illumination. External illumination will normally allow greater scope to design a shop sign that is particular to the requirements of an individual shop front design. Greater flexibility in scale, style and use of materials would be available. Internally illuminated adverts may be acceptable if they achieve other requirements set out in these guidelines.



A discretely lit shop sign in the City Centre

5.4.10 The use of neon signs (without visible runner bars) and more animated signs may be considered in some locations provided they do not cause a traffic hazard or harm residential amenity and that they are designed to a high quality, positioned sensibly and relate suitably to the use they refer to.

5.5 Further information on signs and advertisements

The following guidance is available on the Planning Portal (www.planningportal.gov.uk):

Planning Policy Guidance Note 19 – Outdoor Advertisement Control

Outdoor Advertisements and Signs: a guide for advertisers (2007).

Circular 03/07 Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Corrections to Circular 03/07: Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5.6 Checklist for applications for signs and advertisements

- Does the advertisement or sign require express consent?
- Is it acceptable on visual amenity and noise grounds?
- Does it endanger public safety?
- If it is a shop front sign, is it in proportion and character with the composition of the shop front and building?
- If applicable, does it follow special guidelines for City Centre signs?
- Is the proposal for a listed building, in a Conservation Area, or in an area of historic character? If so, special considerations apply.

6 Refuse storage facilities

6.1 Introduction

6.1.1 This chapter sets out planning guidance relating to the provision of adequate and appropriate refuse storage and recycling facilities within new development. It covers both residential and non-residential development, and supports Core Strategy Policy CS26 (Sustainable Waste Management).

6.1.2 The aim of this guidance is to complement guidance in the Design Supplementary Planning Document and improve the quality of refuse storage design and provision in new development to ensure that:

- Adequate refuse and recycling facilities are provided
- Storage of wheelie bins, communal waste bins and refuse sacks does not detract from the street-scene, obstruct access or detract from residential amenity
- Separation of waste takes place at source to reduce landfill and improve recycling
- There is convenient access, both for users of the waste storage facility and for those who collect waste
- Waste materials do not create odours or attract vermin
- Waste storage does not create a fire hazard or impact on public health.

6.1.3 Refuse storage should be considered at the beginning of the design process in new developments, as many of these issues can be addressed by appropriate design and location of waste storage and collection facilities.

6.1.4 Where the proposed development affects a listed building or Conservation Area, special care will be needed to ensure that provision of refuse storage areas does not detract from the historic character or setting of the building or area.

6.2 Refuse storage guidelines

6.2.1 Tables 6.1 and 6.2 set out space and design standards that will be applied to different types of development. Diagram 6.1 illustrates some of the main principles in designing a communal storage area. Table 6.3 in section 6.7 sets out standard dimensions for refuse and recycling containers.

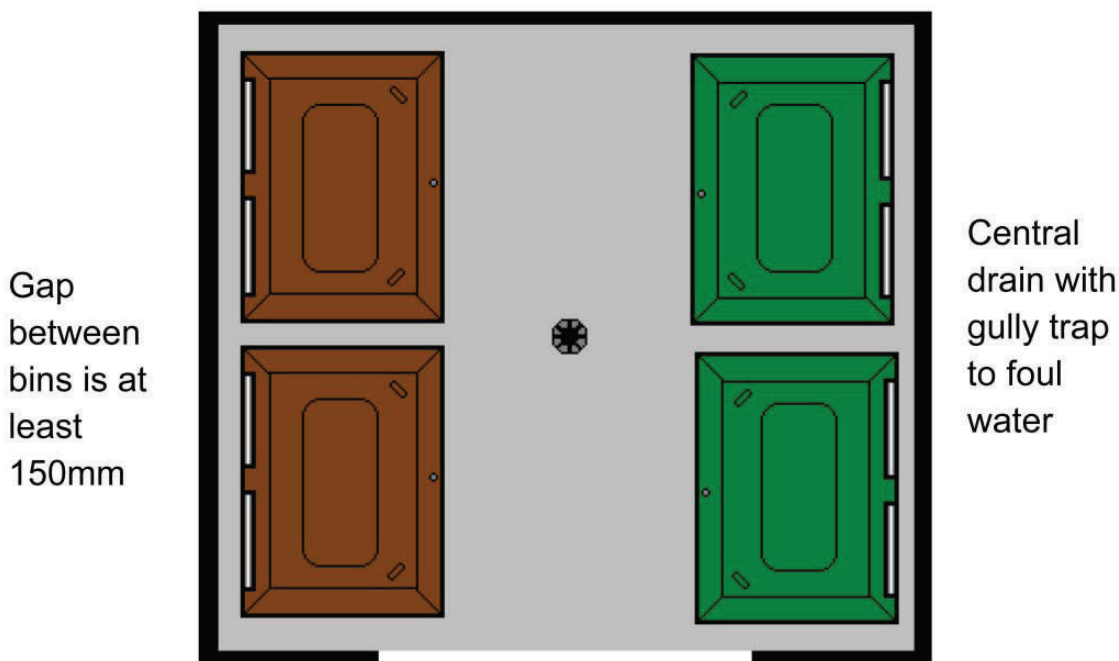
Criteria	Standard
Per person ¹	70 litres per week for refuse/ 40 litres per week for recycling
Per family dwelling/ per dwelling in developments less than 6 dwellings	2 x 240 litre wheeled bins

Criteria	Standard
Per 6 flats/dwellings	1 x 1100 litre wheeled bin for refuse
Per 10 flats/dwellings	1 x 1100 bin for recycling
Per shop unit	Dependent on need
Industrial/ commercial	Dependent on need

Table 6.1 – Standards for calculating the volume of waste storage needed

1

In cases where applying this guidance would result in parts of a bin, then the number of containers should always be rounded up, i.e. a development with 22 flats should provide space for 4 bulk bins for normal refuse and 3 for recycling.



Store is laid out in a manner that allows all bins to be accessed easily by residents and allows collectors to remove any bin without having to move others first. Recycling and refuse bins kept separately.

Diagram 6.1 - Layout of communal refuse storage area for 1100 litre bins

Type of development	Design criteria for storage area
Individual residential storage areas	<p>At least 1.2 m² in size (for 2 x 240 litre wheeled bins).</p> <p>Entrance wide enough to allow bins to be wheeled in and out easily.</p> <p>If covered, must be at least 1.8 metres high to allow bin lids to be opened for filling.</p> <p>Should be located at least 2 metres away from windows or ventilators, preferably under shade or shelter.</p> <p>Should usually be located within 30 metres from the main entrance to the dwelling (excluding any vertical distance), and containers should be within 25 metres of the waste collection point.</p>
Communal residential storage areas/ storage for retail, industrial or commercial uses – see also Diagram 6.1	<p>Bin stores for 1100 litre bins must allow at least 150 mm clearance around each bin, with a minimum of 1 metre clearance if the bins are located facing each other. It must allow individual bins to be moved in and out of the store easily.</p> <p>Should be separate areas within the store for recyclable and non-recyclable waste.</p> <p>Must be screened to a height of at least 450 mm above the top of the bins. Walls must be a minimum of 2 metres high. If covered, walls must be at least 2.5 metres high to allow lids of bulk bins to be opened fully.</p> <p>Should be sited in a convenient and unobtrusive location, to avoid noise or odour disturbance to neighbours.</p> <p>Should have basic low energy lighting (e.g. solar lights).</p> <p>Should have appropriate drainage to assist cleaning – an impervious washable floor inclined slightly to a central drain. This drain must be connected to a foul water drain and incorporate a gully trap system.</p> <p>Should be secure to prevent anti-social behaviour or fly-tipping.</p> <p>Should be easily accessible to both occupiers and collection vehicles.</p>

Type of development	Design criteria for storage area
	<p>Should usually be located within 30 metres from the main entrance (excluding any vertical distance), and containers should be within 25 metres of the waste collection point.</p> <p>For mixed residential/ commercial development, waste storage should be separated to ensure that commercial waste does not enter the domestic waste stream.</p>

Table 6.2 – Design guidance for refuse storage areas

6.3 Residential development – refuse storage

6.3.1 New residential developments should include adequate and appropriate means of storing refuse and recyclable materials.

Internal storage

6.3.2 Kitchen/utility room layouts should allow sufficient space for a minimum of two ten-litre waste bins. Provision should also be made for additional bins/storage space for other recyclable items such as glass and textiles.

External storage

6.3.3 The potential for external storage and the type of storage that is appropriate varies with the type of dwelling, as follows:

Detached, semi-detached and end of terrace houses with side access

6.3.4 External waste storage areas should be integrated with the fabric of the dwelling or an associated garage, or otherwise screened or sited out of public view, but readily accessible to the occupiers. The layout should enable bins to be moved easily to the point where they can be collected, e.g. the roadside or a communal collection point.

Mid-terrace houses and other properties without side or accessible rear access

6.3.5 Dwellings must include an enclosed waste store integrated with the fabric of the dwelling and readily accessible to both occupiers and the roadside or area from which the waste bins are collected, as illustrated in the photo opposite and in Diagram 6.2.



Housing with integrated storage for bins

Low rise flats, houses in multiple occupancy and high density housing developments

6.3.6 If provision is made for individual waste storage for each dwelling, the principles outlined above for mid-terrace dwellings should be applied.



6.3.7 Low rise flats (up to 4 storeys in height), properties in multiple occupancy and high density housing developments should, as a general rule, be provided with a communal refuse enclosure or store designed for an appropriate number of bulk refuse and recycling bins, provided 6 or more dwellings are present.

6.3.8 If the development has less than 6 dwellings, then a store or space (communal or individual) must be provided for 2x240 litre wheeled bins for each dwelling.



Good examples of communal refuse bin storage layout

Design considerations for residential refuse storage facilities

6.3.9 These guidelines are in addition to those set out in Table 6.2.

6.3.10 Storage facilities should be designed to be:

- Fit for purpose – large enough to accommodate the volume of refuse anticipated from the residential development
- Visually unobtrusive
- Easy to access by refuse collectors and householders. Potential obstacles such as steps, heavy shale and steep slopes should be avoided.



Diagram 6.2 - Good and poor examples of provision for bin storage in residential design

6.3.11 There may be circumstances where you might choose to locate stores in a prominent location. This is likely to be acceptable only where alternative locations do not comply with other elements of this guidance (for example, they are not accessible).

6.3.12 If you intend to locate refuse storage areas within your residential layout in a conspicuous place you will need to demonstrate that they can be provided in a visually acceptable manner, as shown in Diagram 6.2. You should consider carefully:

- The choice of building materials
- How the scale and position of the store relates to the proposed dwellings
- The potential to incorporate bin storage areas into other structures such as porches, garages or high garden walls.

6.4 Shopping development (including food and drink uses)

6.4.1 Premises should be served with one or more 1100 litre bins. Where the premises generate relatively little refuse, 240 litre wheeled bins may be used.

Shops with rear servicing

6.4.2 New shopping developments should normally be designed to enable servicing and deliveries by larger vehicles to the rear of the premises.

6.4.3 Rear service areas will normally be the appropriate location for waste storage facilities. These should be designed so that they are properly integrated into the scheme, and accessible to users and collection vehicles (see Table 6.2 for design guidelines).

6.4.4 For groups of shops it may be possible to design communal facilities, which would assist collection by minimising the number of collection points.

6.4.5 Waste facilities should be designed so as to allow free access to the rear of the premises for deliveries, emergency vehicles etc.

6.4.6 Security should be provided for all waste storage areas, to design out opportunities for vandalism or fly-tipping.

Shops without rear servicing

6.4.7 In established commercial areas it may not be possible to provide rear servicing for shops, so waste collection will be provided from the street frontage.

6.4.8 In the design of new shopping developments of this type, it is essential to ensure that facilities are provided within the fabric of the building to enable the separation of waste and its collection from the street. This could take the form of

an enclosed structure within the shop frontage that is capable of taking the requisite number of bins, or a screened sideway with easy access to the street frontage for collection purposes.

6.4.9 Where more than one shop unit is proposed, consideration should be given to designing in communal facilities that are easily accessible to all units as well as collection vehicles.

6.5 Industrial/commercial development

6.5.1 All developments intended for industrial/commercial use must provide adequate space for solid waste storage. The same considerations for size, screening, location and security set out in Table 6.2 for communal storage apply.

6.5.2 The numbers of refuse and recycling containers required will be dependent on the nature and size of the business.

6.5.3 Waste facilities at the front of the building may be necessary provided that they are not on the highway. Such facilities should be kept secure in order to prevent vandalism and fly tipping and should not restrict access to the premises.

6.5.4 For efficient disposal and collection of industrial waste, it is preferable to store it in external enclosures which should be integrated with the design and layout of the rest of the development, accessible to users, screened and readily accessible to collection vehicles.

6.5.5 Industrial premises are supplied with green sacks, 1100 litre wheeled bins or skips subject to the type and volume of waste involved, and are encouraged to separate waste for recycling.

6.5.6 The developer must ensure that all facilities relating to the storage or pre-treatment of waste conform to any national guidelines and regulations that may be in place regarding the specific type of waste produced.

6.6 Access for refuse collection vehicles

6.6.1 The construction of all access roads for refuse collection vehicles will need to be designed to withstand the maximum payload of the vehicle (currently 30 tonnes). Manhole covers and gully gratings etc. should also be designed to withstand such weight.

6.6.2 In a new development sufficient space should be designed in for the refuse collection vehicle to manoeuvre. Roads and parking areas should be laid out to ensure reasonable convenience for the collection vehicles.

6.6.3 The Council will generally collect bulk bins directly from communal stores. However, where access to stores is restricted by locked gates or similar, arrangements must be in place to ensure that collectors have access to the bins on collection day.

6.6.4 The main factors we advise you to bear in mind are:

- Any structure under which the refuse vehicle has to operate should provide a minimum vertical clearance of 4 metres, with a minimum working area of 3.5 metres width by 4 metres length where the emptying of the containers will take place.
- Refuse collection vehicles should not be expected to reverse into or from a highway to make a collection. Where collection vehicles do have to enter a development, there should be sufficient on site turning circles or hammerheads to allow safe manoeuvring and exit from the development.
- Roads with inadequate width or turning facilities are inaccessible to collection vehicles. In such cases alternative presentation points on a nearby public highway have to be arranged.
- The length of a refuse collection vehicle plus container is generally 10 metres; the working length should take account of the size of the container, making the length of the vehicle with the container in emptying position 12 metres. A further 2 metres is required for operatives to stand clear of the bin whilst being lifted.
- The emptying position that the vehicle manoeuvres to and operates from should be relatively level and flat for the entire length of vehicle and container.
- Any slopes or gradients (other than those necessary for surface water drainage) should be avoided. Ideally the vehicle should pull into a dedicated off road bay, without the necessity of reversing into or out of the bay.
- A minimum width of 4 metres clearance for refuse vehicles will be sought on access roads, taking account of any additional width required for parking of vehicles on one or both sides of the road (see Diagram 6.3).
- All access roads must have a minimum of 4 metres vertical clearance along their length.
- Ideally, refuse collection vehicles should be able to continue moving forward at all times (due to their size, reversing and turning round is difficult) and therefore cul-de-sacs should be avoided. If however this cannot be avoided, then a turning circle must be provided at the end of the road. This must be a minimum of 24.6 metres in diameter excluding any additional width required for parking of vehicles.
- All roads must have hard wearing metalled surfaces.



Diagram 6.3 - An example of minimum road width clearance required where on-street parking is provided for on both sides of the road

6.7 Dimensions of standard refuse and recycling containers

240 litre bin
Height = 1070 mm (with lid shut) 1800 mm (with lid fully open)
Width = 570 mm
Depth = 730 mm
1100 litre bin
Height = 1380 mm (with lid shut) 2250mm (with lid fully open)
Width = 1270 mm
Depth = 1000 mm
940 litre 'Chamberlain' bin (for use with chute systems)
Height = 1430 mm
Width = 1040 mm
Depth = 980 mm

Table 6.3 – Dimensions of standard refuse and recycling containers

Dimensions may vary by up to 50 mm dependent on manufacturer.

6.8 Further information and additional considerations for refuse storage

6.8.1 For large developments, a Site Waste Management Plan (SWMP) may be required along with the planning application.

Further information about Site Waste Management Plans is given in the Design Supplementary Planning Document. You can also consult the following document 'Non statutory guidance for site waste management plans' available at www.defra.gov.uk.

6.8.2 In providing for waste storage and collection facilities on development sites, applicants are strongly advised to familiarise themselves with the Building Regulations Approved Document H Part H6 and the advice in BS5906:2005.

Building Regulations Approved Document H Drainage and Waste Disposal (2002) Part H6 Solid Waste Disposal and British Standard BS5906 (2005 edition) can be viewed on the Planning Portal website (www.planningportal.gov.uk).

Further information about the Council's waste policies can be found on the following sites:

<http://www.plymouth.gov.uk/compostingathome.htm>

<http://www.plymouth.gov.uk/businessandtradewaste.htm>

<http://www.plymouth.gov.uk/bulkywaste.htm>

<http://www.plymouth.gov.uk/planningconsents.htm>

<http://www.plymouth.gov.uk/buildingcontrol.htm>

You can contact the Council's Neighbourhood and Environmental Quality team by ringing 01752 304147 or by e-mailing public.protection@plymouth.gov.uk

6.9 Checklist for planning applications: refuse storage provision

- Does the development provide adequate storage for the volume of waste needed?
- Does the development provide adequate storage for recyclable and non-recyclable waste?
- Is the design of refuse storage facilities acceptable in relation to location, size, access and visual amenity?
- Does the development provide appropriate access for refuse collection vehicles?

7 Telecommunications

7.1 Introduction

7.1.1 Telecommunications are an essential feature in modern day living and play a significant role in the function of all local communities and the national economy.

7.1.2 This chapter supports Policy CS29 of Plymouth's adopted Core Strategy and reflects Government guidance as contained in Planning Policy Guidance Note 8: Telecommunications, August 2001 (PPG8), by outlining the Council's approach to telecommunications development in Plymouth. Policy CS29 covers telecommunication developments including mobile phone operators' masts and towers, antennas of all kinds, overhead wires, cabling and equipment housing.

7.1.3 The guidance in this chapter also reflects the guidance set out in the Code of Best Practice on Mobile Phone Network Development (Code of Practice), produced jointly by representatives of central and local government and the mobile phone industry.

7.1.4 The erection of telecommunications apparatus on a listed building, block of flats or in a Conservation Area may require specific consent, such as listed building consent or planning permission, and further guidance should always be sought from the Council's Planning Services.

7.1.5 There are four categories of telecommunications developments:

- Minor development
- Permitted development
- Prior approval
- Proposals that require planning permission.

Minor development

7.1.6 Minor development involves works which are so small or insignificant that they do not require any form of approval. This includes most conventional television aerials and other small telecommunications equipment that have a minimal impact on the external appearance of the building on which they may be installed.

Permitted development

7.1.7 The full range of permitted telecommunications development is set out in the General Permitted Development Order. Permitted development includes proposals that need no formal application to be submitted to the Council, such as the erection of household satellite dishes (subject to conditions set out in the Order), many alterations to existing telecommunications masts and the erection of antennas.

7.1.8 Satellite television dishes should be installed in locations to minimise the impact of the equipment on amenity. The colour of a dish should also be chosen to blend into the background and to not overly impact on the external appearance of a building. The Council advises that the installation of dishes in close proximity to windows and doors of neighbouring properties is avoided as this can lead to complaints. In relation to blocks of flats, the Council encourages the use of shared systems to minimise any future increase in number of dishes on a building.

7.1.9 Antennas should be as small and as unobtrusive as possible, in order to blend in with building features and street-scene. They should also be sited to minimise impact on the external appearance of any building. Consideration must be given to the existing number of masts/antennas in order to avoid overcrowding of apparatus on one building.

Further information about installing antennas and satellite dishes is available on the Planning Portal (www.planningportal.gov.uk).

Prior approval

7.1.10 The majority of mobile phone masts up to and including 15 metres in height, as well as many rooftop installations, do not require the submission of a planning application. They must, however, satisfy the 56-day prior approval procedure. This procedure requires the operator to notify the Council of their intention to undertake such development and to apply to the Council for determination as to whether prior approval for the siting and appearance of the apparatus is required. If the Council decides that prior approval is required, it may also decide to refuse to give such approval if there are valid planning grounds for so doing. The operator may then appeal against this decision.

Proposals that require planning permission

7.1.11 Proposals that require planning permission are usually those that are not permitted by the General Permitted Development Order, including proposals that exceed the limits of the prior approval procedure, such as the erection of phone masts over 15 metres in height.

7.2 Planning considerations

7.2.1 The following considerations will be taken into account when assessing planning applications, in support of Policy CS29 of the Core Strategy.

Design

7.2.2 The design of telecommunications development should be sympathetic to the site and consideration should be given to camouflaging, in order to minimise the impact of the development on the surrounding environment.

7.2.3 The Council will support developers taking advantage of any future telecommunication developments which may reduce the need for obtrusive masts or antennas, and considering the availability of alternative design solutions which may be more suited to a proposed site.

Appearance

7.2.4 Innovative designs are encouraged by the Council in order to reduce the visual impact of telecommunications equipment on the character of an area. For example, masts can be designed to resemble existing structures in the street-scene such as lampposts (in accordance with streetlight design practice) or telegraph poles. Proposals which use existing or replacement street furniture, such as street lighting, are also encouraged.

7.2.5 Examples of this approach are shown in the photos. The photo on the right shows a structure designed to mimic existing street lighting with the exception of the base of the mast, which is slightly wider, and also the top of the mast, which extends higher.

7.2.6 The photo on the left shows a mast designed to resemble a telegraph pole and is equal width from top to bottom. Monopole type masts are usually better accepted and considered less intrusive when they are slim-line in design, with no irregularities. In this respect, obvious shrouds and obtrusive antennas should be avoided.



Examples of camouflaged telecommunications equipment

Materials and paint colour

7.2.7 These must be carefully chosen to ensure telecommunication equipment looks well maintained and blends in with existing surroundings. A mast can be painted as an additional camouflage measure.

Dimensions

7.2.8 The Council will consider the dimensions of any development in relation to its surrounding area to ensure it is not visually intrusive. Monopoles with an excessive girth should be avoided.

Siting and location

7.2.9 A mast located in an area which is a predominantly open landscape with little development surrounding it, could look invasive. Where this is the case, consideration should be given to using innovative design solutions, such as installing replacement street lighting columns that are designed with telecoms apparatus, in order to reduce or minimise visual impact.

7.2.10 Some larger buildings and structures may be able to accommodate multiple operators and their associated equipment and this can reduce the need for individual stand alone masts. As encouraged by PPG8, the Council's preferred approach is the sharing of existing telecommunication sites/structures. The Council will expect a developer to submit evidence to demonstrate that site/mast sharing options have been fully explored.

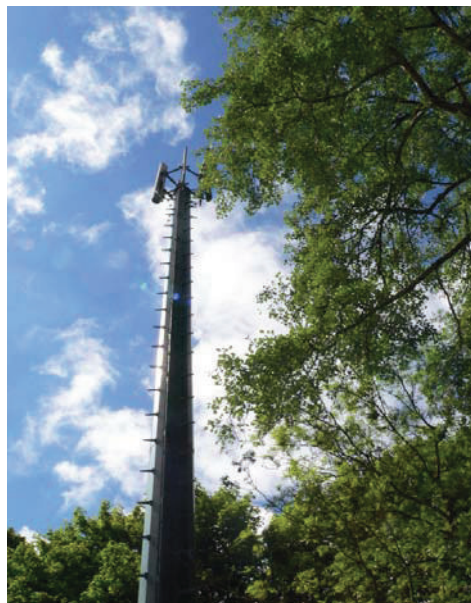
7.2.11 The Council will generally support the appropriate siting of well designed telecommunications apparatus on existing buildings.

7.2.12 The following factors will also be considered in relation to location:

- The effect of a development on the skyline
- The appearance of the site when viewed from any angle
- The site in relation to designated areas and their associated views
- The site in relation to existing masts, structures or buildings and, in particular, any effect on historic buildings or Conservation Areas
- The impact on footway width of any proposed cabinets
- The site in relation to residential properties
- The height of a site in relation to surrounding land, as well as considering the existence of topographical features and natural vegetation.

Landscaping

7.2.13 In some cases, it may be appropriate to ensure a mast is less intrusive by screening with trees. This would be particularly appropriate in designated and predominantly green areas, where every attempt should be made to ensure the apparatus blends in with the landscape. In Plymouth, Moorcroft Quarry is an example of where this method has been used. The mast has been located on an access road to the quarry; however, due to the height of the trees, it cannot be seen easily from the main public road.



Example of mast screened by trees

Protecting the countryside

7.2.14 As stated in PPG8, areas of environmental importance, such as Dartmoor National Park and Plymouth's surrounding Areas of Outstanding Natural Beauty (AONBs), need protecting. In the case of a mast proposal in such an area, the Council will expect evidence to show the significance of the proposal as part of the national network and to show that alternative sites have been considered unsuitable.

Access for service vehicles

7.2.15 Safe access and servicing arrangements to the proposed equipment should be demonstrated, including parking arrangements and locating apparatus without compromising the operation of highways and footways.

Telecommunication needs for new development

7.2.16 In the case of any new development, such as new housing, office accommodation or industrial development, the Council will encourage developers to consider how the telecommunication needs of future occupiers will be met. Where appropriate, the Council will support ducting for telecommunication cables to be located underground or along external surfaces of buildings to minimise the impact of telecoms apparatus on the building's amenity. The Council does recognise, however, that methods of distribution for telecommunications which already exist in an area could affect the location of ducting and apparatus for new developments.

7.2.17 The Council acknowledges the potential for new developments, such as tall buildings and wind turbines, to cause interference with existing telecommunications and this will need to be addressed prior to the submission of a planning application.

7.2.18 Proposals for new telecommunications apparatus will also be considered in light of proposed significant development, for example, major residential development that might be prejudiced by the inappropriate siting of masts.

Health issues

7.2.19 It is the Government's view that adequate safeguards are in place to ensure the public's safety in relation to telecommunication emissions. The criteria set by the Government means that councils must ensure that all proposals for mobile phone base stations are submitted with a certificate confirming that the development complies with International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines.

7.2.20 While it is not usually necessary to consider further health concerns, the Council will encourage developers to consider siting proposals in ways which will be sympathetic to, and reduce, public perceptions of health risks.

7.3 Further information on telecommunications

7.3.1 *Information on satellite dishes, antennas and mobile phone masts is available on the Planning Portal – <http://www.planningportal.gov.uk>*

7.3.2 *PPG8 (Telecommunications) and the Code of Best Practice on Mobile Phone Network Development are available at <http://www.communities.gov.uk>.*

7.3.3 *Further information about telecommunications masts is available from the Mobile Operators Association – <http://www.mobilemastinfo.com/>*

7.4 Checklist for planning applications: telecommunications

- Is the design sympathetic to its location?
- Is it sited so that it does not have an unacceptable impact on views?
- Is it well landscaped?
- Is it sited sensitively in relation to existing development?
- Is there access for maintenance vehicles?
- Does the proposal cater for the needs of future occupiers?

8 Parking standards and travel plans

8.1 Introduction

8.1.1 The purpose of this chapter is to provide guidance in relation to parking standards in new development, both car-parking and parking for motorcycles and cycles and guidance on travel plans. This guidance supports Policy CS28 (Local Transport Considerations) which requires development proposals to be assessed in relation to car parking standards set out in the Council's Parking Strategy and to actively promote green travel plans. This guidance also supports Policy CS34 (Planning Application Considerations) which requires development to meet the parking requirement arising from necessary car use. It also reflects national guidance in PPG13 (2001) which recognises the need to promote sustainable travel choices and PPS3 (2006) which requires local planning authorities to develop residential parking policies for their area which take account of expected levels of car ownership. This guidance updates the Council's existing Car Parking Strategy (2006 – 2011) and will inform the preparation of the next Parking Strategy.

8.2 Parking standards for new residential development

Car parking

Land Use	Maximum parking standard
Dwellings with 2 or more bedrooms	2 spaces per dwelling
Dwellings with 1 bedroom	1 space per dwelling
Houses in Multiple Occupation and purpose-built student accommodation	1 space per 2 occupiers

Table 8.1 – Maximum car-parking standards for new residential development

8.2.1 These standards apply to all new residential development, including residential conversions. The aim of these maximum residential standards is to support the creation of high quality residential neighbourhoods by reducing the adverse impacts of inadequate residential parking such as excessive on-street parking or illegal parking.



Example of residential car parking

8.2.2 They allow for increased levels of parking provision above previous Council standards. This reflects the latest government policy as set out in PPS3 which requires Local Planning Authorities,

together with stakeholders and communities, to develop residential parking policies for their area, taking account of expected levels of car ownership. The 2006 DCLG report *Delivering Planning Policy for Housing: PPG3 Implementation Study*, identified that it is more important to target car usage rather than ownership in order to promote sustainable transport. Research by CABI (cited in the Manual for Streets guidance) has also found that car parking remains a significant issue for residents and house buyers.

8.2.3 Within the maximum parking standards developers will be expected:

- To provide adequate parking to accommodate parking arising from necessary car use in accordance with CS34
- To protect the surrounding areas from overspill parking and resulting problems on the highway.

8.2.4 The burden of responsibility is on the developer to ensure that parking is managed within the site, or that measures are put in place such that resulting on-street parking does not:

- Impede other users of the highway, particularly pedestrians, cyclists, buses and emergency vehicles
- Compromise highway safety
- Impact on residential amenity
- Overspill into other areas.

8.2.5 The level of parking provision should reflect the accessibility of the location by public transport. In exceptional circumstances off-site mitigation measures, including the introduction of a Controlled Parking Zone (CPZ), may be appropriate as part of an overall approach to management of parking on a development. See section 8.5 on CPZs for more information.

Cycle parking

Land Use	Minimum Cycle Parking Standard
Dwellings with 1 bedroom	1 space per dwelling to be secure and under cover.
Flats	1 space per 2 dwellings to be secure and under cover.
Houses in Multiple Occupation and purpose-built student accommodation	1 space per 2 bedspaces to be secure and under cover.

Table 8.2 – Minimum cycle parking standards

8.2.6 Cycle parking should be incorporated into new residential developments, particularly where car parking levels have been reduced. Every effort should be made to ensure that cycle parking is well designed, under cover and secure.

8.2.7 For developments of flats, communal stores should be provided. They should be well lit, fully covered, secure and contain cycle stands that allow individual cycle frames and wheels to be secured horizontally (i.e. both wheels on the ground) such as Sheffield stands.

8.2.8 For all types of residential development visitor cycle parking should be considered. This should allow individual cycle frames and wheels to be secured horizontally and be provided where it will be overlooked by the properties.

Motorcycle parking

8.2.9 Provision of motorcycle parking should be considered within all developments but in particular flats, houses in multiple occupation and those with low levels of car parking.

8.2.10 Where included, motorcycle parking should be well lit, covered and contain stands that allow the vehicles to be securely anchored.

8.3 Non-residential parking standards

Car parking

8.3.1 The Council's methodology for calculating the maximum car parking standard for non-residential development is based upon the overall accessibility of the site having regard to public transport, walking and cycling networks. The maximum standards include both operational and non-operational parking.



Non-residential parking , East End Community Village

8.3.2 An assessment of parking provision will need to be undertaken, taking as its starting point the maximum parking standard for the type of development as set out in Table 8.3. The standard is then adjusted on the basis of how well located the development site is in accessibility terms. The methodology for this adjustment is set out in section 8.6.

Land Use	Maximum Parking Standard
A1 Shops less than 370 m ²	1 space per 28 m ² gross floorspace
A1 Medium non-food shops 370 - 999 m ²	1 space per 24 m ² gross floorspace
A1 Large non-food shops more than 999 m ²	1 space per 20 m ² gross floorspace
A1 Medium food and convenience goods shops 370 - 999 m ²	1 space per 21 m ² gross floorspace
A1 Large food and convenience goods shops more than 999 m ²	1 space per 14 m ² gross floorspace
A2 Offices providing services mainly to visiting people	1 space per 30 m ² gross floorspace
A3 Restaurants and cafes	1 space per 5.5 m ² used by customers
A4 Public Houses / bars	1 space per 2 m ² of floorspace used by customers for drinking. For dining floor space, the above standard will apply.
A5 Hot food takeaways	1 space per 5.5 m ² used by customers
B1 General business uses	1 space per 30 m ² gross floorspace
B2 Manufacturing	1 space per 51 m ² gross floorspace. Lorry parking assessed on merits of each case.
B2 Small industrial units less than 235 m ²	1 space per 44 m ² gross floorspace. Small industrial units particularly of the grouped or court variety need separate assessment. Parking provision will normally be communal.
B8 Warehouses less than 2500 m ²	1 space per 70 m ² gross floorspace. Lorry parking will be assessed on merits of each case.
B8 Warehouses larger than 2500 m ²	1 space per 200 m ² gross floorspace. Lorry parking will be assessed on merits of each case.
B8 Wholesale cash and carry	Car and lorry parking will be assessed on the merits of each case.

Land Use	Maximum Parking Standard
C1 Hotels and guest houses	1 space per guest room + 1 space for the resident proprietor or resident manager. Conference / function space will be determined on merit. Coach parking needs will be assessed on merits of each case.
Hostels	1 space per 8 residents + 1 space per 2 non-resident staff + 1 space for a resident proprietor / resident manager.
C2 Convalescent/ nursing homes	1 space per 8 residents + 1 space per 3 non-resident staff + 1 space for any resident proprietor / manager. Provision for visitors will be determined on merits of each case. For nursing homes, attention will be paid to need for adequate servicing, particularly for ambulances, and additional staff.
C2 Hospitals	1 space per 4 staff + 1 space per 3 visitors.
C3 Communal housing of elderly and handicapped	1 space per 2 dwellings + 1 space per warden
C3 Holiday caravans and chalets	1 space per unit Additional spaces required where camping or other facilities are provided or made available for non-residents.
C3 Dwelling houses and C4 HMOs	Parking standards are set out in Table 8.1
D1 Primary schools	1 space per teacher + 1 space per classroom for support staff and visitors
D1 Secondary schools	1 space per teacher + 1 space per classroom for support staff and visitors
D1 Higher and further education	1 space per 2 staff + 1 space per 15 students
D1 Libraries	To be determined on the merits of each case

Land Use	Maximum Parking Standard
D1 Crèches, day nurseries or day centres	1 space per 3 staff members. Attention must be paid to the safety of the children. Adequate facilities should be provided for the dropping off and collection of children.
D1 Doctors', dental and veterinary surgeries and other health services (excluding hospitals)	1 space per practitioner, 1 space per 2 additional staff and 2 spaces per consulting room
D2 Cinemas and conference facilities larger than 1000 m ²	1 space per 5 seats
D2 Concert halls, casinos, community centres, and indoor sports facilities larger than 1000 m ²	1 space per 22 m ² gross floorspace
D2 Dance halls less than 1000 m ²	1 space per 3 m ² of net public floor area
D2 Community centres less than 1000 m ²	1 space per 5.5 m ² of main assembly hall floor space.
D2 Snooker, billiards and pool halls less than 1000 m ²	1 space per table + 1 space per 2 tables
D2 Squash courts less than 1000 m ²	1 space per court + 1 space per 10 spectator seats. Additional spaces may be required if a bar and / or other members' facilities are provided.
D2 Swimming pools less than 1,000 m ²	1 space per 6 m ² of water area
D2 Gyms less than 1000 m ²	To be assessed on the merits of each case
D2 Stadia with more than 1500 seats	1 space per 15 seats
D2 Stadia with less than 1500 seats	1 space per 10 seats
Launderettes and amusement centres	1 space per 28 m ² gross floorspace

Land Use	Maximum Parking Standard
Motor repair garages, car sales, petrol filling stations and car washes	1 space per staff + 3 spaces for each service / fitting/ testing bay. 1 space per 10 cars displayed. Adequate provision shall be made loading / unloading, servicing and petrol tanker supplies. For car washes sufficient circulation space for waiting cars is required.
Taxi and private hire vehicle offices	1 space per staff / driver

Table 8.3 – Maximum car-parking standards for non-residential development

8.3.3 Other matters may be taken into account in completing the assessment of parking provision:

- A higher level of parking than that determined by the assessment could be acceptable, but only if strong evidence can be presented on grounds of economic viability or of the impact of a lesser provision on the function of the highway; for example, if the proposal would lead to a level of casual on-street parking that might impact on the operation of the highway.
- In exceptional circumstances, a higher level of parking provision may be acceptable to facilitate and help kick-start a regeneration programme. However, this level of flexibility does not apply to all subsequent developments. Increased economic activity in an area should be linked with increased public transport accessibility.
- Where appropriate, consideration will be taken of the time(s) of day when the majority of the trips will be generated and accessibility assessed accordingly. In particular, shift patterns will be considered where they start or end during periods where public transport does not operate with the same frequency as during normal office hours (8am – 6pm).
- The capacity of public transport and future programmed infrastructure improvements can influence accessibility assessments.
- In areas of existing, or at significant risk of future, congestion, and in existing or potential air quality management areas (AQMA) in particular, further reductions may be necessary in order to make the proposal acceptable in traffic impact terms.

8.3.4 The assessment must take account of parking availability and restrictions in the surrounding area, and the impact of the proposed development on any parking in the surrounding area.

8.3.5 Shared use of parking is to be encouraged. It is noted, however, that there may be an imbalance in the amount of parking that should be provided for each development. In this case, the car park should be effectively managed so that an over-supply of parking spaces does not occur at any time which could encourage unnecessary use of spaces and unsustainable travel.

8.3.6 Larger new developments may include new access roads. These access roads could have on-street parking designed in and this provision could be counted as part of the development.

Review period

8.3.7 The maximum parking standards set out in Tables 8.1 and 8.3 and the application methodology will be reviewed every 5 years. Reviews will establish ease of application, impact on transport networks and impacts on developments.

8.3.8 The accessibility maps form part of the Local Transport Plan and these will be reviewed on an annual basis to ensure changes to the public transport network are appropriately reflected.

Disabled parking

8.3.9 Provision of parking for disabled motorists should be in line with Department for Transport guidance. Provision for disabled parking is included within the calculated maximum levels, but should be calculated on the basis of the size of the car park before any reductions have been applied.

8.3.10 Disabled parking should be located as close as is practical to the main pedestrian entrance of the development.

Current disabled parking standards are set out in Traffic Advisory Leaflet 5/95 Parking for Disabled People: www.dft.gov.uk

Powered two-wheelers

8.3.11 The Council encourages safe use of powered two-wheelers. Therefore, secure parking should be included within all new developments.

8.3.12 The number of motorcycle spaces required for a development is to be calculated from the maximum parking standard for that development before reduction, and rounded up as necessary.

8.3.13 For employee parking, a minimum provision of 4% of the maximum parking standard for cars is applicable.

8.3.14 For other parking, based on motorcycles currently accounting for 1% of Plymouth's traffic, a minimum of 1% of parking spaces should be for motorcycles. The absolute minimum is 1 space.

8.3.15 In some cases provision greater than the minimum may be more appropriate, for example when shift patterns do not allow travel by public transport.

8.3.16 Motorcycle parking should be provided in line with the Institute of Highway Incorporated Engineers Guidelines for Motorcycling.

Cycle facilities

8.3.17 The Council actively encourages increased use of cycles as a mode of transport. To complement public investment in cycling, facilities for cyclists must be included within all new developments and must be sufficient to meet increasing demand.

8.3.18 Minimum cycle parking standards for non-residential development are set out in Table 8.4.

8.3.19 Cycle parking for staff and other long-stay users may need to be different from that for short-stay users. Ease of access needs to be balanced with security.

8.3.20 Staff and other long-stay cycle parking ideally should be located within the main building. If this is not possible then it should be located close to the entrances and must be closer than any corresponding car parking (staff cycle parking should be close to staff entrances). It must be secure, covered, well-lit and easily observed. Employers should provide lockers, showers and changing facilities.



Short stay cycle parking, Drake Circus

8.3.21 Short-stay cycle parking must be close to the appropriate building entrances and closer than car parking. It must be secure, clearly visible, well-signed and easily accessible. It will preferably be covered but not so as to compromise safety and security.

8.3.22 For convenience, and to encourage cycling, it may be preferable on a larger site to have clusters of cycle parking facilities rather than one central point.

Land Use	Minimum Cycle Parking Standard
A1, A3, A4 and A5 (Shops, food and drink)	Staff: 1 space per 370m ² gross floorspace, or 1 space per 10 employees whichever is the greater, to be secure and under cover. Customer: 1 space per 500m ² gross in a prominent and convenient position in the form of Sheffield racks or similar.
A2 and B1 (Financial and professional services and businesses.)	Staff: 1 space per 300m ² gross floorspace, or 1 space per 10 employees whichever is the greater, to be secure and under cover.

Land Use	Minimum Cycle Parking Standard
	Customer: each case to be determined on its merits.
B2 (General industry)	Staff: 1 space per 400m ² gross floorspace, or 1 space per 10 employees whichever is the greater, to be secure and under cover.
D1 and D2 (Non-residential institutions, assembly and leisure)	Staff: 1 space per 10 employees to be secure and under cover. Customer: 1 space per 20 people expected to use the facility at any one time in a prominent and convenient position, in the form of Sheffield racks or similar.
All other uses	To be determined on their individual merits.

Table 8.4 – Cycle Parking for non-residential development: minimum standards

8.4 Travel plans and car park management plans

8.4.1 Depending on the nature of the development, it is likely that the Council will ask the developer to submit a travel plan. Travel plans may be requested for:

- Residential developments
- Non-residential developments
- Schools.

8.4.2 Voluntary travel plans may also be submitted. These are welcomed from all developments where a travel plan has not been specifically requested by the Council but where the organisation/development has a commitment to encouraging sustainable travel.

What is a travel plan?

8.4.3 A travel plan is a long-term management strategy which enables an organisation / development to achieve increased levels of sustainable travel modes for all journeys to and from a site. It should consist of a package of measures aimed at promoting sustainable travel and reducing reliance on single occupancy car journeys.

What should it contain?

8.4.4 In general, a travel plan should cover four areas:

- A site audit report giving a description of the site and information on how the site is accessed by all modes of travel
- An action plan to address and promote sustainable travel to and from the site covering staff, customers and visitors (and pupils and parents in connection with a school travel plan)
- A monitoring strategy which provides a methodology and schedule for monitoring travel to and from a development site by all modes of travel. This also includes modal share targets agreed by the Council
- A commitment to operating the travel plan, to working with the relevant Council travel plan officers and providing relevant data on modal share targets.

8.4.5 It is the responsibility of the developer/organisation to appoint a travel plan coordinator who will develop, implement and monitor the success of the plan in conjunction with the Council. Where appropriate, the developer/organisation will be required, with support from the travel plan coordinator, to use the Council's web-based travel plan assessment and monitoring system, called "iTRACE". If a travel plan is requested, the developer/organisation is obliged to make contact with the Council's Travel Plan Officers within the Sustainable Transport Team at the earliest possible opportunity so that advice on the appropriate content for the plan can be sought.

8.4.6 Travel plans, where appropriate, should be linked to a Transport Assessment and Car Park Management Plan to show how car parking spaces will be managed. This may be for reasons of land efficiency, accessibility, restriction of overflow parking, etc., as well as for sustainability and the simple economics of the site operation.

8.4.7 The Car Park Management Plan should be included within the travel plan for the development and may also be a condition of planning permission. This should include intentions for future charging for staff parking, specifications for the operation of the car park, allocation of spaces, operating hours, and other details that affect the use of the car park. For example, only a limited number of spaces may be made available before 10 am, reserving the remainder for non-commuter use later in the day. This may be of particular significance when parking spaces are shared between developments, or within a mixed use development.

8.5 Controlled parking zones

8.5.1 The introduction of a controlled parking zone (CPZ) should be a last resort within any new development; improvements to more sustainable modes should be the primary consideration. However, a CPZ may ultimately be required to ensure parking is managed appropriately. Factors that should be considered when deciding to introduce a CPZ are:

- Propensity of cars to overspill from a nearby employment area / leisure facility / retail area
- On-street parking and the absence, or otherwise, of controls

- Whether there are nearby public car parks, and
- The potential for shared parking.

8.5.2 A proposal within a CPZ which operates at least 6 days a week and more than 6 hours a day could be acceptable without the provision of off-street parking.

8.5.3 Occupants of new developments within an existing CPZ will not be issued with permits in accordance with the Plymouth Joint Highways Committee Report recommendation of May 1997. It must be checked that there are no adjoining areas where on-street parking could take place to the detriment of others.

8.5.4 Within a shorter operating CPZ, a contribution must be made in that the developer will have to:

- Provide some off-street car parking (application of maximum standard for private residential or up to 50% of the maximum for student accommodation) or
- Pay monies / provide engineering work to restrict on-street parking or
- Apply parking management techniques to their development which ensures no on-street parking will take place.

8.5.5 For major developments it may be appropriate for the development to fund the costs of consultation and implementation to change the short hour CPZ into long term zones.

8.5.6 Where the extension (operating hours or geographic scope) or introduction of a CPZ is not publicly acceptable, alternative mitigation measures will need to be considered which could include engineering works or contributions towards more sustainable transport modes.

8.6 Methodology for calculating accessibility

8.6.1 The Council has produced accessibility maps using the Accession software which are to be used to determine the accessibility of each site (see example in Diagram 8.1).

8.6.2 These maps show the percentage of Plymouth residents that live within a 30 minute travel time by public transport and/or walking of each location. The travel time is defined as up to a 400 metre walk to a bus stop, in-vehicle bus time and a maximum 400 metre walk to end destination at an appropriate time of day. Sites further than 400 metres from a bus stop are not considered to be accessible. Sites are assessed from 0% accessibility to over 80% accessible.

8.6.3 These maps form part of the evidence base for the Car Parking Strategy of Plymouth's current Local Transport Plan and are updated on an annual basis to ensure changes to public transport routes / times / frequencies are incorporated.

8.6.4 The following steps should be taken to determine the maximum car parking standard for a particular development:

1. Calculate the site's 'accessibility per cent score'. This is taken from the nearest point(s) on the appropriate accessibility map. Then subtract this score from 100 to calculate the site's accessibility.
2. Add 20%.
3. Multiply this percentage by the maximum car parking standard identified in Table 8.3.

8.6.5 It should be noted that these maps are not site specific and a more detailed consideration may be required. The accessibility on the maps is given as a band. The mid point of the band should be used unless there is evidence to the contrary. This evidence may include a lower or higher accessibility level on the adjoining point with the site somewhere between the two.

For example, site X is a supermarket development with a GFA of 2500 m². The parking standards in Table 8.3 would enable the site to have a maximum of 179 parking spaces (1 space per 14 m²).

This would require the development to provide –

- 11 disabled parking bays (based on current standards)
- 7 motorcycle spaces for employees and at least 2 for customer parking

These are calculated before adjustments are made.

The total maximum number of car-parking spaces allowed would then be adjusted as follows –

The site has an accessibility score of 55% which gives it an accessibility of 45% (100 – 55). However, the adjustment is less than this because of the 20% 'additional' allowance -

65% of 179 (45%+20%) = 116 spaces.

This includes disabled spaces, so a maximum of 105 spaces could be provided for other car-parking.

Cycle parking (using the standards set out in Table 8.4) would require a minimum of 7 spaces for employees (based on size rather than number of employees) and at least 5 spaces for customers.

8.6.6 The maps are based on current public transport services. Any applicable likely future changes to accessibility, such as a likely HQPT link, must be considered at this point. Future accessibility maps will be developed to enable this to occur with ease. Until this time, applicants need to take a realistic view of the potential for improvements to take place following discussions with the Council's Development Management team (Transport). The maps will be updated regularly to take account of service changes in the short term.

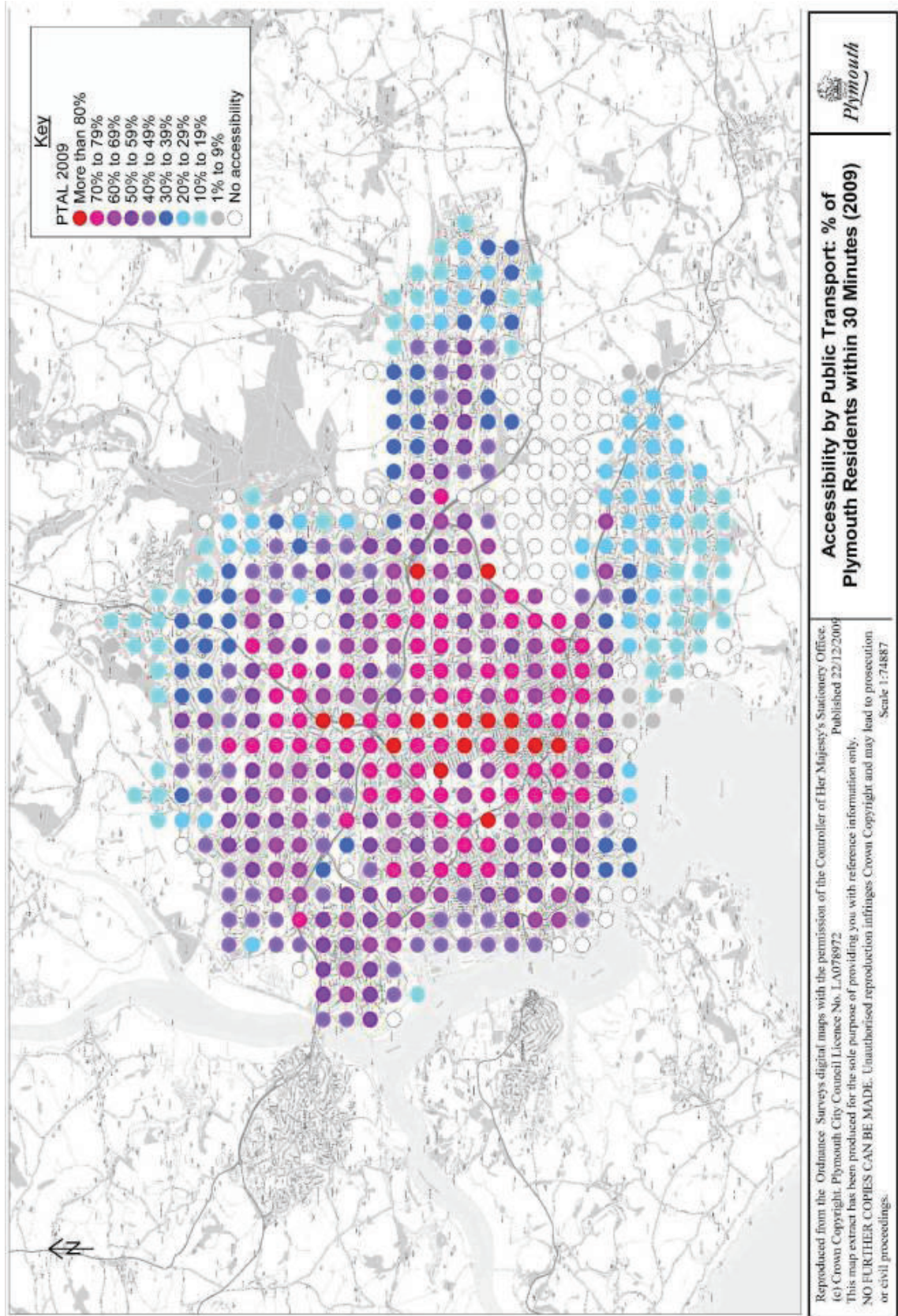


Diagram 8.1 - Public transport accessibility levels in Plymouth, 2009

8.7 Further information on parking standards and travel plans

8.7.1 *The design of car-parking and cycle parking should comply with guidance in the Manual for Streets (2005) available on www.communities.gov.uk.*

8.7.2 *The Council's Parking Strategy can be accessed at <http://www.plymouth.gov.uk/proltparking.htm>*

8.7.3 *Government guidance on parking is set out in PPG13 (2001) Transport and PPS3 (2006) Housing which are available on www.communities.gov.uk.*

8.7.4 *Cycle parking should be provided in line with Cycling England guidance.*

Cycling England guidance can be found on the following website – www.dft.gov.uk/cyclingengland

8.7.5 *More information and guidance on travel plans can be found on the Sustainable Transport Team's web pages at:*

www.plymouth.gov.uk/workbasedtravelplans

www.plymouth.gov.uk/schooltravelplan

Telephone: 01752 304585/5417

Email: publictransport@plymouth.gov.uk

Further information is also available at: www.dft.gov.uk/pgr/sustainable/travelplans

8.8 Checklist for applications: parking standards and travel plans

- Does the application comply with the Council's standards for car-parking, cycle-parking, motor-cycle parking and disabled parking?
- Is a travel plan required and does it comply with the Council's guidance?
- For non-residential developments, is a Car Park Management Plan included?

9 Coastal development considerations

9.1 Introduction

9.1.1 Small scale developments in the coastal zone are subject to various laws and policies in order to protect wildlife, safeguard navigation and protect the coast. This chapter explains briefly the key constraints in this zone and the implications for gaining planning permission. The additional marine consents and licences are also explained. The chapter contains information and guidance on the following considerations:

- Relevant planning policies
- Environmental designations in the coastal zone
- Considerations for coastal development
- Minimising the ecological impacts of development
- Additional consents for development within the coastal zone
- Further information.



9.1.2 The Port of Plymouth is a complex and dynamic area which encompasses Plymouth Sound and extends up the rivers of the Tamar, Tavy, Lynher and Plym. This area as a whole constitutes one of Britain's finest estuarine complexes with rich and diverse wildlife, landscape and historic heritage.

9.1.3 The waters of Plymouth Sound and the Tamar Estuaries are used for defence, commercial and recreational purposes thereby providing a key economic asset for Plymouth and nearby coastal communities. They are one of England's major recreational boating centres and are enjoyed by local residents and those living further afield. These activities support the distinctiveness of Plymouth and do much to help develop the vitality of the city with a bustling, lively waterfront.

9.1.4 Development close to or in the waters of Plymouth Sound or any of the estuaries requires a number of considerations, in terms of marine licensing requirements, design measures, construction methods and subsequent use. This chapter sets out what they are and suggests some approaches which can help to address some common concerns regarding coastal development. This is particularly important given that the Core Strategy identifies that many of the priorities for the city's regeneration will be focused on the waterfront areas.

9.1.5 Coastal Development is defined as any development or change of use that takes place on the coastline. It includes waterfront development, coastal defence schemes, marinas and jetties, dredging as well as footpaths and cycleways adjacent to the estuary. It should be noted that this is an indicative list and should not be considered as exhaustive.

9.1.6 Any proposed development above the low water mark will require the submission of a planning application to the Council. In the coastal zone there are also a complex assortment of additional permissions and licences from other agencies that need to be secured which must also consider the impacts of the development on the natural environment. These must be applied for and secured before any work can be started.

9.1.7 Coastal development in sensitive marine areas is a particularly complex matter and this chapter can therefore only provide a brief introduction to the additional considerations that need to be made.

The Water Framework Directive (2000/60/EC) (WFD) was established in the United Kingdom in 2003 in an effort to improve the water quality of our rivers, estuaries, coastal waters, reservoirs and groundwaters. A fundamental requirement of the Water Framework Directive is to attain good ecological water quality status and that deterioration in the status of waters is prevented. Any new development must therefore ensure that these two fundamental requirements of the Directive are not compromised. Issues that will need to be considered therefore include proper connection to the sewage systems, controlled rain and storm runoff, and pollution control.

9.1.8 Due to the complexity of coastal planning, you are strongly advised to contact the Coastal Planning Coordinator in the Development Planning team (coastal@plymouth.gov.uk) before you submit your planning application in order to find out whether you will need to apply for other marine consents and licenses.

Further information on developments in the marine environment is available from www.plymouth.gov.uk/tecf

9.2 Relevant planning policies

9.2.1 The guidance in this chapter supports the following Core Strategy objectives and policies that relate to the marine and coastal environment:

- SO1 (Delivering Plymouth's Strategic Role) – this sets out the vision for delivering development whilst safeguarding natural resources through limiting the use of greenfield sites (and 'bluefield'), avoiding harming features of acknowledged importance, providing for renewable energy and seeking new opportunities for enriching the city's biodiversity.
- Policy CS02 (Design) – this identifies the need for design to reflect Plymouth's setting and character and to protect key views.



- Policy CS03 (Historic Environment) – this safeguards the character and setting of historic features of the city and will apply to maritime related features as well as terrestrial.
- Area Vision 10 (Plymouth Sound and Estuaries) – this recognises the need to conserve and enhance the city’s unique coastal and waterfront setting, promoting an integrated management approach to its sustainable development. Also included in the policy are measures to protect the Port of Plymouth, delivering the conservation objectives of the European Marine Site, improving opportunities for water transport linkages and acknowledging the port’s importance to the economy of the area through naval activities, commercial shipping, fishing, tourism, recreation and leisure.
- Policy CS05 (Development of Existing Sites) – the priority for existing marine employment sites will be to safeguard them for marine industrial uses that require a waterfront location.
- Strategic Objective 11 (Delivering a Sustainable Environment) – this sets out the way in which the LDF will safeguard and promote access to Plymouth’s coastal environments by conserving and enhancing biodiversity, by protecting them from pollution and managing flood risk and working in partnership in order to achieve an integrated approach.
- Policy CS19 (Wildlife) – this policy relates to safeguarding protected sites and species from inappropriate development and impacts and ensuring that development seeks to produce a net gain in biodiversity.
- Policy CS20 (Sustainable Resource Use) – this looks at the efficient use of water and effective water management including the use of SUDs and also ensuring that development and land use in the ‘coastal zone’ responds appropriately to the character of the particular type of coast in order to preserve and make best use of this limited resource.
- Policy CS21 (Flood Risk) – this states that development will not be permitted in areas of flood risk unless the benefits outweigh the risks, that it does not increase the risks for other areas and that no alternative sites are available. It also sets out the requirements for Sustainable Urban Drainage Systems (SUDS).
- Policy CS22 (Pollution) – this emphasises that development must not cause unacceptable levels of noise, nuisance, light, water or air pollution.
- Strategic Objective 14 (Delivering Sustainable Transport) – this describes the need to support investment in public water transport, sea freight infrastructure, including the safeguarding of key sites, encouraging modal shift away from private cars, and promoting walking and cycling.

9.3 Environmental designations in the coastal zone

9.3.1 Plymouth’s coastal zone is protected by a number of environmental designations in recognition of the special qualities of the marine and coastal environment. These designations together help to ensure that the internationally, regionally and locally important features of Plymouth Sound and the Tamar Estuaries can flourish by minimising adverse effects from development.

Plymouth Sound and Estuaries European Marine Site

9.3.2 Plymouth Sound and Estuaries is designated as a Special Area of Conservation (SAC) under the European Union's Habitats Directive 92/443/EEC, as implemented by the Conservation (Natural Habitats, &c) Regulations 1994. Together, these two designated areas constitute the Plymouth Sound and Estuaries European Marine Site. The habitats and species for which the area is listed are:



- Large shallow inlets and bays (including intertidal rocky shore communities, sub tidal rocky reef, tide-swept channels and kelp forest communities)
- Estuaries (including intertidal and sub tidal mudflats, estuarine rocky habitats, intertidal underboulder communities, blue mussel beds, salt marsh, atlantic salt meadows and reed bed and coastal grazing marsh)
- Sandbanks which are slightly covered by seawater (including eelgrass beds and gravel and sand communities)
- Reefs
- Shore Dock
- Allis Shad.



9.3.3 The Tamar Estuaries Complex also qualifies as a Special Protection Area (SPA) for the following nationally important populations of the regularly occurring species listed in the Birds Directive:

- Avocet
- Little Egret.

This is by no means an exhaustive list but merely identifies the broad range of species and habitats that are protected.

Further information is available from www.plymouth.gov.uk/tecf.

9.3.4 Under these two European designations, no development is permitted which would have a significant effect on the integrity of the habitats and features of the European Marine Site listed above. There are exceptions to this whereby consent may be given by the Secretary of State, but only if there are no alternative solutions and if the proposal must be carried out for overriding public interests of a social or economic nature and only then when compensatory habitat has been identified.

9.3.5 Where the proposed development may have a significant effect on the habitats and species listed above, then formal consent from Natural England is a statutory requirement. It should be noted that developments outside the European Marine Site boundary may still have a detrimental impact on the international features of importance for which the site has been designated. Decisions will also have regard to the effects of the Water Framework Directive.

Sites of Special Scientific Interest (SSSIs)

9.3.6 Sites of Special Scientific Interest (SSSI) are designated under s.28 of the Wildlife and Countryside Act 1981 in order to safeguard and enhance the characteristic plants, animals and physical features of our natural heritage. In Plymouth the coastal SSSIs are Western King, Plymouth Shores and Cliffs (Jennycliff) and the Tamar-Tavy. As part of the planning process, Natural England must be consulted on any proposed developments that may impact on a SSSI. Written consent must be obtained from Natural England before any operations likely to damage the special interest of a SSSI can be carried out.

Information on where the coastal SSSIs are in Plymouth can be found at: <http://www.natureonthemap.org.uk/map.aspx>

County Wildlife Sites (CWS) and Local Nature Reserves (LNRs)

9.3.7 County Wildlife Sites are designated by a panel which includes the local authority and Devon Wildlife Trust on the Plymouth side of the estuary. On the Cornish side it is Cornwall Wildlife Trust. Whilst they are not statutory designations, they are given protection through policy CS19 of Plymouth's Core Strategy. The key coastal sites in Plymouth are: the Plym Estuary upstream of Laira Bridge, Blagdon's Meadow, Saltram, Radford Lake, Hooe Lake, Hoe and Madeira Road, Devil's Point, Warren Point, Jennycliff, Kinterbury Creek and the Ernesettle Complex.

9.3.8 Local Nature Reserves are designated by the local authority and are protected under the National Parks and Access to the Countryside Act 1949. In Plymouth the only coastal LNR is at Budshead Wood. Further information about Plymouth's County Wildlife Sites and Local Nature Reserves can be found at www.plymouth.gov.uk

Biodiversity Action Plan (BAP) Priority Habitats

9.3.9 Most intertidal and marine habitats are now also classified as BAP priority habitats. Those relevant to the coastal zone in the Plymouth area include intertidal underboulder communities, coastal saltmarsh, intertidal mudflats, seagrass beds, sheltered muddy gravels and tide-swept channels and estuarine rocky habitats. As with County Wildlife Sites they are afforded protection through the Local Development Framework.

9.4 Considerations for coastal development

Environmental considerations

9.4.1 Any proposal for development in the coastal zone will be assessed for its potential to produce 'likely significant effects' on the nature conservation interests of the Plymouth Sound and Tamar Estuaries Special Area of Conservation (SAC), Special Protection Area (SPA) and also on any Sites of Special Scientific Interest near to the proposal site. Natural England will advise the organisation that is assessing the application. For major developments, the applicant will be required to undertake an Environmental Impact Assessment (EIA) or a more limited ecological assessment according to the statutory regulations. This will provide information on how the proposal will affect the SAC or SPA and what measures are available to avoid or minimise these effects. The EIA should be undertaken on the developer's behalf by experienced professionals with input from a qualified ecologist.

9.4.2 Developments below the high water mark can have a profound effect on the dynamic marine environment which can then have a knock-on effect on other aspects of the environment. Ultimately this can even have repercussions on other users including the ability of the port to operate effectively with open navigational channels.



Example of a slipway designed with complex surfaces to reduce impacts

9.4.3 Impacts can include:

- Physical loss of habitat area from built structures such as slipways, jetties, land claim, dredging etc.
- Fragmentation of habitats where built structures divide the shore into smaller, less sustainable units
- Physical damage to the habitat so that it degrades over the long-term e.g. through increased trampling, anchoring or trawling, also shading impacts of structures on underlying seabed habitats
- Biological disturbance e.g. through increased bait collection
- Pollution of the shore and estuary as a whole through increased runoff, pollution incidents from construction sites, oil spills, disturbance of contaminated sediments through dredging

- Obstruction of natural currents (hydrodynamics) by built structures such as quays, slipways, walls etc. This can cause erosion of key habitats such as saltmarshes and reedbeds
- Contribution to adverse in-combination effects
- Disturbance to wintering birds through interference, noise etc.
- Disturbance to migratory fish
- Disturbance to species protected under European law.

9.4.4 The most common concerns and issues raised through the planning process relate to disturbance of the sediment during construction and the subsequent re-mobilisation of any contaminants locked into this sediment.

9.4.5 The placement of pilings and structures on the seabed can alter the hydrodynamics within the estuary which in turn can result in changes to sediment movement causing the silting up of important habitats and also of important deep water channels which are so vital for navigation.

9.4.6 Developments can cause the loss of intertidal and subtidal habitat. Even small losses need to be avoided since whilst they may not be important in themselves, continuous small losses can collectively have a major impact on the overall functioning of the estuary through a process known as 'cumulative loss'. This is relevant to issues other than strictly ecology and includes the way in which the estuary can dissipate energy and sediment, the potential impacts on patterns of sedimentation and accretion and the fact that land reclamation at specific sites will have estuary-wide implications over timescales of decades to centuries.

9.4.7 New development can also lead to increased runoff, which can lead to higher levels of pollutants entering the waterbodies, for example road runoff, which brings with it dissolved hydrocarbons. Any new development should therefore seek to minimise the amount of surface water runoff.

9.4.8 The construction process in itself can also have a detrimental impact on marine habitats, particularly when heavy plant machinery is used on the foreshore. Details should therefore be provided under a method statement on how this will be minimised.



Good use of local materials

9.4.9 In order to ensure the protection of Plymouth Sound and Estuaries, developments which would result in an element of detrimental impact must have regard to the following principles listed in order of importance:

- **Avoidance:** that there is no alternative site for the development and that it has to take place. That the development is no larger than is absolutely necessary and that no existing structures can be utilised
- **Minimisation:** that all methods for design to benefit biodiversity have been included in the development. Further information is given in section 9.5
- **Mitigation of adverse effects:** that any adverse effects have been offset by corresponding environmental benefits
- **Compensation for adverse effects:** if habitat is lost, then compensatory habitat must be created.

9.4.10 Once a development is deemed necessary then, regardless of which licences are required, the developer will need to demonstrate that they have taken all steps necessary to minimise detrimental impact on the biodiversity. There are proven methods in design and construction that are known to benefit nature conservation. These are given in section 9.5.

Economic considerations

9.4.11 The potential impact of any development on those with an interest in using the waters will need to be identified and a balanced view taken whilst recognising the strategic importance of the port for defence, commerce, energy and all other economic uses both now and into the future.

Navigation considerations

9.4.12 Plymouth Sound and the estuarine waters are heavily used by the navy, commercial shipping and a wide range of recreational vessels. This activity relies heavily on the navigational channels being kept open to ensure sufficient depth of water to allow the passage of boats and ships. In many places the usable water for this passage is actually very narrow so it is important that development does not impact on the hydrodynamics, and that any navigation is not affected.

9.4.13 At night, mariners rely heavily on navigational lights to guide them safely in and out of harbour. These lights can easily be obscured by glare from other city lighting so it is important that lighting associated with new developments does not affect navigation.

Climate change and coastal defence considerations

9.4.14 Current projects for climate change show that the Plymouth area will be affected by a rise in sea level and increased storminess, which could clearly impact on the low-lying coastal areas. It will therefore be important that any future development has regard for these anticipated changes.

9.4.15 The Shoreline Management Plan for South Devon and Dorset sets out the priorities for protecting the coastline from sea level rises. Since Plymouth is an urban area of high population, its whole coastline is identified for 'holding the line' which

means that sea defences will need to be maintained and where necessary raised to protect the land. Any development will need to have regard for the policies set out in this plan

Further information about the Shoreline Management Plan for South Devon and Dorset is available from: <http://www.sdadcag.org/SMP.html>.

Recreation considerations

9.4.16 Access both to the waterfront and onto the water itself is clearly of critical importance for recreational user groups. A mix of wharves, pontoons, slipways, car-parking with boat storage facilities along with marinas, pontoons and landing stages are required as are club facilities with changing where appropriate.

9.4.17 The waterside area is also important for other forms of recreation, be it swimming, paddling, rock-pooling, walking the South West Coast Path or simply taking in the views. It is therefore important that public access to the waterfront is safeguarded and where appropriate encouraged in order that these activities can continue.

9.4.18 Waterfront developments that shut off access to and from the sea therefore prevent the fulfilment of the Council's stated vision of being a vibrant waterfront city in which the inhabitants are actively engaged with the sea.

9.5 Minimising the ecological impacts of development

9.5.1 This section sets out guidance as to how coastal development can be carried out so as to minimise any adverse environmental impacts.

General coastal developments

9.5.2 This includes waterfront developments, coastal defence schemes and other schemes which involve construction of structures adjacent to the shoreline or below mean high water springs. Also included are boathouses and slipways.

9.5.3 If done badly, waterfront development and coastal defence schemes have the potential to impact on the ecology of the estuary through poor working practices during construction (noise and pollution), through loss of habitat or by indirectly causing changes to the way in which the estuary functions.

9.5.4 In order to avoid these impacts, waterfront development should comply with the following guidance set out in Table 9.1:

Potential impacts on ecology of the estuary	Suggested measures to reduce impacts
Temporary disturbance to birds during construction if the development is situated close to important bird feeding/breeding or roosting areas	If the development is situated near bird feeding areas, undertake construction outside bird over-wintering period
Risk of pollution incidents during construction	During construction follow relevant Environment Agency Pollution Prevention Guidelines. Further information available from www.environment-agency.gov.uk/
Damage to foreshore habitats during construction if construction plant need to access the shore	If the development involves land-take, create compensatory habitat elsewhere in the estuary, for example by managed realignment.
Loss of intertidal or subtidal habitat within the footprint of the development if it involves land claim	Minimise working area during construction and only allow construction plant onto the shore if strictly necessary
Loss of fish nursery areas if the development involves land claim or disturbance to the foreshore	Design structures to minimise impacts on coastal processes, for example construct jetties on open piled structures rather than solid infill.
Loss of bird feeding or roosting habitat if the development involves land claim	Adopt more natural coastal protection measures where possible such as beach nourishment.
Potential changes to morphology of the estuary if the scheme involves land claim or construction of structures below mean high water springs	Use materials for construction with complex surfaces with crevices or indentations to encourage colonisation by marine flora and fauna.
Increase in levels of bird disturbance if the development is situated close to bird feeding areas and will encourage increased numbers of people to use the land/sea interface	Use sustainable urban drainage schemes (SUDS) to minimise run-off and associated impacts.
Potential impact on bat roosts due to modification of waterfront properties and/or loss of tree roots	Ensure planning applications are screened for potential impact to bat roosts. Developments should be informed by a Bat Roost Survey if necessary.
Potential impact on otters	Ensure that bridges and culverts are designed to accommodate the safe passage of otters and migratory fish.

Potential impacts on ecology of the estuary	Suggested measures to reduce impacts
Potential impact on lichen communities on river side trees, exposed substrate and mining heritage buildings in the Upper Tamar	<p>Developments with potential to impact on river side trees, exposed substrate and mining heritage buildings on the Upper Tamar should be informed by a Lichen Survey.</p> <p>Minimise unnecessary artificial lighting.</p>

Table 9.1 – Reducing the ecological impacts of coastal development

Marinas / Jetties

9.5.5 Marinas and jetties have the potential of impacting on the marine environment both directly in their construction, but also indirectly through their potential of changing the hydrodynamics of the estuary or causing increased shading of the seabed.

9.5.6 In order to minimise the impacts the following further guidance is given in Table 9.2:

Potential impacts on ecology of the estuary	Suggested measures to reduce impacts
Temporary disturbance to birds during construction, if the development is situated close to important bird feeding areas.	If development is near bird feeding areas, undertake construction outside bird over-wintering period
Loss of seabed habitat within footprint of slipways, jetties or other structures	During construction follow relevant Environment Agency Pollution Prevention Guidelines
Risk of pollution incidents during construction	If the development involves land-take, create compensatory habitat elsewhere in the estuary, for example by managed realignment.
Risk of water quality impacts during operation from input of antifouling or boat-cleaning chemicals etc	Locate development away from important bird feeding areas.
Potential disturbance to sediments during construction and subsequent redistribution of contaminated sediments within the estuary	Encourage best practice by the provision of waste receptor facilities etc.

Potential impacts on ecology of the estuary	Suggested measures to reduce impacts
Disturbance to fish passage during piling or blasting works	Design new structures so as to minimise effects on coastal processes e.g. open piling rather than solid infill
Increase in general levels of bird disturbance within the estuary from increase in levels of boating	Undertake any works (e.g. piling) which could affect migration of fish outside Salmon and Allis shad migration season (March to October)
Potential changes to morphology of the estuary through interruption of coastal processes	

Table 9.2 – Reducing the ecological impacts of marinas and jetties

Dredging

9.5.7 The river basin is a highly dynamic environment, with many hundreds of tonnes of sediment constantly on the move carried by the currents and tides. When currents slow, the sediments carried by the water are deposited on the seabed. If the currents remain slow, then these sediments can build up over time leading to a reduction in water depth and problems for ships. Dredging of sediment from the seabed is therefore often a necessary part of a development in order to secure sufficient depth of water for boats to pass safely.

9.5.8 If dredging is required as part of the development, then a license from the Marine Management Organisation along with the necessary permissions must be secured prior to work being undertaken.

9.5.9 Whilst it is recognised that dredging is vital to the proper functioning of the port, thereby providing economic benefits, dredging has the potential to cause major impacts through damage to the seabed habitat and its species, changes to the hydrodynamics and pollution through the resuspension of contaminated material.

9.5.10 In order to avoid this, it is recommended that dredging complies with the following in Table 9.3:

Potential impacts on ecology of the estuary	Suggested measures to reduce impacts
Damage to seabed habitat and species within footprint of the dredge	Undertake dredging works outside salmon migratory season (in consultation with the Environment Agency)
Potential change in type of seabed habitat if the dredge exposes a different type of substratum	Choose appropriate dredging plant to minimise levels of suspended sediment

Potential impacts on ecology of the estuary	Suggested measures to reduce impacts
<p>Potential temporary disturbance to birds during the dredge due to presence of dredging plant</p> <p>Redistribution of contaminated sediments within the estuary</p> <p>Increases in levels of suspended sediment during the dredge, with subsequent effects on fisheries</p> <p>Increases in sediment deposition during the dredge with subsequent impacts on fisheries, shellfisheries and seabed habitats</p> <p>Changes to estuary hydrology through alteration of coastal processes</p> <p>Impacts on hydrodynamics and sedimentology of the estuary complex</p> <p>Impacts of dredged arisings at disposal site</p>	<p>If the dredge is likely to cause loss of intertidal habitat (either directly or indirectly through alterations to the tidal or wave regime), create compensatory habitat, such as through managed realignment</p> <p>Consider beneficial use schemes such as water column recharge to minimise loss of material from the estuarine system and minimise effects of disposal. It should be noted that there may be conflicts between water column recharge schemes and the need to reduce mobilisation of contaminated and suspended sediments.</p>

Table 9.3 – Reducing the ecological impacts of dredging

Footpaths / cycleways adjacent to the estuary

9.5.11 Increased human activity near the water's edge can disturb over-wintering birds and can cause damage to fragile habitats through trampling. Table 9.4 sets out good practice to reduce the ecological impact from walking and cycling.

Potential impacts on ecology of the estuary	Suggested measures to reduce impacts
<p>Temporary disturbance to birds during construction, if the development is situated close to important bird areas (such as feeding areas or roost sites)</p>	<p>If development is near bird feeding areas, undertake construction outside bird over-wintering period</p> <p>Consider constructing screening in sensitive areas to minimise disturbance to bird feeding or roosting area</p>

Potential impacts on ecology of the estuary	Suggested measures to reduce impacts
Increase in levels of disturbance to birds during use of the footpath and cycleway if the development is situated close to important bird areas (such as feeding areas or roost sites)	Avoid increased access to fragile habitats such as saltmarshes and reedbeds.

Table 9.4 – Reducing the ecological impacts of walking and cycling

9.6 Consents for development within the coastal zone

9.6.1 In addition to the requirement for a planning application, other licences and permissions relating to protecting the environment below high water, as well as protecting navigational activities and the rights of other users, will need to be secured from other agencies before any work can be started.

9.6.2 Any development below the high water mark will require a ‘marine consent’ from the Marine Management Organisation. If the development lies within the intertidal area between high water and low water mark, then both planning permission and marine consents are required.

9.6.3 Additional consents may be required from the harbour authority and the Environment Agency.

9.6.4 Table 9.5 sets out some of the main consents needed for coastal development. Section 9.7 provides contact details and further information on agencies that decide these consents and on other agencies that may need to be contacted in relation to coastal development.

See www.plymouth.gov.uk/tecf for further information.

See www.plymouth.gov.uk/tecf for further information	Planning Permission	FEPA Licence	Coast Protection Act Approval	Harbour Authority(ies) Consent	Discharge Consent	Water Management Licence	Land Drainage Consent
Construction of structures below mean high water springs e.g. Jetties, marinas, moorings, slipways, fishing platforms, boathouses, coastal protection works, flood defence.	✓	✓	✓	✓	✓	✓	✓
Land claim	✓	✓	✓	✓	✓		
Removal of sediment from the seabed by dredging	✓		✓	✓			The precise licences required will depend on the volume and method.
Disposal of non-contaminated dredged sediment at sea in licensed disposal site.		✓	✓				

Table 9.5 – Consents for development within the coastal zone

9.7 Further information

9.7.1 The following lists the key 'relevant' authorities as defined by the Habitats Regulations. These are the statutory bodies which have the powers or functions that could potentially impact on the key biodiversity features of the coastal zone. These are the bodies who should, according to the proposal, be consulted.

9.7.2 Associated British Ports (ABP)

Plymouth Port Office, Millbay Docks, Plymouth PL1 3EF, Tel: 01752 662191
www.abports.co.uk/custinfo/ports/plym.htm

Remit: ABP's operation within the Port of Plymouth is centred at Millbay Docks. From here they are engaged in commercial activities and are consulted as a major land owner and user of Plymouth Sound.

To be consulted on: Any developments that fall within the boundaries of Millbay Docks and the Port of Plymouth.

9.7.3 Cattewater Harbour Commission

2 The Barbican, Plymouth, PL1 2RLR, Tel: 01752 665934
www.plymouthport.org.uk

Remit: The commission is the Statutory Authority for the Cattewater, having an obligation to conserve and facilitate the safe use of the harbour. In addition, the commission is, under the Pilotage Act 1987, the Competent Harbour Authority for the Port of Plymouth and is charged with assessing the need for pilotage and providing sufficient assets to cover the demand. This duty is carried out within a joint arrangement with the MoD.

To be consulted on: Any developments that fall within the jurisdiction of the Cattewater Harbour Commission.

9.7.4 Cornwall Council

For Environmental Management:

County Hall, Truro, TR1 3AY, Tel: 0300 1234 202
www.cornwall.gov.uk

For Planning:

Luxstowe House, Liskeard, Cornwall, PL14 3DZ, Tel: 0300 1234 151
www.cornwall.gov.uk

Remit: The Planning Service assesses all planning applications for the County and regulates unauthorised development.

The Regeneration Service delivers a very wide range of both statutory and non-statutory services which include local and strategic planning; planning compliance; coastal planning; stewardship of the natural and historic environment.

To be consulted on: Any developments that fall within the administrative boundaries of this council.

9.7.4a Cornwall Inshore Fisheries & Conservation Authority (CIFCA)

St Clare Offices, St Clare Street, Penzance, Cornwall, TR18 3QW, Tel: 01736 336 842

www.cornwall-ifca.gov.uk

Remit: As DSIFCA remit

To be consulted on: Any developments below mean high water springs (MHWS), especially where dredging is involved.

9.7.5 Devon and Severn Inshore Fisheries & Conservation Authority Committee (DSIFCA)

Old Foundry Court, 60a Fore Street, Brixham, Devon, TQ5 8DZ, Tel: 01803 854648

www.devonandsevernifca.gov.uk

Remit: DSIFCA's primary role is the enforcement of European, national and local legislation in relation to the conservation of fish stocks. The Authority's jurisdiction and byelaw making powers extend from the coastline out to 6 miles. All of the Tamar Estuaries, including the western banks of the river, are included in the Devon area under an arrangement with Cornwall Council. They advise on how developments may have a detrimental impact on the commercial fish stocks within the area.

To be consulted on: Any developments below mean high water springs (MHWS), especially where dredging is involved.

9.7.6 Devon County Council

Lucombe House, Topsham Road, Exeter, Devon. EX2 4QW. Tel 01392 383019
www.devon.gov.uk

Remit: Responsible for strategic planning.

To be consulted on: any developments which are of strategic importance.

9.7.7 Duchy of Cornwall (not a Relevant authority)

Lamellion House, Station Road, Liskeard, Cornwall, PL14 4EE, Tel: 01579 343149

www.duchyofcornwall.org

Remit: Owns much of the fundus (river bed) in the Plymouth Sound and Tamar Estuaries.

To be consulted on: Any developments that may affect their property holdings.

9.7.8 English Heritage

29 Queen Street, Bristol, BS1 4ND, Tel: 0117 975 0700

www.english-heritage.org.uk

Remit: Government body responsible for the protection of cultural heritage, such as scheduled monuments and protected wrecks.

To be consulted on: Any developments that have the potential to affect cultural heritage, such as listed buildings, scheduled monuments, conservation areas, or protected wrecks.

9.7.9 Environment Agency

Cornwall Area, Sir John Moore House, Victoria Square, Bodmin, Cornwall, PL31 1EB, Tel: 08708 506 506

www.environment-agency.gov.uk

Remit: Advises on environmental impacts, also provides advice on a range of scientific aspects including standards for sampling/monitoring for water and sediment quality, fisheries and waste management. They will also advise on the need for a flood risk assessment and other Environment Agency consents.

To be consulted on: All developments

9.7.10 Marine Management Organisation

Head Office: PO Box 1275, Newcastle upon Tyne, NE99 5BN. Tel: 0300 1231032

Plymouth Office: Fish Quay, Sutton Harbour, Plymouth, PL4 0LH, Tel: 01752 228001

www.marinemangement.org.uk

Remit: Responsible, on behalf of DEFRA, for the administration of a range of applications for statutory licences and consents to undertake works in tidal waters and at sea. They will provide advice on the consents required for development below MHWS and the extent of environmental information required to support these consents. They will also consider influences on fish stocks in the local area.

To be consulted on: All developments below high water. Marine Licence applications are dealt with through the Newcastle office, although early contact with the Plymouth office is recommended.

9.7.11 Natural England

Cornwall Devon and Isles of Scilly Team, Renslade House, Bonhay Road, Exeter, EX4 3AW, Tel: 0300 060 2424

www.naturalengland.org.uk

Remit: Natural England is the statutory body charged with the role of preserving the wildlife and natural heritage of England, working with land managers and owners on a local basis. Natural England will advise whether “appropriate assessment” is required for development under the Habitats Regulations. They will also advise on the scope of environmental assessment required for developments.

To be consulted on: All developments (especially those within SACs, SPA or SSSIs).

9.7.12 Plymouth City Council

Planning Service, Civic Centre, Plymouth, PL1 2EW, Tel: 01752 304354

www.plymouth.gov.uk

Remit: The Planning Service delivers a wide variety of both statutory and non-statutory services which includes Local and Strategic Planning, Planning Applications, Planning Compliance, Coastal Planning and stewardship of the natural and historic environment.

To be consulted on: Any developments that fall within the administrative boundaries of this council.

9.7.13 Queen’s Harbour Master

Longroom House, RM Stonehouse, Plymouth, PL1 3RT, Tel: 01752 836485

www.qhmplymouth.org.uk

Remit: Established by statute, the Queen's Harbour Master is the harbour authority for the Dockyard Port of Plymouth. They are charged with protecting the port in the national interest, such that the use by the Royal Navy and other defence interests is assured. Integral in this task is the operational and administrative management of the waters of the port to the benefit of all users. The harbourmaster will advise on the potential for navigational conflict from developments.

To be consulted on: Any developments that fall within the boundaries of or influence the Dockyard Port of Plymouth.

9.7.14 South Hams District Council

Planning Services, Follaton House, Plymouth Road, Totnes, Devon, TQ9 5NE.

Tel: 01803 861234

www.southhams.gov.uk

Remit: The Planning Service delivers a wide variety of both statutory and non-statutory services which includes Local and Strategic Planning, Planning Applications, Planning Compliance and Coastal Planning.

To be consulted on: Any developments that fall within the administrative boundaries of this council.

9.7.15 Sutton Harbour Company

North Quay House, Sutton Harbour, Plymouth, PL4 0RA, Tel: 01752 204186

www.sutton-harbour.co.uk

Remit: The Sutton Harbour Company under the Sutton Harbour Acts and Orders 1847 to 1988 is responsible for navigation, quays, the Sutton Harbour Marina, the Fish Market, roadways and other developments within the Harbour.

To be consulted on: Any developments that fall inside the jurisdiction of the Sutton Harbour Company.

9.7.16 Tamar Estuaries Consultative Forum (TECF)

c/o Development Planning, Plymouth City Council, Civic Centre, Plymouth, PL1 2EW, Tel: 01752 304339

www.tamar-estuaries.org.uk

Remit: TECF is a non-statutory partnership that exists to allow collaboration and consultation. Representatives from many organisations sit on this Forum offering a wide knowledge base. TECF hold much data on the nature conservation interests of the estuary and may also act as a focal point for consultation

To be consulted on: Any developments within the Plymouth Sound & Estuaries SAC, and the Tamar Estuaries Complex SPA.

9.7.17 West Devon Borough Council

Planning & Building Control, Kilworthy Park, Tavistock, Devon PL19 0BZ. Tel 01822 813600

www.westdevon.gov.uk

Remit: Delivers a wide variety of both statutory and non-statutory services which includes Local and Strategic Planning, Planning Applications and Planning Compliance.

To be consulted on: Any developments that fall within the administration boundaries of this council.

10 Glossary of terms

Accessibility – The ability of people to move around an area and reach places and facilities, including elderly and disabled people, those with young children and those encumbered with luggage or shopping.

Amenity – A positive element or elements that contribute to the overall character or enjoyment of an area.

Area Action Plan (AAP) – A type of Development Plan Document that will be used to provide a planning framework for an area subject to significant change or conservation.

Area of Outstanding Natural Beauty (AONB) – An area with statutory national landscape designation, the primary purpose of which is to conserve and enhance natural beauty. Together with National Parks, AONB represent the nation's finest landscapes. AONBs are designated by the Countryside Agency.

Biodiversity – The whole variety of life encompassing all genetics, species and ecosystem variations, including plants and animals.

Blank frontage – A building which has no windows or doors facing onto a street, road or public space.

Building Control – The section of the Council responsible for ensuring construction work and development accord with the Building Regulations.

Building Regulations – National construction standards.

Character – A term relating to the appearance of an area, in terms of its landscape or the layout of streets and open spaces, often giving places their own distinct identity.

Change of use – A change in the way that land or buildings are used. Planning permission is usually necessary in order to change from one 'use class' to another.

Climate change – Long-term changes in temperature, precipitation, wind and all other aspects of the Earth's climate. Often regarded as a result of human activity and fossil fuel consumption.

Conditions – Requirements attached to a planning permission to limit, control or direct the manner in which it is desirable to preserve or enhance.

Conservation Area – An area designated for its special architectural or historic interest. The Council has a statutory obligation to seek the preservation or enhancement of its character or appearance.

Core Strategy – A Development Plan Document setting out the spatial vision and strategic objectives of the planning framework for an area.

Council – The local authority, Plymouth City Council.

Development Plan Document (DPD) – A document prepared by the Local Planning Authority outlining the key development goals of the Local Development Framework.

Highway – A publicly maintained road, together with footways and verges.

Legibility – The extent to which people can understand the layout of a place and find their way around it, this may include cues from distinct landmarks, forms and patterns in the landscape.

Lifetime Homes Standards – Criteria developed by a group convened by the Joseph Rowntree Foundation in 1991 to help house-builders produce new homes flexible enough to deal with changes in the life situations of occupants.

Listed Building – A building on the government's statutory list of buildings of special architectural or historic interest.

Local Development Document (LDD) – This will either be a Development Plan Document or a Supplementary Planning Document and will be contained within a Local Development Framework.

Local Development Framework (LDF) – This will include a portfolio of Local Development Documents that will provide a framework for delivering the spatial planning strategy for the area. It will also contain a number of other documents, including the annual monitoring report, and any 'saved' plans that affect the area.

Local distinctiveness – The essence of what makes a place special to us. It is the sum of landscape, wildlife, archaeology, history, traditions, and buildings – essentially everything that makes a place truly unique.

Natural surveillance – The placement of buildings around a space or along a street which are designed and sited such that people within the buildings can see what is happening outside. It can act as a discouragement to anti-social behaviour.

Permitted Development Rights – Permission to carry out certain limited forms of development without the need to make an application to the local planning authority, as granted under the terms of the Town and Country Planning (General Permitted Development) Order.

Planning Permission – Formal approval sought from a council, often granted with conditions, allowing a proposed development to proceed.

Planning Policy Guidance (PPG) – A national planning guidance document. A range of these provide detailed guidance on particular issues. These are gradually being replaced by new PPS documents.

Planning Policy Statement (PPS) – A national planning guidance document. A range of these provide detailed guidance on particular issues.

Planning Portal– A national website provided by the government for members of the public, local planning authorities and planning consultants. It features a wide range of information and services on planning (www.planningportal.gov.uk).

Public realm – Those parts of a city that are available for everyone to use. This includes streets, squares and parks.

Secure By Design – A police initiative to encourage the building industry to adopt crime prevention measures in development design to assist in reducing the opportunity for crime and the fear of crime, creating a safer and more secure environment.

Setting – The area surrounding a site or building, i.e. "its setting".

Special Area of Conservation (SAC) – A site designated under the European Community Habitats Directive, to protect internationally important natural habitats and species.

Special Protection Area (SPA) – A site classified under the European Community Directive on Wild Birds to protect internationally important bird species.

Sui-Generis – A term given to the uses of land or buildings not falling into any of the use classes identified by the Use Classes Order.

Supplementary Planning Document (SPD) – A Local Development Document that may cover a wide range of issues on which the plan-making authority wishes to provide guidance and detail to supplement the policies and proposals in Development Plan Documents. It will not form part of the development plan or be subject to independent examination.

Topography – The shape and configuration of the surface of the land, for example hilly or flat.

Tree Preservation Order (TPO) – A mechanism for securing the preservation of single or groups of trees of acknowledged amenity value.

Use Classes Order – The Town and Country Planning (Use Classes) Order 1987 puts uses of land and buildings into various categories. Planning permission is not needed for changes of use within the same use class.

PLYMOUTH CITY COUNCIL

Subject:	Adoption of Community Infrastructure Levy Charging Schedule
Committee:	Cabinet
Date:	2 April 2013
Cabinet Member:	Councillor Vincent
CMT Member:	Antony Payne (Director for Place)
Author:	Peter Hearn – Planning Officer
Contact:	Tel: 01752 307944 e-mail: peter.hearn@plymouth.gov.uk
Ref:	PH/CIL/4
Key Decision:	Yes
Part:	I

Purpose of the report:

This report seeks Cabinet approval for the adoption of the Council's Community Infrastructure Levy Charging Schedule, which has now been through Public Examination.

The Community Infrastructure Levy (CIL) is a new levy that local authorities in England and Wales can choose to charge on developments in their area to help fund infrastructure improvements. It was first introduced in April 2010 and is now a major plank of the localism agenda, with provisions identified in the Localism Act, and with detailed Regulations having been put in place to provide for its implementation. It is the Government's intention that CIL replaces 'tariff' type approaches to Section 106 agreements.

The money raised through CIL can be used to support new development by funding infrastructure that the city, local communities and neighbourhoods need – for example, new road schemes, park improvements or improvements to local school capacity.

The CIL Regulations prescribe the process by which a CIL is introduced. A Preliminary Draft Charging Schedule (PDCS) must be published for consultation, followed by a Draft Charging Schedule (DCS), which sets out for consideration at an independent Public Examination the CIL charge/s that a charging authority is intending to apply to development in its area, expressed in £s per square metre. (Plymouth City Council undertook an additional round of consultation on a Revised Draft Charging Schedule).

The Regulations also prescribe that:

- CIL Charging Authorities (i.e. Councils) must identify the infrastructure on which they intend to spend CIL receipts in what is known as a 'Regulation 123 List'. This list must be published when the CIL Charging Schedule is adopted, to ensure that developers are not also required to pay for the infrastructure identified on the list

through the Section 106 mechanism. The Council's Regulation 123 List is the subject of a separate report to this Cabinet meeting.

- The Charging Schedule must be adopted by Full Council.

A CIL payment Instalments Policy needs to be published alongside the Council's Charging Schedule, to provide developers with clarity about payment procedures and expectations. The Council has consulted on a Draft Instalments Policy, alongside the various drafts of its Charging Schedule.

Once Plymouth's CIL Charging Schedule becomes operational, its current Tariff approach will be defunct, although there will still be scope to seek developer contributions towards infrastructure provision through the Section 106 mechanism, as detailed in the Council's Planning Obligations and Affordable Housing Supplementary Planning Document – Second Review, which was adopted by the Council on 12th July 2012. The Council's current Market Recovery Scheme, which provides for the application of discounts to current Tariff charges, and which has its origins in the 2008 Market Recovery Action Plan, will need to be rescinded when the Charging Schedule becomes operational.

Corporate Plan 2012-2015:

The report directly supports the Council's vision for the city as well as its priority for delivering growth. The Community Infrastructure Levy will deliver resources towards the infrastructure required to unlock the City's growth potential. For example, CIL receipts can be used to:

- Help create the conditions for growth and therefore the achievement of sustainable growth in jobs and GVA (Level 1 indicators).
- Support the achievement of a good range of houses (Level 1 & 2 indicators).
- Assist with the delivery of employment land (Level 2 indicator).

In addition, CIL receipts will support the Council's other three priorities in the following ways:

- 'Providing value for communities' - by ensuring that development contributes to and does not harm local communities, and by securing resources to help deliver improvements in communities.
- 'Raising aspirations' – particularly through securing additional resources that can support the wider learning infrastructure of the city.
- 'Reducing inequalities' – particularly through securing additional resources for infrastructure investments that improve community well-being.

Implications for Medium Term Financial Plan and Resource Implications:

Including finance, human, IT and land

The introduction of CIL will ensure that the Council is able to continue to secure developer contributions to address the community infrastructure implications of development and the growth of the city. CIL receipts will not entirely replace the use of Planning Obligations through the Section 106 process, and when considered alongside those Planning Obligations that are still able to be negotiated, there should

be a significant increase on what has historically been delivered through the Section 106 process alone. However, CIL receipts will take time to build up into a significant resource.

The Council is able to charge an administration fee of up to 5% in levying CIL, which will substantially meet the costs of operating CIL. Cost pressures arising are primarily staffing related and will in the first instance need to be met from the Planning Department revenue budget. There is currently £20,000 in the Planning approved capital programme 2013/14 to acquire a CIL database. Options surrounding its implementation and the need to develop the most cost-effective administration and monitoring system are currently under consideration.

CIL is subject to new enforcement procedures, and there is therefore be a requirement for new legal procedures to be put in place and acted upon.

Other implications: e.g. Child Poverty, Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:

The Community Infrastructure Levy may support community cohesion, community safety, addressing child poverty or health and safety by, for example, assisting with the implementation of infrastructure that improves road safety, improves defences against flooding, improves healthcare provision, improves open space through better lighting, etc.

An Equalities Impact Assessment has been carried out and this confirms that, by having the effect of helping to mitigate the adverse impacts of development, the impacts of CIL are entirely positive in equalities terms.

The introduction of CIL offers the best prospect of optimising income generated from developer contributions whilst at the same time safeguarding the overall viability of development in the city. Tariff-based approaches to securing developer contributions through Section 106 Agreements are very constrained by the CIL Regulations, which in any case provide for the demise of such approaches by April 2014. CIL will therefore significantly reduce risks associated with Risk No. 80 identified on the Council's Strategic Risk Register (*Planning obligations – implications of new legal framework and current economic circumstances*).

Equality and Diversity

Has an Equality Impact Assessment been undertaken? Yes

Key findings are included in the main body of the report.

Recommendations & Reasons for recommended action:

It is recommended that the Cabinet:

- I. Recommend that Full Council adopt the CIL Charging Schedule attached as Appendix I, and set the date for the Charging Schedule to take effect as 1 June 2013.

Reason: To ensure that the CIL Charging Schedule is adopted with appropriate authority, (Part 11, s213 of the Planning Act 2008 requires the CS to be adopted by Full Council) and to ensure that Plymouth is thereby well placed to continue to secure developer contributions towards meeting the infrastructure needs of the city.

2. Recommend that Full Council adopt the CIL Instalments Policy attached as Appendix 2.

Reason: Whilst there is no legal requirement for the CIL Instalments Policy to be approved by Full Council in the way that Full Council must approve the CIL Charging Schedule, the Instalments Policy is integral to the operation of the Charging Schedule and therefore merits approval alongside the CIL Charging Schedule.

3. Delegate authority to the Assistant Director (Planning) to make available Discretionary Relief in Exceptional Circumstances should the need to offer such Discretionary Relief become apparent.

Reason: To provide for the Council to respond expeditiously to any requests for discretionary relief to be made available in the event that exceptional circumstances arise.

4. Formally rescind the Council's Market Recovery Scheme from 1 June 2013.

Reason: In considering a report on the Planning Obligations and Affordable Housing SPD Second Review on 17 January 2012, Cabinet agreed to extend the Market Recovery Scheme up until the date that the Council's Community Infrastructure Levy becomes fully operational. The MRS now needs to be rescinded to formally bring its provisions to an end.

5. Instruct Officers to keep under review the effectiveness and impacts of the Charging Schedule.

Reason: To ensure that the Community Infrastructure Levy remains responsive to changing economic circumstances.

Alternative options considered and reasons for recommended action:

The alternative would be to not adopt the Community Infrastructure Levy. This would leave the existing approach to infrastructure contributions through Section 106 Agreements in place until it was effectively made redundant after April 2014 by Regulation 123 of the Community Infrastructure Levy Regulations. This Regulation will remove the Council's ability to secure any significant level of pooled developer contributions to meeting the infrastructure costs arising from the growth of the city. It is therefore not recommended.

Published Work / Information:

- 12 July 2011 Cabinet Report on CIL and the Plymouth Infrastructure Needs Assessment
<http://www.plymouth.gov.uk/mgInternet/documents/s29834/Community%20Infrastructure%20Levy%20and%20Plymouth%20Infrastructure%20Needs%20Assessment.pdf>

Sign off:

Fin	SG/PlaceFPC12 13016.220213	Leg	LT/17050/1 80313	HR	n/a	Corp Prop	n/a	IT	n/a	Strat Proc	n/a
Originating SMT Member: Paul Barnard, Assistant Director for Planning, Directorate of Place											
Has the Cabinet Member(s) agreed the contents of the report? Yes											

1.0 THE COMMUNITY INFRASTRUCTURE LEVY

- 1.1 The Community Infrastructure Levy (CIL) is a new charge that local authorities in England and Wales can choose to levy on development to help pay for the infrastructure that is required to mitigate the adverse impacts of, and thereby support the delivery of growth. The vision for Plymouth is to grow the city by around 50,000 people, and to deliver around 40,000 new jobs and 30,000 new homes. Significant investment in infrastructure will be required to accommodate this growth. CIL will provide one important source of funding to help provide this infrastructure.
- 1.2 Provision was made for the introduction of CIL by the Planning Act 2008, and it is now a major plank of the localism agenda, with further provisions identified in the Localism Act 2011. Detailed Regulations have been put in place to provide for the implementation of CIL. Section 206 (2) of the Planning Act 2008 identifies the Local Planning Authority as the CIL Charging Authority for its area.
- 1.3 This report is concerned purely with the adoption of the Council's CIL Charging Schedule and associated Instalments Policy. A separate report to this Cabinet meeting deals with the expenditure of CIL receipts.

2.0 CHARGING SCHEDULE AND INSTALMENT POLICY - PROCESS

- 2.1 To meet statutory requirements, and to address issues emerging out of the legal interpretation of the CIL Regulations, the Council consulted three times on draft versions of its CIL Charging Schedule as follows:
 - 25 June to 6 August 2012 – Revised Draft Charging Schedule
 - 7 February to 20 March 2012 – Draft Charging Schedule
 - 1 November to 13 December 2011 – Preliminary Draft Charging Schedule
- 2.2 At each of these consultation stages, the Council consulted on its proposed Instalment Policy alongside its Charging Schedule. The Instalment Policy was not subject to Public Examination.
- 2.3 In arriving at the rates in the CIL Charging Schedule which were subject to Public Examination, Council officers engaged positively and constructively with the Plymouth Regeneration Forum and Plymouth Housing Development Partnership.
- 2.4 The Council submitted its Charging Schedule for Public Examination on 5 October 2012, and the Examination took place on 21 / 22 November 2012.
- 2.5 It is a requirement of the Planning Act 2008 that the Council's Charging Schedule is adopted by Full Council.

3.0 CIL CHARGING SCHEDULE – PUBLIC EXAMINATION AND EXAMINER'S REPORT

- 3.1 The Examination of the Council's Charging Schedule was undertaken by Wendy Burden, a senior inspector with the Planning Inspectorate. Mrs Burden's Examination Report was received on 12 December 2012. The Examiner found that the Council's Charging Schedule provides an appropriate basis for the collection of the levy in its area, that the Council has sufficient evidence to support its schedule, and that the levy is set at a level which will not put the overall development of the Council's area at risk.

- 3.2 The examination looked at two main issues, firstly the Council's ability to charge supermarkets a higher levy compared to other types of retail development. At the hearing Sainsbury's Supermarkets Ltd argued strongly that supermarkets should pay the same as other types of retail development, i.e. £0m², whereas the Council argued in favour of a charge of £100m² of gross floor space. The inspector supported the Council. Housing consultants Tetlow King argued that the assumptions underpinning the charges were inconsistent with the Council's position on affordable housing provision. The inspector again supported the Council.
- 3.3 The Examiner concluded that the Council's Charging Schedule provides an appropriate basis for the collection of the levy in its area, that the Council has sufficient evidence to support its schedule, and that the levy is set at a level which will not put the overall development of the Council's area at risk.

4.0 INSTALMENT POLICY

- 4.1 The Council needs to adopt a CIL payments Instalment Policy at the same time as its Charging Schedule, to provide developers with clarity, certainty and flexibility in their payment of CIL charges, bearing in mind the effect of the application of the charges on the deliverability of development. The CIL Regulations provide for the application of legal penalties in the event of non-payment of CIL charges, with the ultimate sanction being imprisonment.
- 4.2 The Instalment Policy needs to be separate from the Charging Schedule so that it can be amended independently of it in the event that the Council determines that a different approach to the payment of instalments would assist development viability.

5.0 DISCRETIONARY RELIEF FROM CIL IN EXCEPTIONAL CIRCUMSTANCES

- 5.1 The CIL Regulations provide for the Council to offer discretionary relief from CIL in exceptional circumstances – these circumstances are detailed in the May 2011 CLG 'CIL Relief Information Document' at paragraphs 66 to 87 (see weblink in 'Published Work / Information' above). It is anticipated that the circumstances in which such relief can be offered will rarely, if ever, arise, and it is not anticipated that developers will routinely approach the Council seeking such relief, given the anticipated difficulty in meeting the eligibility criteria detailed in paragraph 71 of the aforementioned document. The Council will nonetheless need to be prepared to respond if such circumstances do materialise, and it is considered appropriate to put arrangements in place which provide for the Council to respond to requests for such relief to be made available. Making such relief available simply requires a CIL Charging Authority to issue a statement giving notice that such 'discretionary relief' is available in its area.

6.0 EXPENDITURE OF CIL RECEIPTS

- 6.1 The Council must make its intentions clear in respect of CIL expenditure. Items on which CIL receipts will be spent must be identified on a list published on the Council's website, which is known as a 'Regulation 123 List' (after CIL Regulations Regulation 123). The Council cannot also seek to fund items on its Regulation 123 List through the Section 106 mechanism. In other words developers cannot be

required to pay for particular pieces or types of infrastructure through both the Section 106 mechanism and CIL. The expenditure of CIL receipts is addressed in a separate report to this Cabinet meeting.

7.0 NEXT STEPS – CIL COMING INTO EFFECT / BECOMING OPERATIONAL

- 7.1 The Council's CIL Charging Schedule becomes operational on a day to be determined by Full Council. This need not be the same day on which the Charging Schedule is adopted by the Council. Indeed, it is considered that there is merit in the Charging Schedule coming into effect on a different date to that on which it is adopted. It is considered appropriate for the Council's Charging Schedule to come into effect on the 1st June 2013, some six weeks after its adoption by Full Council on the 22 April 2013. This will allow for the Council's Planning Service to further alert developers to the implications of CIL coming into effect, and for the Planning Service itself to manage the determination of planning applications under existing arrangements for securing planning obligations and under new arrangements once the CIL Charging Schedule is in effect.
- 7.2 Developers will be looking for reassurance about whether their planning applications will be determined under existing or new arrangements, and it is considered that a six week period between adoption and the Charging Schedule coming into effect will help with the transition to new arrangements.
- 7.3 Once the CIL Charging Schedule is in effect, the Planning Service can begin to determine CIL liabilities and issue CIL Liability and (payment) Demand Notices. CIL receipts will not begin to accumulate until developments start on the ground, and will then be received in accordance with the requirements set out in the Council's Instalments Policy (see Appendix 2).
- 7.4 Officers are preparing guidance on the practical application of CIL for developers.
- 7.5 CIL charges are non-negotiable, and in this sense will not be determined through the planning application process. The application of CIL to developments will however affect the ability of many developments to make contributions to mitigating the impacts of their developments through the Section 106 mechanism. Guidance on future arrangements for negotiating Section 106 Agreements will be given to Planning Committee. This will need to be understood in the context of the Council's Regulation 123 List, which will specify what CIL receipts are to be spent on.
- 7.6 Once Plymouth's CIL Charging Schedule becomes operational, its current Tariff approach will be defunct. The Council's current Market Recovery Scheme, which provides for the application of discounts to current Tariff charges, and which has its origins in the 2008 Market Recovery Action Plan, will also be defunct when the Charging Schedule becomes operational.

8.0 PROCESS FOR REVIEW OF THE CHARGING SCHEDULE

- 8.1 The Council's CIL Charging Schedule needs to be kept under review, to ensure that it is responsive to changing economic circumstances. It is anticipated that a full review of the CIL Charging Schedule will be required within the next two to three years.
- 8.2 In order to review the Charging Schedule once adopted, the Council must repeat the process by which its initial Charging Schedule has been developed. In other

words, it must seek Cabinet approval to consult again on fresh Preliminary Draft and Draft Charging Schedules, and it must take any Draft Charging Schedule through the Public Examination process.

APPENDIX I: CIL CHARGING SCHEDULE

PLYMOUTH COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE – 1 JUNE 2013

The Charging Authority

Plymouth City Council is the Community Infrastructure Levy Charging Authority.

Date on which Charging Schedule was Approved by Full Council

This Charging Schedule was approved by the Council on 22 April 2013.

Date on which Charging Schedule Takes Effect

This Charging Schedule takes effect on 1 June 2013.

The Scope of CIL

The Community Infrastructure Levy is generally chargeable on the net increase in gross internal floorspace of all new development, except where:

- The Charging Authority has evidence to demonstrate that there are viability reasons for not levying a charge on the intended use of development, and these are reflected in its Charging Schedule through the application of a £0m² rate; or
- The development is exempt under Part 2 and Part 6 of the CIL Regulations (as amended).

Exemptions from the Levy are as follows:

- Minor development: that is buildings or extensions where the gross internal area of new build is less than 100m², other than where the development will comprise one or more new dwellings (in which case the new dwellings will constitute 'Chargeable Development', irrespective of their size).
- Development of buildings into which people do not normally go, or into which they go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery.
- Development of buildings owned by charities and used for charitable purposes.

Relief from the Levy is available for social housing. The Council may also grant discretionary relief from the Levy in exceptional circumstances, subject to developments meeting the eligibility criteria, and provided such relief does not constitute notifiable State Aid. If discretionary relief in exceptional circumstances is to be made available, notification of this will be given on the Council's website.

The Levy applies to new development for which planning permission is granted after the Charging Schedule has taken effect, and the amount of CIL payable (the 'Chargeable Amount') is calculated on the day that development is first permitted by the development (which can be the day on which planning permission is granted, if it is granted without conditions or reserved matters being attached, or which can be the day on which the last pre-commencement condition is agreed / approved).

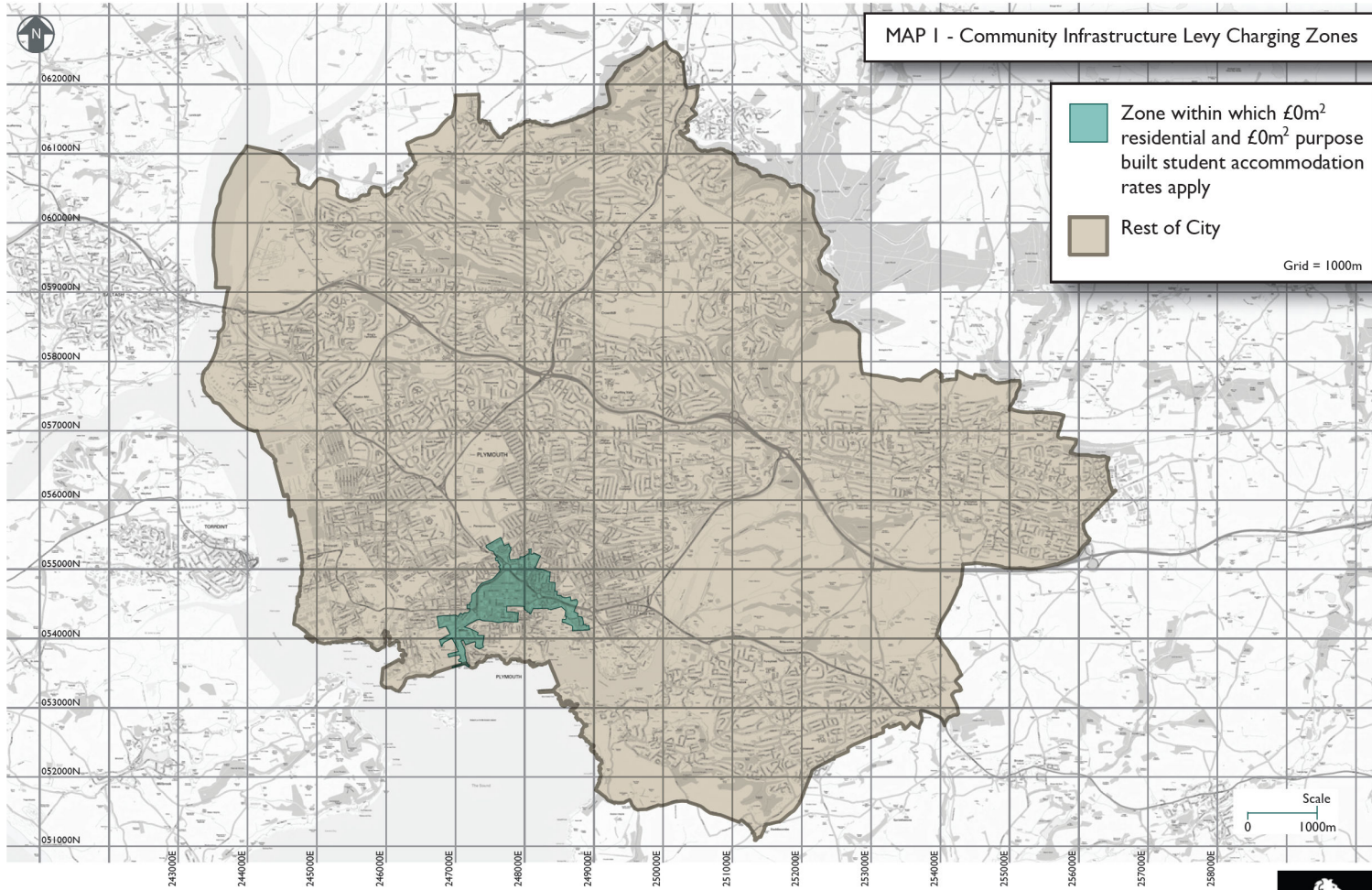
Floorspace to be demolished can be deducted from the net increase in gross internal floorspace when calculating the CIL liability. However, the CIL Regulations, in particular Regulation 40(10), specify that floorspace to be demolished must have been in lawful use for a given period ending on the day on which planning permission first permits the chargeable development.

Plymouth City Council's CIL Rates

The rates at which Plymouth's Community Infrastructure Levy rates will be charged are as follows:

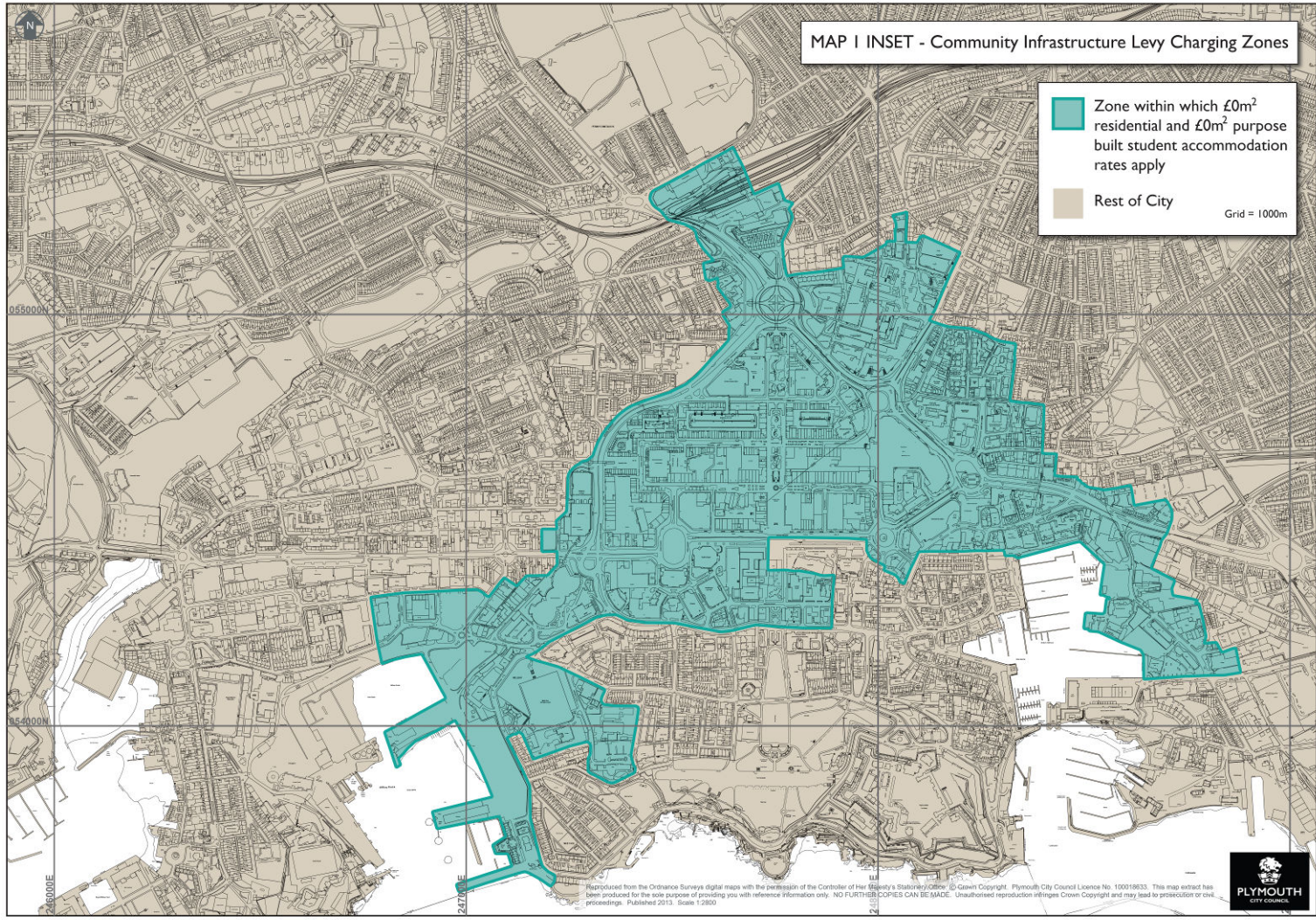
CIL RATES IN PLYMOUTH – in £s per square metre				
Development Type	Rate	Development Type	Rate	Notes
Residential	£30	Cinemas and Commercial Leisure	£0	*For the purposes of this Charging Schedule, superstores / supermarkets are shopping destinations in their own right, where weekly food shopping needs can be met and which can also include non-food floor space as part of the overall mix of the unit.
Residential – located within the zone identified on Map 1	£0	Offices, Industrial Units, Storage and Distribution	£0	
Residential Institutions	£0	Superstores / supermarkets* of 1000m ² gross internal floor area or more, including all extensions to such stores.	£100	
Purpose Built Student Accommodation	£60	All other retail uses, and financial and professional services, restaurants and cafes, drinking institutions, takeaways.	£0	
Purpose Built Student Accommodation – located within the zone identified on Map 1	£0	All Other Uses	£0	
Hotels	£0			

Map 1 follows. This is accompanied by an Inset Map which shows in more detail the zone within which the £0m² rate for Residential and Purpose Built Student Accommodation applies.



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Calculating the Chargeable Amount

The 'Chargeable Amount' will be calculated by the Council in accordance with Regulation 40 of the Community Infrastructure Levy Regulations 2010, (as amended).

The chargeable rate is set having regard to viability information, to ensure that the levy does not put at risk the overall development of Plymouth. The rates will be updated annually for inflation, and will therefore be index linked to the national All-in Tender Price Index published from time to time by the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors. If the BCIS All-in Tender Price Index ceases to be made available, the Retail Prices Index will be used instead.

Statutory Compliance

This Charging Schedule has been issued, approved and published in accordance with the CIL Regulations 2010, (as amended by the 2011 and 2012 CIL Amendment Regulations), and Part 11 of the Planning Act 2008 (as amended by Part 6 of the Localism Act 2011). In setting the CIL rates in this Charging Schedule, the Council has struck an appropriate balance between:

- (a) the desirability of funding from CIL (in whole or in part) the actual and expected estimated total cost of infrastructure required to support the development of its area, taking into account other actual and expected sources of funding; and
- (b) the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area.

Further Information

Further information on the Community Infrastructure Levy is available on the Council's website – www.plymouth.gov.uk

APPENDIX 2: CIL INSTALMENTS POLICY

PLYMOUTH COMMUNITY INFRASTRUCTURE LEVY INSTALMENTS POLICY – 1 JUNE 2013

Overview

Regulation 70 (7) of the Community Infrastructure Levy Regulations 2010 (as amended) sets a default of full payment of the Levy within 60 days of the commencement of development. The Regulations also enable a Charging Authority to set an Instalment Policy that allows payments to be phased over longer periods.

Plymouth City Council recognises the significant economic constraints upon development and investors at this time, and its policy therefore allows CIL payments to be spread across the development process so that they are, where possible, synchronised with development progress and development cash flows.

Policy

Plymouth City Council's Community Infrastructure Levy is payable by instalments as follows. The commencement date is the date given on the commencement notice as advised by the developer under CIL Regulation 67. A failure of the developer to notify the Council of a commencement date results in an automatic surcharge and removal of the privilege to utilise the Council's Instalment Policy.

Where the chargeable amount is less than £15,000	Full payment will be required within 90 days of the commencement date.
Where the chargeable amount is between £15,000 and £50,000	<p>First instalment representing 25% of the chargeable amount will be required within 90 days of the commencement date.</p> <p>The second instalment representing 50% of the chargeable amount will be required within 270 days of the commencement date.</p> <p>The third instalment representing 25% of the chargeable amount will be required within 360 days of the commencement date.</p>
Where the chargeable amount is over £50,000 but below £100,000	<p>First instalment representing 25% of the chargeable amount will be required within 90 days of the commencement date.</p> <p>Second instalment representing 50% of the chargeable amount will be required within 360 days of the commencement date.</p> <p>Third instalment representing 25% of the chargeable amount will be required within 540 days of the commencement date.</p>
Where the chargeable amount is £100,000 or above	<p>First instalment representing 25% of the chargeable amount will be required within 90 days of the commencement date.</p> <p>Second instalment representing 25% of the chargeable amount will be required within 270 days of the commencement date.</p> <p>Third instalment representing 25% of the chargeable amount will be required within 540 days of the commencement date.</p> <p>The fourth instalment representing 25% of the chargeable amount will be required within 720 days of the commencement date.</p>

PLYMOUTH CITY COUNCIL

Subject:	Community Infrastructure Levy Regulation 123 List
Committee:	Cabinet
Date:	2 April 2013
Cabinet Member:	Councillor Vincent
CMT Member:	Anthony Payne (Director for Place)
Author:	Jonathan Bell (Head of Development Planning)
Contact details:	Tel: 01752 307944 e-mail: jonathan.bell@plymouth.gov.uk
Ref:	JAB/CIL
Key Decision:	Yes
Part:	I

Purpose of the report:

This report is concerned with how Community Infrastructure Levy (CIL) receipts are spent, and with the process by which these decisions are made and reviewed.

CIL is a new levy that local authorities in England and Wales can choose to charge on developments in their area to help fund infrastructure improvements. It was first introduced in April 2010 and is now a major plank of the localism agenda, with provisions identified in the Localism Act, and with detailed Regulations having been put in place to provide for its implementation. It is the Government's intention that CIL replaces 'tariff' type approaches to Section 106 agreements.

The money raised through CIL can be used to support new development by funding infrastructure that the city, local communities and neighbourhoods need – for example, new road schemes, park improvements or improvements to local school capacity. The Local Planning Authority is required to publish what is known as a 'Regulation 123 List' (named after Regulation 123 of the CIL Regulations) to set out what it intends to spend CIL receipts on.

The specific outcomes sought in this report include approval of a set of principles to govern how the Council will utilise CIL receipts and for publication of an initial Regulation 123 List. Recommendations are also included in relation to monitoring and review of the Regulation 123 List.

Corporate Plan 2012-2015:

The report directly supports the Council's vision for the city as well as its priority for delivering growth. The Community Infrastructure Levy will deliver resources towards the infrastructure required to unlock the City's growth potential. For example, CIL receipts can be used to:

- Help create the conditions for growth and therefore the achievement of sustainable growth in jobs and GVA (Level 1 indicators).
- Support the achievement of a good range of houses (Level 1 & 2 indicators).
- Assist with the delivery of employment land (Level 2 indicator).

In addition, CIL receipts will support the Council's other three priorities in the following ways:

- 'Providing value for communities' - by ensuring that development contributes to and does not harm local communities, and by securing resources to help deliver improvements in communities.
- 'Raising aspirations' – particularly through securing additional resources that can support the wider learning infrastructure of the city.
- 'Reducing inequalities' – particularly through securing additional resources for infrastructure investments that improve community well-being.

Implications for Medium Term Financial Plan and Resource Implications:

Including finance, human, IT and land

The introduction of CIL will ensure that the Council is able to continue to secure developer contributions to address the community infrastructure implications of development and the growth of the city. CIL receipts will not entirely replace the use of Planning Obligations through the Section 106 process, and when considered alongside those Planning Obligations that are still able to be negotiated, there should be a significant increase on what has historically been delivered through the Section 106 process alone. However, CIL receipts will take time to build up into a significant resource.

The Council is able to charge an administration fee of up to 5% in levying CIL, which will substantially meet the costs of operating CIL. Cost pressures arising are primarily staffing related and will in the first instance need to be met from the Planning Department revenue budget. There is currently £20,000 in the Planning approved capital programme 2013/14 to acquire a CIL database. Options surrounding its implementation and the need to develop the most cost-effective administration and monitoring system are currently under consideration.

CIL is subject to new enforcement procedures, and there is therefore be a requirement for new legal procedures to be put in place and acted upon.

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:

The Community Infrastructure Levy may support community cohesion, community safety, addressing child poverty or health and safety by, for example, assisting with the implementation of infrastructure that improves road safety, improves defences

against flooding, improves healthcare provision, improves open space through better lighting, etc.

An Equalities Impact Assessment has been carried out and this confirms that, by having the effect of helping to mitigate the adverse impacts of development, the impacts of CIL are entirely positive in equalities terms.

The introduction of CIL offers the best prospect of optimising income generated from developer contributions whilst at the same time safeguarding the overall viability of development in the city. Tariff-based approaches to securing developer contributions through Section 106 Agreements are very constrained by the CIL Regulations, which in any case provide for the demise of such approaches by April 2014. CIL will therefore significantly reduce risks associated with Risk No. 80 identified on the Council's Strategic Risk Register (*Planning obligations – implications of new legal framework and current economic circumstances*).

Equality and Diversity

Has an Equality Impact Assessment been undertaken? Yes

Key findings are included in the main body of the report.

Recommendations & Reasons for recommended action:

It is recommended that the Cabinet:

1. Approve the principles set out in the report to govern the allocation of Community Infrastructure Levy receipts.

Reason: To ensure that CIL receipts are appropriately and effectively spent in accordance with legal requirements, the parallel operation of the Section 106 process and the Council's growth priority.

2. Approve the publication of a Community Infrastructure Levy Regulation 123 List incorporating the infrastructure projects identified in Section 5.3 of the report.

Reason: To set out the Council's proposed use of CIL receipts in accordance with Regulation 123 of the CIL Regulations.

3. Delegate authority to the Assistant Director (Planning), in consultation with the Cabinet Member for Finance, the Cabinet Member for Environment and the Capital Delivery Board to consult upon and publish amendments to the Regulation 123 List.

Reason: To achieve a flexible, efficient and effective process for optimising the use of developer contributions through CIL and planning obligations.

4. Instruct Officers to prepare an annual report on the collection and use of CIL and of planning obligation revenues.

Reason: To provide for transparency and wider scrutiny of the Council's governance of developer contributions, and to meet the requirements of Regulation 62 of the Community Infrastructure Levy Regulations 2010 (as amended).

Alternative options considered and rejected:

The main alternatives are:

- Not to publish a Regulation 123 List at all. The implication of this action would be that no infrastructure contributions could be lawfully sought through the Section 106 process, as the legal assumption would be that the Regulation 123 List is inclusive of all infrastructure types and projects.
- To include different projects or infrastructure types in the Regulation 123 List. There are clearly a wide range of choices that the Council could make in relation to the List. However, the particular Regulation 123 List proposed as the initial List has been recommended in the context of the complexity of the legal framework, restrictions on borrowing against future CIL receipts, the parallel operation of the Section 106 process and the period of time that it will take to generate significant funds.

Published work / information:

- 12 July 2011 Cabinet Report on CIL and the Plymouth Infrastructure Needs Assessment - <http://www.plymouth.gov.uk/mgInternet/documents/s29834/Community%20Infrastructure%20Levy%20and%20Plymouth%20Infrastructure%20Needs%20Assessment.pdf>
- 17 January 2012 Cabinet Report on the Community Infrastructure Levy – Draft Charging Schedule - http://www.plymouth.gov.uk/mgInternet/documents/s34749/Community%20Infrastructure%20Levy-%20draft_charging_schedule.pdf
- 12 June 2012 Cabinet Report on the Community Infrastructure Levy – Revised Draft Charging Schedule - <http://www.plymouth.gov.uk/mgInternet/documents/s38398/Community%20Infrastructure%20Levy%20Revised%20Draft%20Charging%20Schedule.pdf>
- CLG Community Infrastructure Levy: An Overview – May 2011- see https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6313/1897278.pdf
- CLG Community Infrastructure Levy Relief Information Document – May 2011 – see <https://www.gov.uk/government/publications/community-infrastructure-levy-relief-guidance>
- Community Infrastructure Regulations, April 2010 – see http://www.legislation.gov.uk/ukdsi/2010/978011492390/pdfs/ukdsi_978011492390_en.pdf
- Community Infrastructure Levy (Amendment) Regulations, April 2011 – see http://www.legislation.gov.uk/uksi/2011/987/pdfs/uksi_20110987_en.pdf
- Community Infrastructure Levy (Amendment) Regulations, April 2012 – see https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/8452/2004771.pdf

- Community Infrastructure Levy (Amendment) Regulations, November 2012 – see http://www.legislation.gov.uk/ukdsi/2012/978011529270/pdfs/ukdsi_978011529270_en.pdf
- Plymouth Community Infrastructure Levy Public Examination Examiner’s Report - http://www.plymouth.gov.uk/121212_plymouth_cil_cs_examination_report.pdf
- CLG Community Infrastructure Levy Guidance, December 2012 – see <https://www.gov.uk/government/publications/community-infrastructure-levy-guidance>
- CLG Announcement of Planning Minister, Nick Boles, on Community Infrastructure Levy, 10 January 2013 – see <https://www.gov.uk/government/news/communities-to-receive-cash-boost-for-choosing-development>
- The Community Infrastructure Levy (Amendment) Regulations 2013 – Draft - <http://www.legislation.gov.uk/ukdsi/2013/978011534465/contents>

Background papers:

Title	Part I	Part II	Exemption Paragraph Number							
			1	2	3	4	5	6	7	

Sign off:

Fin	SG/Plac eFPC12 13017. 270213	Leg	LT/170 50/180 313	Mon Off		HR		Assets		IT		Strat Proc	
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Originating SMT Member Paul Barnard, Assistant Director for Planning, Directorate of Place

Has the Cabinet Member(s) agreed the contents of the report? Yes

1.0 BACKGROUND

- 1.1 An earlier report to this Cabinet has dealt with the adoption of the Community Infrastructure Levy (CIL) Charging Schedule. This report is concerned specifically with the processes by which CIL receipts will be spent.
- 1.2 Regulation 123 of the CIL Regulations 2010 is critical to this matter. It sets out key legal requirements and implications of the adoption of a CIL Charging Schedule. Of particular relevance to the current report is:
 - The need to publish at or before a CIL Charging Schedule takes effect a List of infrastructure types and/or projects that the Council intends to use CIL Revenues on (the Regulation 123 List)
 - Limitations on how the existing Section 106 process can be used once a CIL Charging is adopted and operational.
- 1.3 This report proposes an approach to govern the allocation of CIL receipts, including identifying a recommended first Regulation 123 List for Plymouth.

2.0 CONTEXT AND KEY CONSIDERATIONS

- 2.1 This section sets out some important context and key considerations that will govern the Council's approach to identifying its Regulation 123 List.
- 2.2 Why CIL was introduced. CIL was introduced by the Government as a means of scaling back the use of planning obligations through the Section 106 process for infrastructure contributions. The intention was for CIL to support the delivery of development by providing a fairer, more efficient and effective way of meeting the infrastructure needs that developments create. Regulation 123 of the CIL Regulations will make it impossible to mitigate all of the infrastructure impacts of development through the planning application process, and therefore CIL funds must also be used to help mitigate these impacts. The Localism Act 2011 provides that CIL can be spent on anything defined as 'infrastructure', but also on 'anything other than infrastructure that is concerned with addressing demands that development places on an area'.
- 2.3 The use of CIL should be plan-led. The National Planning Policy Framework anticipates that CIL Charging Schedules will be produced and tested alongside a council's Local Plan. They should be linked to the delivery of infrastructure plans which support the overall planning strategy of an area. Plymouth's CIL Charging Schedule was considered against the current Plymouth Core Strategy, and this approach was found sound by a Planning Inspector at the recent public examination (see separate Cabinet report). However, it is important to ensure that the use of CIL receipts is seen as part of the implementation of the Core Strategy and local plans adopted in Plymouth since its production. In addition, it will be appropriate to review the CIL Charging Schedule alongside the current Core Strategy Review process (the Plymouth Plan). Section 206 (2) of the Planning Act 2008 identifies the Local Planning Authority as the CIL Charging Authority for its area.
- 2.4 The flexible nature of the current legal framework for preparing a Regulation 123 List. The CIL Regulations provide for a relatively simple approach in approving a Regulation 123 List, and for reviewing and changing this List in the future. The legal requirement is to publish the List on the Council's website, and government guidance requires that consultation is undertaken as

part of the process of reviewing a List. In essence, the process is to be determined locally by the relevant local planning authority. This means that the List can be changed relatively quickly and at any time, subject to the governance and consultation arrangements the local authority itself puts in place.

- 2.5 CIL spend is less constrained than Section 106 spend. One of the key advantages of the move to CIL is that it is free of the legally binding constraints on how Section 106 contributions are used. This enables the Council to take a more strategic view of priority needs, within the context of fulfilling its responsibility to spending CIL receipts on infrastructure which mitigates the impact of development and growth overall and having regard to any new requirements relating to neighbourhood planning (see para.2.12 below).
- 2.6 Relationship of CIL to Section 106 process. Once CIL becomes operational, it will not be lawfully possible to secure Section 106 contributions for any infrastructure type or project which is included in the Regulation 123 List. Furthermore, for those types/projects which are not included on the List, there will be limitations imposed which mean that a maximum of five contributions dating back to April 2010 can be used. This has a very significant bearing on what the most effective use of the Regulation 123 List would be. If an infrastructure type or project is included in the List too early, it will prevent the use of Section 106 contributions even when such contributions can still be negotiated because the pooling limits have not been reached. Additionally, CLG guidance requires that Section 106 contributions are scaled back to those matters directly related to a site, making it much harder to use Section 106 for strategic infrastructure contributions in the future. The clear intention here is that CIL is the primary means of securing developer contributions for strategic infrastructure.
- 2.7 The scale of receipts anticipated Given that CIL is only collected once development commences, there will be a period of about one year after adoption of CIL before the Council can expect to receive significant levels of receipts. Furthermore, on the basis of currently forecast development trajectories, the profiling of CIL receipts show a fairly modest level of receipt anticipated in the early years (perhaps in the order of £400,000 - £1m per annum, depending of the scale and mix of development taking place).
- 2.8 However, it needs to be remembered that the Section 106 process will continue alongside CIL, albeit at a reduced level. Furthermore, any significant upturn in the economy will result in potentially a substantial increase in these sums, and could also lead to a future review of the Charging Schedule which could increase the CIL charges.
- 2.9 Consideration therefore needs to be given to allowing funds to pool over a period of time, and to using CIL as gap funding to supplement other sources.
- 2.10 Provisions relating to borrowing against future CIL receipts. Regulation 60 of the CIL Regulations makes it unlawful for the Council to borrow against future CIL receipts without a specific direction from the Secretary of State. This is a matter that has already been raised with the Government through Plymouth's City Deal submission and other channels. However, it is perfectly legal for CIL receipts to be used to repay infrastructure forward funded by a third party, or for the Council to use its own funds to deliver infrastructure

which can then be repaid using CIL (the principle of recycling of funds which is at the heart of the Investment Fund initiative). One implication of these borrowing restrictions for CIL is that the funds are best suited to smaller scale projects, or to provide gap funding to other projects where CIL is not the primary source.

- 2.11 Flexibility in how the Regulation 123 List is used. The CIL Regulations allow a considerable degree of flexibility in how the Regulation 123 List is used. The requirement is to identify infrastructure projects or types that the Council 'intends will be, or may be, wholly or partly funded by CIL ...'. Although it will be important to include some infrastructure projects or types on the initial Regulation 123 List, this does not need to be a long or a comprehensive list. CIL receipts could be allowed to accumulate over a period of time, with projects being added to the List later. The most important thing is to avoid double counting of developer contributions (i.e. to make sure that no developer is contributing twice to infrastructure costs - once through a planning obligation and the other time through their CIL contribution). However, Government guidance presumes against items being removed from a CIL list so that they can be funded through Section 106. Within this context, it would make sense not to include things on the List too early, given that this will prevent the negotiation of any planning contributions towards these projects through the Section 106 process.
- 2.12 'Meaningful proportion' guidance. Further guidance has been anticipated from the Government for some time on its proposal that a meaningful proportion of CIL receipts from any particular development be spent in the neighbourhood where the development takes place. An announcement was made by the Planning Minister on 10 January 2013 which suggested that the contribution will be as high as 25% for areas with a neighbourhood plan, and 15% for other areas (capped at £100 per Council tax dwelling), to be included in a neighbourhood fund. However, the announcement and subsequent draft legislation seems to apply these provisions to parished areas only and it is not clear yet what the position will be in relation to non-parished areas. Further guidance is promised in Spring 2013. For the purposes of this Cabinet report, it can be noted that although the full implications are not yet known, they are outside of the scope of and separate to the Regulation 123 List.
- 2.13 Use of CIL receipts to cover the costs of administering CIL. Regulation 61 of the CIL Regulations provides for the use of CIL receipts to cover administration costs. In years 1-3, this can be apportioned over a three year period. From year 4 the total amount of CIL applied to administrative expenses shall not exceed 5% of the total CIL receipt for that year. These provisions are outside of the scope of and separate to the Regulation 123 List.

3.0 RECOMMENDED PRINCIPLES FOR THE USE OF CIL RECEIPTS

3.1 Taking into account the above context and considerations, the following key principles are recommended to govern the use of CIL receipts.

Principle	Comments
Principle 1: CIL is used to help meet the infrastructure needs and priorities necessary for the sustainable development of Plymouth, as set out in the city's planning strategy and associated delivery plans.	The NPPF provides for the development of CIL Charging Schedules and associated infrastructure planning as an integral part of the local planning process. A plan-led approach to the use of CIL is anticipated to ensure that it meets the Government's objectives of facilitating development. Plymouth's growth related infrastructure needs are identified in the Infrastructure Needs Assessment.
Principle 2: CIL is used to mitigate infrastructure impacts of development which have in the past been mitigated through the Section 106 process.	This means that CIL should be used to help fund infrastructure improvements that have traditionally been negotiated as part of the planning application process. This includes for example: schools, transport, sports & leisure facilities, green infrastructure and open space, public realm, libraries, local health facilities, low carbon infrastructure and flood protection infrastructure.
Principle 3: CIL is used to help fund infrastructure improvements where the Section 106 process would be ineffective in meeting these needs	There will be a number of situations where the most effective route to delivering necessary infrastructure improvements will be to continue to utilise the Section 106 process until the pooling restrictions of Regulation 123 have been met. In addition, CIL can be used to deliver improvements in lower value areas of the city where there is unlikely to be sufficient value in development to successfully negotiate Section 106 contributions.
Principle 4: The effectiveness of CIL will be optimised through prioritising its use as a match funding / gap funding source, linked to other infrastructure funding	The benefits of CIL will be enhanced if CIL is not considered as a primary funding source. The infrastructure needs of the city are significantly greater than the funding likely to be realised through CIL or planning obligations or a combination of both.
Principle 5: The effectiveness of CIL will be optimised through prioritising its use on projects which help unlock further growth	The delivery of infrastructure which helps to unlock the potential for growth will create a virtuous cycle. It will result in increases in development values and new development which itself will produce CIL as well as increases in other revenues such as New Homes Bonus and Business Rates.

3.2 An Equality Impact Assessment has been undertaken in relation to these principles. Its main findings are that:

- Principle 3 is likely to have a positive impact on inequalities through the re-distributional benefits of the CIL regime
- CIL is supportive of community cohesion through its generation of resources for allocating to community infrastructure.

4.0 INFRASTRUCTURE NEEDS ASSOCIATED WITH THE DELIVERY OF PLYMOUTH'S PLANNING STRATEGY

4.1 Plymouth's Core Strategy 2006 set out a radical agenda for growth, promoting 30,000 new homes and 40,000 new jobs in the period 2006-2021 and beyond. This Core Strategy has since been supplemented by a number of

delivery focussed plans, including Area Action Plans for the City Centre & University, Derriford & Seaton, Devonport, Millbay & Stonehouse, Central Park and North Plymstock, as well as other types of plan such as the North Prospect Area Planning Statement and the Planning Obligations & Affordable Housing Supplementary Planning Document.

- 4.2 Such a radical agenda for growth, which will deliver an extra 40,000 plus population for the city, can only be achieved if the necessary infrastructure is put in place. This includes, for example, investment in public transport and new roads, new and improved schools, leisure and sports facilities and other community infrastructure, and delivery of major green infrastructure improvements to meet the requirements of European legislation for growth to be sustainably managed.
- 4.3 The Council published its first Infrastructure Needs Assessment in 2011, to provide an overall picture of the infrastructure the city needs to plan for in the long-term in order to deliver sustainable growth. This was followed by a Plymouth Infrastructure Needs Assessment Funding Gap Analysis, which was a required evidence base document for the Community Infrastructure Levy Charging Schedule public examination. This identified a gap of over £240m for the critical infrastructure needs of the city, thus helping to justify the need for a CIL in Plymouth.
- 4.4 It is important to note that the Infrastructure Needs Assessment is not a delivery plan or a funding strategy. It does not set the Council's investment priorities. Rather, it is an analysis of what is needed in order to inform the preparation of delivery plans and funding strategies. The process of prioritisation needs to be undertaken through the Plymouth Plan process and associated investment planning processes. It is anticipated that the Plymouth Plan and an associated medium term investment plan will play a vitally important role in the future allocation of CIL receipts, setting CIL within the context of a range of other delivery and funding mechanisms. In the interim, the Infrastructure Needs Assessment will be a valuable form of evidence to support the initial Regulation 123 List and early reviews of the List.

5.0 PLYMOUTH'S FIRST REGULATION 123 LIST

- 5.1 The fact that a particular infrastructure project is prioritised or needed now is sufficient to justify its inclusion on the Council's initial Regulation 123 List. However, an equally critical consideration is whether inclusion of the project on the List is the most effective means to secure funding. In many cases the answer to this question will be 'no', or at least 'not yet'.
- 5.2 The context and considerations set out in Section 2.0 of this report are of vital importance to ensuring the most effective use of CIL. For example, where Section 106 contributions remain an effective means to help secure funding for an infrastructure project, the early inclusion of that project on the Regulation 123 List would result in a less effective use of CIL. Additionally, although there will be occasions where it will be appropriate to do so, there is no requirement to include a project on the List before the project is ready to be financially delivered. The advice of Officers is that therefore that the initial Regulation 123 List should be a limited to a small number of projects

where it is clear that CIL is currently the most effective means of securing developer contributions and where CIL is particularly suited as a support source of funding. This will enable a significant proportion of the overall fund to be left unspent to accumulate to help fund other projects when they are ready to be included on the List.

5.3 The following infrastructure projects or types have been identified as being appropriate for inclusion in Plymouth’s first Regulation 123 List. Each has been tested against the 5 principles set out in Section 3.0 of this report.

Infrastructure project / type	Summary of reason for selection	How it meets the principles
Public realm improvements in City Centre shopping precinct	This is a strategic priority related to the growth agenda, and by its very nature (a series of smaller projects / interventions) particularly suited to CIL where funds accumulate over time. Section 106 contributions are no longer an effective contributor to this need.	<p>Principle 1. The City Centre is a major priority of the current planning strategy (Core Strategy and City Centre & university Area Action Plan).</p> <p>Principle 2. Planning obligations to address the cumulative impact of development on City Centre public realm are negotiated through the current Section 106 process, as set out in the Planning Obligations & Affordable Housing Supplementary Planning Document.</p> <p>Principle 3. Since April 2010, 13 planning obligations with contributions towards the cost of City Centre public realm improvements have been agreed. This exceeds the pooling restrictions and therefore it is no longer possible to seek planning obligations for City Centre public realm.</p> <p>Principle 4. Planning obligations and CIL will help form a source of match funding for further City Centre public realm improvements.</p> <p>Principle 5. Improvements to City Centre public realm is one of the most important interventions to enhance values and the growth potential of the City Centre</p>
Projects to mitigate the impacts arising from increased recreational use of the European Marine Site	This fulfils a legal requirement derived from the Habitat Regulations to put in place measures to safeguard the European Marine Site from the impacts of growth. The level of	Principle 1. These measures are a requirement of the Core Strategy as derived from its associated Habitats Regulation Assessment.

Infrastructure project / type	Summary of reason for selection	How it meets the principles
	<p>spend required is relatively modest (ranging from £17 for a one-bed dwelling to £40 for a five-bed dwelling). Section 106 contributions are no longer an effective contributor to this need.</p>	<p>Principle 2. Planning obligations to address the cumulative impact of development on the EMS are negotiated through the current Section 106 process, as set out in the Planning Obligations & Affordable Housing Supplementary Planning Document.</p> <p>Principle 3. Since April 2010, 21 planning obligations with contributions towards the cost of mitigating EMS impacts have been agreed. This exceeds the pooling restrictions and therefore it is no longer possible to seek planning obligations for EMS mitigation.</p> <p>Principle 4. Planning obligations and CIL will help form a source of match funding for further EMS initiatives.</p> <p>Principle 5. Investment in these measures is of importance to defending any legal challenge in relation to the growth agenda and will need to be demonstrated in relation to achieving a sound Plymouth Plan.</p>
Central Library	<p>Central library plays a strategic role in relation to the city's growth agenda. Pooling restrictions in relation to contributions for this facility have been reached and therefore CIL is the only viable means of securing future developer contributions.</p>	<p>Principle 1. Central library plays both a local and a strategic role, as acknowledged through the Infrastructure Needs Assessment.</p> <p>Principle 2. Mitigation of the impact of development on library services has been a standard requirement of the S106 process in Plymouth.</p> <p>Principle 3. The S106 pooling restrictions have been exceeded, with 8 planning obligations negotiation since April 2010.</p> <p>Principle 4. CIL contributions will be able to be pooled with current s106 contributions to support wider funding packages for the library facilities.</p>

Infrastructure project / type	Summary of reason for selection	How it meets the principles
		Principle 5. The project will not directly facilitate the unlocking of development, although it will contribute to the overall sustainability of the growth agenda for Plymouth.
North Prospect Community Infrastructure: (1) open space improvements (Cookworthy Green; Titchy Park; new open spaces); (2) public realm and environmental improvements to streets; (3) transport related improvements - parking, traffic calming, access	The successful regeneration of North Prospect depends on the provision of community infrastructure alongside the housing redevelopment. Section 106 is unlikely to be an effect route to funding for this infrastructure.	<p>Principle 1. North Prospect regeneration is a high priority housing initiative and supported through an Adopted Area Planning Statement.</p> <p>Principle 2. The community infrastructure that is necessary as part of this regeneration would have previously been sought through the S106 process.</p> <p>Principle 3. Although the S106 pooling restrictions have not been exceeded, the development values in this area are such that s106 is unlikely to be an effective source of securing developer contributions.</p> <p>Principle 4. CIL contributions will be able to be pooled with current s106 contributions as support funding for projects in North Prospect.</p> <p>Principle 5. The use of CIL will ensure that additional development can take place given that the infrastructure needed will be provided for.</p>

6.0 GOVERNANCE, MONITORING AND REVIEW

- 6.1 There are two key matters to consider in relation to governance arrangements. The first relates to the spending of CIL receipts on a project identified on the Regulation 123 List. The second relates to the making of amendments to the Regulation 123 List itself.
- 6.2 It is important to ensure that these governance issues are considered as part of the wider review of governance currently proposed in relation to the capital programme and investment fund. However, there are a number of factors from the legal framework for CIL and planning that need to be taken into account in relation to this review:
- The strong presumption that CIL spend should be aligned to a clear understanding of priorities through a plan-led approach. Although Plymouth's growth priorities are well articulated through

the Core Strategy and Local Economic Strategy, these plans are currently under review through the Plymouth Plan process. A medium term local investment plan will need to be put in place as part of this process, setting out infrastructure planning priorities and identifying options for funding and delivery. The co-operative council model of operation, as well as legal requirements relating to plan-making and the 'duty to cooperate', require that there is a collaborative approach to investment planning.

- The need for reliable and up to date information in relation to the pooling of Section 106 contributions. This is important as once the statutory pooling threshold of planning obligations is reached, Section 106 contributions will no longer be able to be secured for a particular infrastructure project or type. At this point, it may be appropriate to add the project / type to the CIL Regulation 123 List. The Planning Department will oversee a schedule of pooled contributions to meet this need.
- The importance of being able to amend the Regulation 123 List quickly to overcome constraints to development. There are likely to be occasions where use of CIL could make the difference between a development project proceeding and stalling. This situation is most likely to occur where development is taking place in a deprived location where values are low and where there is insufficient viability to mitigate development impacts through planning obligations. Additionally, it is possible that a quick amendment to the List may be required in the event of a gap funding or match funding opportunity that arises at short notice.
- Acknowledgement that CIL is an additional function given explicitly to the Local Planning Authority relating to the development of the city and mitigating infrastructure impacts.

6.3 Pending any integrated review of governance, the Planning Department be the custodians of Regulation 123 List and associated databases and evidence base. This will include the schedule of pooled contributions and an evidence base report on infrastructure capacity throughout the city, to enable to impacts of particular developments to be tested. It will also include compliance with the annual monitoring requirements of the CIL Regulations.

6.4 Regular reports will be taken to the Capital Delivery Board and the Planning Obligations Forum (to be redefined as the CIL & Planning Obligations Forum) to ensure that good lines of communication are maintained with service providers / other programmes, and to deliver the most effective use of CIL receipts. In addition, the Assistant Director (Planning) will include review of CIL spend and the Regulation 123 List as a regular items on his liaison meetings with the Cabinet Members for Finance and for Environment, and consult the Cabinet Members before publishing any future amendments to the List. Furthermore, a process of engagement with stakeholders and partners will be established in relation to determining future infrastructure priorities, as part of the Plymouth Plan process.